

HOW SHOULD ALASKANS CHOOSE?: THE DEBATE OVER RANKED CHOICE VOTING

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ABSTRACT

In November 2020, Alaskan voters will decide whether or not they will adopt a Ranked Choice Voting system for elections within their state. While the move would be an unprecedented one for the state, the state of Maine and cities across the country have already adopted Ranked Choice Voting in recent years. The electoral system of Ranked Choice Voting in the United States has seen city-wide adoption, mass repeal, and renewed interest and support over the last century. Proponents hail its ability to improve representation and campaign civility, while opponents point out its complexity and potential to decrease voter turnout. The issue of whether to adopt this electoral reform invokes questions about access to representation, voter participation, and solutions to the larger structural problems, such as polarization, that plague American politics today.

I. INTRODUCTION

Alaskan citizens face a choice this November that could permanently change the way they vote in the future. Ballot Measure 2, also referred to as the Better Elections Initiative,¹ proposes several changes to Alaska’s campaign finance laws and voting structure.² This Primer will focus on

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1. Sean Parnell & Mark Begich, *The bad plan offered by Ballot Measure 2*, MUST READ ALASKA, <https://mustreadalaska.com/the-bad-plan-offered-by-ballot-measure-2/> (last visited Oct. 5, 2020).

2. *Alaska Ballot Measure 2, Top-Four Ranked-Choice Voting and Campaign Finance Laws Initiative (2020)*, BALLOTPEdia, [https://ballotpedia.org/Alaska_Ballot_Measure_2_Top-Four_Ranked-Choice_Voting_and_Campaign_Finance_Laws_Initiative_\(2020\)](https://ballotpedia.org/Alaska_Ballot_Measure_2_Top-Four_Ranked-Choice_Voting_and_Campaign_Finance_Laws_Initiative_(2020)) (last visited Oct. 5, 2020) (hereinafter Alaska BALLOTPEdia). Specifically, the Ballot Measure would require the sources of campaign contributions over \$ 2,000 to be made public, would eliminate partisan primaries and move to primaries displaying the top four candidates for all state executive, legislative, and congressional offices, and establish ranked choice voting for all general elections. *Id.*

the proposed establishment of Ranked Choice Voting (RCV)³ in Alaska's general state and federal elections.⁴ The issue has divided Alaskans, although not always along traditional political lines,⁵ with Republicans, Democrats, and Independents both supporting and criticizing the measure.⁶ This reaction may not be surprising as the system has historically been contentious⁷ and adoption presents the Alaskan electoral system with serious advantages and concerns alike.⁸ The driving issues behind the push for RCV cut to the core of the democratic system, raising questions about voter engagement and expectations in the modern political landscape. Before exploring all of this, however, it may be helpful to provide a brief explanation as to how the RCV system works.

Just as the name suggests, RCV allows voters to rank each candidate for a given position in order of their personal preference.⁹ If, after the first round of vote counting, a single candidate wins a majority of the first-choice votes, that candidate wins the election.¹⁰ If no one wins in the first round, the second round begins. The candidate with the lowest total first-choice votes from the first round is eliminated from contention.¹¹ The second-choice votes of voters that selected the now-eliminated candidate's as their first-choice are then counted.¹² These votes are awarded to the appropriate candidates to supplement their existing first-

3. The electoral system described as Ranked Choice Voting in this Primer has gone by several names throughout its history. These include the Single Transferrable Vote system and the Hare system, both of which were used in the early 20th century when the process was first used. KATHLEEN L. BARBER, *PROPORTIONAL REPRESENTATION AND ELECTION REFORM IN OHIO 2* (1995). Instant Run-Off Voting is label synonymous with RCV. *Approval Voting vs. RCV*, THE CTR. FOR ELECTION SCI., <https://electionscience.org/library/approval-voting-versus-irv/> (last visited (Oct. 19, 2020)). Proportional Representation is a larger umbrella term that encompasses RCV and systems like cumulative and limited voting. *See infra* Section I.A.

4. Alaska BALLOTPEDIA, *supra* note 2.

5. James Brooks, *On election reform Ballot Measure 2, backers and opponents don't follow party lines*, ANCHORAGE DAILY NEWS (Sept. 9, 2020) <https://www.adn.com/politics/2020/09/09/on-election-reform-ballot-measure-2-backers-and-opponents-dont-follow-party-lines/> (last updated Sept. 12, 2020).

6. *See* 19AKBE *Supporting Statement*, ALASKA DIVISION OF ELECTIONS, https://www.elections.alaska.gov/petitions/19AKBE/Eng_AKBE%20Supporting%20Statement.mp3 (last visited Oct. 5, 2020); *see also* Parnell & Begich, *supra* note 1 (noting both bipartisan support and opposition to Ballot Measure 2).

7. *See infra* Section I.

8. *See infra* Section III.

9. *Ranked-choice voting (RCV)*, BALLOTPEDIA, [https://ballotpedia.org/Ranked-choice_voting_\(RCV\)](https://ballotpedia.org/Ranked-choice_voting_(RCV)) (last visited Oct. 5, 2020) (hereinafter RCV BALLOTPEDIA).

10. *Id.*

11. *Id.*

12. *Id.*

round vote counts.¹³ If no one receives a majority in the second round, the process continues in the same manner until a candidate has received a majority of votes.¹⁴

As strange as this style of voting may seem, RCV is not a new form of election structure in the United States. Indeed, understanding the history of RCV is important in determining whether the system is right for the Alaskan people.

II. THE HISTORY OF RANKED CHOICE VOTING IN THE UNITED STATES

A. Progressive Beginnings

The idea behind RCV, a form of proportional representation,¹⁵ has been a subject for debate since the American Revolution.¹⁶ Proportional representation was touted both then and later as a way to protect the rights of an “educated minority” in the face of suffrage’s extension to an increasingly broader class of voters.¹⁷ However, RCV and other forms of proportional representation remained largely theoretical until the late nineteenth and early twentieth century when American cities began adopting such systems.¹⁸

The first city to adopt RCV, at the time referred to as the “Hare system” or “single transferable vote,” was Ashtabula, Ohio, in 1915.¹⁹ Election system reform such as this was one of the broad ways by which local governments enacted meaningful municipal change during the

13. *Id.*

14. *Id.* RCV contrasts with “traditional” American voting systems, in which each voter votes for one candidate and the person with the most votes, or a plurality, wins. *Alternative Voting Systems*, NAT’L CONFERENCE OF STATE LEGISLATURES (June 25, 2020), <https://www.ncsl.org/research/elections-and-campaigns/alternative-voting-systems.aspx>.

15. Proportional Representation, as the name suggests, is a style of voting in which the elected representation is proportional to the overall percentage of the votes cast. See *Alternative Voting Systems*, *supra* note 14 (describing RCV as a type of candidate-based form of proportional representation). Proportional representation often describes multi-winner district systems, in which several representatives represent one district, and candidates run for one of a pre-determined number of seats. *Id.*

16. BARBER, *supra* note 3, at 11.

17. *Id.* at 12.

18. *Id.* at 2. Remote, rural, state control of municipal affairs was seen as “particularly oppressive” by the citizens of rapidly expanding cities. *Id.* at 39. This was one of the reasons that urban reformers called for more control and ‘Home Rule’ over their own municipal affairs and why many electoral reform movements at this time were confined to city-wide measures. *Id.*

19. *Id.*

Progressive Era.²⁰ Early Progressive thinkers put forward two main arguments to support proportional representation in municipal elections. The first was the desire to free cities of the “powerful interests and corrupt political parties” including political bosses that had for decades effectively controlled them.²¹ These entrenched political machines engendered a deep distrust among the parties on which Progressives capitalized to call up the need to reform.²² Other reformers saw this need arise more from the humanistic need to increase representation and provide for a more just system of democracy.²³ More explicitly, this branch of Progressive thought saw proportional representation as a way to combat both religious and racial prejudices and ensure some form of political access for minority groups.²⁴ The original electoral reforms in many cities centered around city councils²⁵ with multiple members. The benefit of the RCV for these kinds of multi-winner elections is that it ensures that the minority voting block is represented in proportion to its size, precluding political machines and majorities from obtaining unchecked power.²⁶

B. The Rise and Fall of Proportional Representation in the Mid-Twentieth Century

The movement for RCV systems gained some hesitant success. Over the next few decades, more and more cities incorporated the system. By 1950, close to two dozen cities had adopted some form of RCV.²⁷ Adoption of the system achieved some of its desired policy outcomes, such as increasing minority representation in government. Two major cities using RCV, “Cincinnati and New York City, elected black members to their city council even though African Americans made up only about 10.6% and 6.1% of these cities’ respective populations” at the time.²⁸

20. Robert Burnham, *Reform, Politics, and Race in Cincinnati: Proportional Representation and the City Charter Committee, 1924-1959*, 23 J. URB. HIST. 131, 131 (1997).

21. BARBER, *supra* note 3, at 2.

22. *Id.* at 16.

23. *Id.* at 44 (“Others stressed ‘economic justice, human opportunities, and rehabilitated democracy.’”) (internal citation omitted).

24. Burnham, *supra* note 20, at 132.

25. BARBER, *supra* note 3, at 43.

26. *Id.*; see also *supra* note 15 (describing proportional representation).

27. Leon Weaver, *The Rise Decline, and Resurrection of Proportional Representation in Local Governments in the United States*, in *ELECTORAL LAW & THEIR POLITICAL CONSEQUENCES* 141 (Bernard Grofman & Arend Lijphart, eds., 1986).

28. Andrew Spencer, Christopher Hughes, & Rob Richie, *Escaping the Thicket: The Ranked Choice Voting Solution to America’s Districting Crisis*, 46 CUMB. L. REV. 377, 410 (2015); see also BARBER, *supra* note 3, at 66 (“Ethnic, religious, and racial

However, this initial success was not long-lived. Ashtabula, the first city to adopt the new system, became the first city to repeal it as well, in 1929.²⁹ Votes to repeal in some cities were staggered with votes to adopt the system in others.³⁰ By the 1960's, however, the tide had turned definitively against the single transferrable voting systems.³¹ Cambridge, Massachusetts, is the only remaining city who has had a continuous proportional representation voting system in place since its adoption in 1939.³²

There is no universally agreed upon reason for the decline of proportional representation for election reform. Opponents of the system cite the complexity and labor-intensity of casting and counting single transferrable votes.³³ Other factors include “enmity of leaders” towards the system for its perceived circumvention of their power, declining resources and political will of reformers, opposition to some of the elected officials who had gained power through these new systems and were thought to have been unfairly advantaged by them, among others.³⁴ In some ways, the success of RCV's original objectives became the reason for its initial downfall. For example, repeal efforts in Cincinnati incited fears that the proportional representation system would facilitate the election of the first black mayor of a major city.³⁵ New York City's use of RCV for city council elections was successfully repealed after opponents emphasized the presence of ‘leftist’ members on the council, stoking fears of communism during and after World War II.³⁶ Ultimately, however, the repeal of proportional representation systems in each of these cities is best explained within the specific political contexts of those localities, a task this Primer is not meant to address.³⁷

C. The Renewed Interest in Ranked Choice Voting

The repeal of many proportional representation systems in the mid-twentieth century was not the death rattle of similar electoral reforms in the United States. Rather, RCV has been implemented in some capacity in

minorities. . . were elected to council seats for the first time [under the single transferable vote system].”).

29. *Id.* at 62.

30. *Id.* at 65; *see also* Weaver, *supra* note 27, at 141 (displaying a visual representation of the years that each city's system was in place)

31. BARBER, *supra* note 3, at 65.

32. Weaver, *supra* note 27, at 141.

33. BARBER, *supra* note 3, at 65.

34. Weaver, *supra* note 27, at 143–44.

35. Spencer et al., *supra* note 28, at 410–11.

36. *Id.* at 413; *see also* Weaver, *supra* note 27, at 143.

37. Weaver, *supra* note 27, at 144.

nine states, while another five states have approved RCV provisions in certain localities for future implementation.³⁸ There was even a bill introduced in the House of Representatives in 2019 that would require RCV be used in all federal Congressional elections starting as early as 2022.³⁹

Recalling the origins of RCV, one of the factors that accounts for this recent rise in popularity is a renewed emphasis on minority representation. One scholar notes that “[r]ecent U.S. Supreme Court cases invalidating minority congressional districts as ‘racial gerrymanders’ have curtailed the ability of legislators and litigators to use the traditional remedy for perceived minority dilution - drawing districts designed to enhance minority voting strength.”⁴⁰ This has contributed to the rise of election system reform as an alternative means of ensuring minority groups are not deprived the value of their vote due to carefully drawn electoral districts.⁴¹ In fact, implementation of proportional representation systems like cumulative and limited voting have been used since the 1990’s to settle cases for jurisdictions found to be in violation of the Voting Rights Act of 1965.⁴²

Another contributing factor to renewed interest in RCV is the deep polarization that has characterized American politics in recent years. According to some, RCV is an effective alternative to traditional voting when “a party or candidate maintains control with support from only a plurality of voters, while opposition groups are fractured.”⁴³ Polarization is one effect of political gerrymandering, which can reduce or eliminate altogether “meaningful competition” and can make voters in effected districts feel as though their votes will not impact electoral outcomes.⁴⁴ With two candidates winning the presidency without winning the popular vote in the past five presidential terms,⁴⁵ this theory seems to

38. RCV BALLOTPEDIA, *supra* note 9.

39. Ranked Choice Voting Act, H.R. 4464, 116th Cong. (2019).

40. Steven J. Mulroy, *Alternative Ways Out: A Remedial Road Map for the Use OF Alternative Electoral Systems as Voting Rights Act Remedies*, 77 N.C. L. REV. 1867, 1868 (1999).

41. See Spencer et al., *supra* note 28, at 387 (noting that gerrymandered districts leave most African American voters across several states “unable to vote for candidates with any real chance to represent them”).

42. *Id.* at 414.

43. Jacey Fortin, *Why Ranked-Choice Voting is Having A Moment*, N.Y. TIMES (Feb. 10, 2020), <https://www.nytimes.com/2020/02/10/us/politics/ranked-choice-voting.html>.

44. See Spencer et al., *supra* note 28, at 385–86 (noting that politically gerrymandered districts in single-winner elections ignore the “political minority votes that represent at least one-fifth of voters in every such district”).

45. See Thomas E. Mann, *Reflections on the 2000 U.S. Presidential Election*, Brookings (Jan. 1, 2001), <https://www.brookings.edu/articles/reflections-on-the-2000-u-s-presidential-election/>; see also Sarah Begley, *Hillary Clinton Leads by*

hold some weight in explaining the current movement against traditional plurality voting.

D. State Precedent: Maine's State-Wide Ranked Choice Voting

In 2016, Maine's voters approved 'Question 5' and the state became the first to adopt RCV for state-wide elections, including gubernatorial, Congressional, and state legislative races.⁴⁶ However, less than one year later, the Maine Supreme Judicial Court unanimously held that the RCV statute conflicted with the Maine Constitution, which expressly allowed state-level candidates to win elections with a plurality, as opposed to a majority of votes.⁴⁷ This opinion was technically non-binding, but cast serious doubt over whether Maine could actually implement its new RCV system.⁴⁸ In response, the citizens of Maine voted to approve a partial repeal of the original statute, and replace it with language that allowed RCV for only federal and state primaries and federal general elections; state-wide general elections would continue with their constitutionally required plurality voting.⁴⁹ Maine held its first state-wide elections using RCV in 2018.⁵⁰

Challenges to the RCV system in Maine did not stop in 2017. In 2020, the Maine Republican Party began an effort to put a new initiative on the ballot to repeal the entirety of the RCV statute.⁵¹ The plan sought to include a referendum on Maine's 2020 ballot which, if adopted by voters, would have ended the RCV system.⁵² Litigation arose over the

2.8 Million in Final Popular Vote Count, TIME (Dec. 20, 2016), <https://time.com/4608555/hillary-clinton-popular-vote-final/> (documenting that the respective winners of the 2000 and 2016 presidential elections did not win a popular vote).

46. *Ranked Choice Voting in Maine*, MAINE STATE LEGISLATURE, <https://legislature.maine.gov/lawlibrary/ranked-choice-voting-in-maine/9509> (last visited Oct. 5, 2020) (hereinafter "Ranked Choice Voting in Maine")

47. Opinion of the Justices of the Supreme Judicial Court, 2017 ME 100, Docket No. OJ-17-1, at ¶ 72.

48. Michael Shepherd, *Maine Supreme Judicial Court rules ranked-choice voting unconstitutional*, BANGOR DAILY NEWS (May 23, 2017), <https://bangordailynews.com/2017/05/23/politics/maine-supreme-judicial-court-rules-ranked-choice-voting-unconstitutional/>

49. Ranked Choice Voting in Maine, *supra* note 46.

50. *Timeline of Ranked Choice Voting in Maine*, FAIRVOTE, https://www.fairvote.org/maine_ballot_initiative (last visited Oct. 5, 2020).

51. Gabrielle Mannino, *Court Rules in Favor of Sec. of State Clearing Way for RCV in Presidential Election*, NEWS CENTER MAINE (Sept. 22, 2020), <https://www.newscentermaine.com/article/news/politics/elections/court-rules-in-favor-of-sec-of-state-clearing-way-for-rcv-in-presidential-election/97-82fb8375-e884-4db2-a0ff-e294ce9e8fea>

52. *Id.*

referendum's certification process.⁵³ Ultimately, the Maine Supreme Judicial Court held that the Maine Republican Party's petition efforts were statutorily deficient.⁵⁴ This ruling precluded the possibility of a referendum which could eliminate the RCV statute and prevent the system from being used in the 2020 election.⁵⁵ This defeat means that Maine will be the first state to use RCV in a presidential election this November.⁵⁶

The long and somewhat tumultuous history of RCV in this country grounds Alaska's Ballot Measure 2 in a larger story of electoral reform. This history provides some context as to how RCV has worked in the past, and how it has reemerged as an important force in American politics once again. Some broad insights into why the system may, or may not, work for the Alaskan people is now needed.

III. ARGUMENTS FOR AND AGAINST RANKED CHOICE VOTING

As previously noted, the decision to adopt RCV does not fit well within traditional 'right/left' political boundaries.⁵⁷ This may be because electoral reform is not itself inherently political; deciding which system to employ is about *how* one votes, rather than the specific policies and candidates for which one votes. In this way, the issue of RCV transcends other political issues.

A. In Favor of Ranked Choice Voting

Those in favor of RCV argue that it provides voters a stronger voice by providing more options, eliminating the need for strategic voting, and reducing the political distractions of polarization and incivility.

One of the most prominent arguments for an RCV system is that it provides voters with more meaningful choice in any given election. First, since such a system requires a majority vote to declare a winner, it is more likely than a plurality voting system to reflect the will of the public as a whole.⁵⁸ Proponents of RCV note that the system eliminates the 'spoiler'

53. *Id.*

54. *Id.*; see also *Jones v. Sec'y of State*, 2020 ME 113 at ¶ 1 (Maine 2020); 2020 Me. LEXIS 114 at *1.

55. *Id.*

56. *Id.*

57. See *supra* notes 5–6.

58. Amanda Zoch, *The Rise of Ranked-Choice Voting*, NATIONAL CONFERENCE OF STATE LEGISLATURES (September 2020), https://www.fairvote.org/polarization#polarization_key_facts.

problem caused by “independent or minor-party candidates.”⁵⁹ When third-party candidates run, there is often a fear among voters and political pundits alike that those candidates will split the vote for either major party, handing the opposing side the win by default.⁶⁰ The RCV system, by contrast, allows voters to select the candidate who most aligns with their views, even if they are unlikely to win, without inadvertently handing the election to their least-preferred candidate.⁶¹ This could energize voters and increase participation.

An RCV system could also work to remedy larger structural problems for voting, including gerrymandering political polarization. Proponents argue that these commonplace features of modern American politics reduce competitiveness in elections and distort representation in seats of power.⁶² One problem plays into another, leaving voters at the mercy of whoever draws the lines of the districts.⁶³ Changes like RCV, and the potential to combine this system with multi-winner districts for certain races, can mitigate the effects of partisan districting and voter dilution.⁶⁴

RCV can also alleviate partisanship in elections by promoting civility and compromise. One of the advantages of RCV is that works against “some of the ‘I win by making you lose’ zero-sum logic of our current election style.”⁶⁵ For example, in simple plurality voting, it is strategic for a candidate to appeal to a relatively small base of strong supporters to increase beneficial turnout, and also to attack opponents, not necessarily so that voters will choose the attacking candidate instead, but simply to discourage those voters from turning out for the opposition.⁶⁶ In contrast, RCV encourages candidates to reach across political party lines to try to reach as many votes as possible, even if only for their second-choice

59. *Id.*

60. Lee Drutman, *A New Voting System Could Fix American Democracy: Ranked-Choice Ballots*, NBC NEWS (Nov. 7, 2019), <https://www.nbcnews.com/think/opinion/new-voting-system-could-fix-american-democracy-ranked-choice-ballots-ncna1078491>.

61. *Id.*

62. See generally *Gerrymandering*, FAIRVOTE, https://www.fairvote.org/gerrymandering#gerrymandering_key_facts (last visited Oct. 6, 2020) (hereinafter *Gerrymandering*); see also *Polarization*, FAIRVOTE, https://www.fairvote.org/polarization#polarization_key_facts (last visited Oct. 6, 2020) (citing uncontested elections and partisan distortions to competition in elections for politically drawn districts).

63. See Spencer et al., *supra* note 28, at 379 (“In a fiercely partisan era . . . congressional elections are effectively decided in advance by those who draw the lines.”).

64. *Id.*

65. Drutman, *supra* note 60.

66. *Id.*

votes.⁶⁷ This in turn “discourage[s] negative campaigning and attack ads” because no vote would simply be lost to another candidate.⁶⁸ If candidates can – and possibly have to – appeal to more voters than simply their base, politicians would be incentivized to focus more on their policies than their opponents.

B. In Opposition to Ranked Choice Voting

On the other side, critics doubt the purported advantages of RCV and highlight potential harms of such a system, such as increased influence from special interest groups and decreased voter turnout due to voter confusion.

One argument against RCV goes to the very heart of its supposed democratic benefits, namely that it requires a majority winner. On the contrary, critics point out that RCV only creates a majority by narrowing down the actual field of applicants.⁶⁹ In addition, RCV seems to cut against the basic notion of ‘one person, one vote,’ since a person’s vote can count for a different candidate in any given round.⁷⁰ Critics also point to the potential for as vote exhaustion as an argument against RCV as a true ‘majority rule’ system. Vote exhaustion occurs when a voter does not rank every possible option for a given election. If none of their preferences receive a high enough percentage of votes in the first rounds, that person’s ballot is eliminated entirely and does not count toward the final result.⁷¹ This can be seen in a recent San Francisco election, in which twenty-seven percent of the votes were not counted in the final round. This phenomenon undercuts the notion that RCV produces a true reflection of the majority will.⁷²

There is similar pushback against the idea that RCV will promote greater civility and moderation in campaigns. Critics note that special interest groups, who do not directly benefit from the RCV system, have no incentive to advocate more moderate views on the issues that they support.⁷³ Some even argue that rather than moderation, RCV can lead to

67. Paul Caine, *Could Ranked-Choice Voting Reduce Partisanship in Politics?*, WTTW NEWS (Sept. 28, 2020, 4:08 PM), <https://news.wttw.com/2020/09/28/could-ranked-choice-voting-reduce-partisanship-politics>.

68. *Id.*

69. Zoch, *supra* note 58.

70. Brian P. Marron, *One Person, One Vote, Several Elections?: Instant Runoff Voting and the Constitution*, 28 VT. L. REV. 343, 355 (2003-2004).

71. Simon Waxman, *Ranked-Choice Voting Is Not the Solution*, DEMOCRACY JOURNAL (Nov. 3, 2016, 3:03 PM), <https://democracyjournal.org/arguments/ranked-choice-voting-is-not-the-solution/>.

72. *Id.*

73. *Id.*

special-interest candidates promoting partisan groupings, enabling candidates to campaign together for first and second-choice votes in order to more effectively block out candidates with whom they may have stronger disagreements.⁷⁴

There is also worry that the special interest groups currently supporting RCV adoption are not actually connected to the communities in which the system would actually be implemented. In Alaska, the concern is that outsider special interests who “don’t like the results of [Alaskan] elections” are trying to change the voting system “to accomplish what they could not get done fairly at the ballot box.”⁷⁵ For example, one of the largest financial supporters of the campaign supporting Ballot Measure 2 is a Colorado-based company called Unite America.⁷⁶ Critics argue that this measure is merely an attempt for outsider groups to dictate how Alaskan elections are run in order to promote “fringe and leftist candidates.”⁷⁷

Finally, and perhaps most significant, opponents to RCV argue that the complexity of the system will pose a barrier to voting. Since voters would ideally rank every candidate within an election, this would necessitate that voter being reasonably informed about each candidate when they complete their ballot.⁷⁸ This could make a voter feel unsure how best to rank their choices beyond their first. While this may not be a factor in every election, given that the average number of candidates for president over the last thirty years was six candidates,⁷⁹ this could represent a large informational burden for voters. Theoretically, the number of candidates would only increase for each election precisely because of the RCV system. In addition, the operation of RCV itself can be confusing to voters, which could lead to mistrust in its results and discourage voter participation.⁸⁰ This sentiment is backed up by some

74. See Parnell & Begich, *supra* note 6 (noting the existence of this kind of “political trickery” in the 2018 San Francisco mayoral race).

75. Win Gruening, *Ballot Measures 1 and 2 are Just Wrong for Alaska*, MUST READ ALASKA (Oct. 2, 2020), <https://mustreadalaska.com/ballot-measures-1-and-2-are-just-wrong-for-alaska/>.

76. Alaska BALLOTPEdia, *supra* note 2.

77. Paul Jenkins, *Voting Initiative Relies on Outside Money*, ANCHORAGE DAILY NEWS (Oct. 9, 2020), <https://www.adn.com/opinions/2020/10/09/voting-initiative-relies-on-outside-money/>.

78. Graham Paul Goldberg, Note, *Georgia’s Runoff Election System Has Run Its Course*, 54 GA. L. REV. 1063, 1088 (2020).

79. See *Primary, General and Statewide Special Election Results*, ALASKA DIVISION OF ELECTIONS, <https://www.elections.alaska.gov/doc/info/ElectionResults.php#2012A> (providing the result break-down of each election, listing each candidate by name and percentage of votes won) (last visited Oct. 21, 2020).

80. Goldberg, *supra* note 78, at 1088.

data indicating decreased voter turnout in cities using an RCV system.⁸¹ In addition, the implementation of any new voting system can be costly, requiring both new technology and public education, especially if states and local governments are forced to shoulder the costs without federal assistance.⁸² For these reasons, critics argue that the drawbacks of the RCV outweigh any potential benefits.

IV. KEY THEMES FOR RANKED CHOICE VOTING

The merits and detriments of the RCV system focus primarily on three broad issues. First, what can, or perhaps what should, be expected of voters? Second, how can a voting system most accurately capture the will of constituents? Third, can electoral reform, and more specifically RCV, fulfill a desire to change a system voters have felt disaffected by?

A. Voter Expectations

Any form of democracy relies on an informed electorate, but RCV arguably requires greater knowledge than the traditional system. One of the strongest arguments for implementing RCV is that it provides voters greater opportunity to elect a candidate that reflects their preferences.⁸³ With more choice, however, inevitably comes a greater threshold requirement to be fully informed. In an ideal RCV system, voters know not only who their top choice is, but also know enough about each of the remaining candidates and their policies to meaningfully rank the entire field in accordance with their preferences. Critics argue that this system creates too high an informational barrier and will only lead to fewer people voting at all.⁸⁴ While RCV may purport to offer a more accurate reflection of voter preferences, the system—like any form of voting—can only produce an accurate result if voters have a meaningful understanding of the differences between candidates' policy proposals.

Of course, the problem of uninformed voters is a risk in every kind of voting system. RCV may simply exaggerate the problem by requiring more than a top-choice pick. However, there is also the potential that the RCV system may prevent voters from simply voting down the line for one political party or another, an equally uninformed choice that may

81. See Parnell & Begich, *supra* note 1 (citing a political scientist that claimed voter turnout decreased by 3 to 5% across cities after implementing RCV).

82. Goldberg, *supra* note 78, at 1088–89.

83. *Ranked Choice Voting*, ALASKA FOR BETTER ELECTIONS, <https://alaskansforbetterelections.com/about/ranked-choice-voting/> (last visited Oct. 9, 2020).

84. Parnell & Begich, *supra* note 1.

similarly result in elected officials that do not truly reflect the preferences of the majority. Ultimately, the question is not whether RCV will produce uninformed voting, but rather whether the system will give voters greater incentive to be more informed about candidates.

B. Gauging Constituent Will

RCV systems purport to produce elected officials selected by a majority of the people that voted, rather than a simple plurality. Advocates of RCV contrast this promise of majority rule to less competitive races caused in part by gerrymandered districts.⁸⁵ But alternatively, in a field of more than two candidates, maybe candidates elected by a plurality of votes is sufficient to demonstrate the will of the people.⁸⁶ Further, minority groups, be they political, racial, religious, or otherwise, also have a deep stake in how a majority is determined or decided. An RCV system would ideally be a more democratic voting mechanism, but there may be other concerns for what a more majority-centered rule could mean for those groups. The notion that an RCV system actually improves diversity by circumventing gerrymandering⁸⁷ invokes important questions of how best to meaningfully include all constituencies in the democratic process. The determination of how best to select political leaders calls to mind issues of both fairness and efficiency in the voting process. Whether or not a majority is actually required—or if not required, ideal—gets to the very core question of democracy as a political system: what counts as adequate representation and who is actually represented.

C. Energizing Voters

One of the reasons RCV has seen a rise in popularity recently is that it is viewed by many as a way to overcome the divisive nature of an electoral system operating with only two major political parties. While some argue that the specific system for casting votes will not ease the polarization the country currently faces,⁸⁸ the debate over the ability of RCV to minimize this political polarization only serves to emphasize the frustration with this polarization. Polarization can be isolating for voters who do not find themselves clearly on one side of the political spectrum or the other, and can leave voters disenchanted with their options of

85. Gerrymandering, *supra* note 62.

86. See Zoch, *supra* note 58 (“Some argue that winning with a plurality is a fine way to choose our elected officials. . .”).

87. Spencer et. al., *supra* note 28, at 404.

88. Waxman, *supra* note 71.

candidates. The promise of a system that forces politicians to reach out to more voters is tempting to anyone who feels that they have been forced to vote with one or another party to prevent opposition candidates from obtaining power. In this respect, while there is debate to be had over whether RCV is an appropriate solution for the problem at hand, advocates from both sides of the political spectrum can agree that the ultimate goal ought to be to encourage people to participate in the electoral system by providing a system that people have faith in.

V. CONCLUSION

Alaskans face a number of difficult decisions in November 2020. In addition to choosing their leaders at the state and federal level, they will choose how they would like these decisions to be made in the future. Ranked Choice Voting, while not new to American elections, would be a dramatic departure from the system currently used by Alaskan voters. The way citizens choose to exercise their suffrage implicates some of the core beliefs and values that undergird democracy as a whole. It is thus fitting, that as voters face such a momentous decision, it should be preceded by vigorous debate.