

Maine ranked-choice voting as a case of electoral-system change

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Abstract

In November 2016, Maine voters imposed “single-winner ranked-choice voting” (RCV) for primary and general elections. This first statewide adoption has received much popular attention. What conditions might produce similar change in other states? While confirming the usual hunches about partisanship, I suggest that attention to the distribution of voter opinion can help explain whether a major party will join an RCV reform coalition. First, I show that the most recent, runner-up party overwhelmingly supplied votes to the “yes” side. Then I show a drift in the mass of public opinion, such that this party would be more likely than its main opponent to receive voters’ second choices. Finally, I show elite opinion in that party coming to favor RCV alongside the shift in mass opinion. It appears that RCV can win in a state with persistent spoiler problems and a public that clearly favors one side.

The voters of Maine have scrapped plurality elections. In November 2016, by a referendum vote of 52 to 48 percent, Question 5 established single-winner ranked-choice voting (RCV) for party primaries, all state offices, and Congress.¹ Though a coalition of the Republican Party and eleven Democratic state legislators tried to repeal RCV in late 2017, a second ballot initiative this June is poised to reaffirm the 2016 result. Reformers in Massachusetts, Minnesota, and Utah at least hope to follow suit.

As its advocates point out, RCV lets the voter support a third-party candidate without harming their preferred, major-party alternative. That is because the ranked-choice system manufactures a majority. Voters rank candidates in order of preference. If no candidate has a majority of first-place votes, the candidate with fewest is eliminated, and ballots for that candidate flow to the next-ranked candidates on each. This process repeats until the winner is found.²

The Maine result stands out as the first significant enactment of a preferential voting rule on the statewide level. Notwithstanding some isolated and legislatively mandated uses,³ all other adoptions to date have been in cities. The only other modern, statewide referendum failed: a 2002 ballot measure in Alaska (Reilly 2004).

According to conventional wisdom, two big factors have shaped the Maine reform coalition. One is the state's persistent third-party voting, in spite of its plurality elections. Reformers often note that nine of the last eleven governors have won with less than 50 per-

1. Other names for RCV are “instant runoff voting” and the “alternative vote.” RCV also may refer to the single transferable vote, a candidate-based form of proportional representation. This article uses “RCV” to refer to the single-winner, majoritarian form.

2. Technically, the winner has a majority of ballots that remain in the final round of counting. If many voters have not used all available rankings, that majority may not be a majority of all ballots cast (Burnett and Kogan 2015).

3. RCV is used in some states for military and overseas voters. In 2010, it was used to fill a North Carolina judicial vacancy, then summarily repealed.

cent of votes. As there had been in Alaska in 2002, Maine has had what some would call a “spoiler problem.”

The second big factor is widespread dissatisfaction with Paul LePage, the state’s Republican governor. According to LePage himself, “I was Donald Trump before Donald Trump became popular” (Kruger 2016). In 2010, he won his first primary with 37 percent of votes, then won that general election with 38 percent. Although he faced no primary challenge in 2014, 18 percent of Republican voters left that part of the ballot blank. One might say that, while Maine’s many factions cannot agree on who it should be, most would prefer some other governor. And RCV can pick that person.

There is a political-science lesson here on how reform coalitions are built. Consistent with existing literature, the repeated failure of Maine’s plurality system to deliver majority winners can explain RCV’s popularity there in recent years. What galvanized the reform coalition was a leftward shift in public opinion – away from the leadership of the incumbent party. And that public-opinion factor is what is new and interesting for models of electoral-system change.

The paper proceeds as follows. Section 1 gives a brief history of the Maine RCV movement back to 2000, focusing on local actors’ postures toward reform. Section 2 introduces the literature on electoral-system change, pointing to the need for a public-opinion component. Section 3 sketches a simple, informal model of major-party reform support. Section 4 describes my data, methods, and observable implications. Section 5 presents results. A final section concludes with thoughts on RCV’s prospects in current, American politics.

1 A brief history of the Maine movement

Beginning in 2001, there were several failed efforts to enact RCV from within government: in 2001, 2003, 2005, 2007, and 2009. Some of these bills died in committee, and others failed on one or both floors of the state legislature.

The effort to pass RCV by initiative – that is, without relying on incumbent lawmakers – can be traced to 2011. In that year, the city of Portland held its first successful “instant runoff” election. The winner garnered 27 percent of first-choice votes in a fifteen-candidate race.

Also in 2011, Maine’s League of Women Voters (LWV) completed its three-year study of alternative election methods. That had grown out of a flurry of interest in electoral reform after the 2000 US Presidential election. In that election, votes cast for Ralph Nader deprived the Democrat, Al Gore, of a plurality in Florida and an Electoral College majority (Herron and Lewis 2007). Nader’s “spoiler” campaign triggered a series of bill introductions in US states and cities, most notably San Francisco, which passed “instant runoff” in 2002 by a ten-point referendum margin. But Maine reformers did not agree on which single-winner method to substitute for plurality. Some RCV opponents made the familiar argument that it would confuse voters.⁴ Others insisted that approval voting would be a better method.⁵ Having reviewed the literature (Grofman and Feld 2004; Neely and Cook 2008), the Maine LWV endorsed RCV (Maine League of Women Voters 2011).

The effort to force a referendum received a major boost in November 2014. That election saw yet another three-way race for Governor, with LePage winning on 48 percent of votes.

4. But see Neely and McDaniel (2015).

5. But see Nagel (2007).

The second-placed candidate was Democrat Mike Michaud, with 43 percent. Third-party candidate Elliot Cutler garnered 8 percent, having come in second four years earlier. According to Diane Russell, a Democratic politician and co-organizer of the Yes on 5 campaign, “The right time [to launch the referendum] was 2014, during the second gubernatorial election. That’s when we collected so many signatures.”⁶ For whatever reason, however, the RCV campaign wanted the vote to be in 2016, not 2015 (The Editors 2015).

2 Defensive and offensive models of reform

The literature on electoral-system change is large and growing. I do not attempt to review all of it here. Generally speaking, there are two big approaches.

The first explains electoral reform as a defensive move by parties and/or lawmakers who expect to lose control of government and/or their seats. Many scholars have applied that model to the adoption of proportional representation in Western democracies, either purely (Rokkan 1970; Boix 1999, 2010; Ahmed 2012) or in tandem with some other factor (Pilon 2013; Leeman and Mares 2014; Cox et al., Forthcoming).⁷ Others have used this defensive model to explain historic RCV adoptions in Western Canada (Jansen 2004: 649-54).

A second approach – call it an offensive model – highlights strategic behavior by parties trying to get power that they either lost or never had (Benoit 2004, 2007). That can involve negotiating with incumbent parties, who may have their own real or perceived interests in reform (Shugart and Wattenberg 2003; Calvo 2009; Renwick 2010). This is how Farrell

6. Personal communication, Diane Russell, December 4, 2017.

7. See Andrews and Jackman (2005) for a rejoinder. Blais et al. (2005) and Weaver (2003) furthermore note the importance of awareness and consensus on electoral reform.

and McAllister (2005:83) explain the turn to RCV in Australia. Or reform can involve negotiation between out-parties and disgruntled factions of incumbent parties, which has been one mode of plurality-system abandonment in the United States (Santucci 2017).

Since ballot initiatives have been the major mode of RCV adoption in the US, an offensive model portends to be the start of an accurate explanation. In very few cases has RCV come from within government. It certainly did not in Maine.

One question flowing from the offensive model is why a party initiates reform at all. History is filled with out-of-power parties that do not try to change the rules. Shugart's (2008) model seems helpful here. His basic argument is this: for any serious attempt at reform to happen, the electoral system must be failing to do what an informed person would expect it to do, with respect its effect on the number of parties and/or candidates (what he calls an "inherent factor"). In a single-member plurality system, such as the one in Maine, voters will need to be defying Duverger's "Law." That is, they will need to be voting for parties or candidates other than the top two, in spite of their incentive to vote strategically (Cox 1997). Once that happens, we can expect the party that this most hurts to begin or join a reform process.

Expectations also seem to matter (in Shugart's terms, "contingent factors"). As incumbent politicians and their reformer friends know well, fear of unintended consequences can stop a reform process. Andrews and Jackman (2005) have shown how, in environments of extreme uncertainty, politicians sometimes adopt new rules that end up hurting them. But the United States is not an environment of extreme uncertainty. Nor are most other advanced democracies, where public-opinion polling provides real-time information about the distribution of preferences in the electorate (Cox 1997: 98).

As it turns out, Maine’s Committee for Ranked Choice Voting was doing its own polling in the run-up to the referendum (Schoen 2016). The Committee released top-line summaries of its August 2016 poll to the *Bangor Daily News*, which is Maine’s major newspaper (Shepherd 2016). That survey included standard questions on demographics and party identification, as well as a battery of message tests in advance of the vote. While we do not know whether the parties saw these data, it is possible that they did.⁸

3 A simple model of RCV adoption

Why did RCV pass when it did? Given Maine’s persistent spoiler problem, any time since the 2011 LWV endorsement (at latest) would have been right for a losing party or group of politicians to don the mantle of reform. I think something shifted in the realm of expectations.

A common model of elections holds that voters have ideal points in some low-dimensional space. Candidates also have ideal points in that space. Voters choose the candidate whose ideal point is closest to their own (Downs 1957). Thanks to internal polling, the media narrative, or just information gathered in the course of party business, voters and candidates share a good sense of everyone’s positions in that space.

Now, let there be a single-member plurality (SMP) district. Let there be three factions such that none commands a majority. Let RCV be the only viable reform alternative – whether because others are not known, the system is in use in other places, or because good-government groups have been proselytizing about it for years. Finally, let the governing

8. As of this writing, the general public cannot access the raw data.

faction retain the power to repeal RCV.

Following Shugart (2008), it will be a front-running losing faction that forms the core of a reform coalition. Why is this? Shugart’s model centers not on the ability to get a better outcome with different rules (e.g., per Benoit (2004)). Rather, the goal is to restore the expected properties of the existing electoral system – a plurality-majority one in Maine’s case.⁹ And why would it see RCV as a pathway back to a majority? As Cox (1997:144) deduces for RCV elections, voters who care about winning an election will use their second choices to pick between the frontrunners.¹⁰ Smaller groups should want RCV for the usual reasons (e.g., to register a total without being called a “spoiler”). Put these groups together, and support may be sufficient to win a referendum.

But expectations matter. The core of a reform coalition wants to know whether change will help it. In particular, it wants some sense of whether most voters are closer in ideological space to it or its main rival. Given spatial voting, it is this distribution of preferences that determines how voters will use their first, second, and possibly lower rankings – but especially their second preferences (144).

At this point, some may wonder why a party or faction would embrace reform without expecting to benefit over a very long period of time.¹¹ First, Andrews and Jackman (2005)

9. Calvo (2009) uses the same logic to explain the turn to proportional voting in Western European countries. Disproportionality due to the entry of new parties led existing parties to replace single-member districts.

10. Some have claimed that very few voters use rankings other than their first. Available evidence suggests that majorities of voters (at least) are ranking two or more options. A study of partisan RCV elections in Pierce County (WA) found that just under 80 percent of voters rank at least two candidates (Levin et al., Forthcoming). An earlier study of Pierce County and three Bay Area cities found that between 55 and 72 percent of voters had ranked at least two candidates (Burnett and Kogan 2015). Finally, in Lonna Atkeson’s 2018 exit poll of voters in Santa Fe (NM), about 90 percent said they had ranked at least two choices (Perez 2018). Although not every voter ranks more than one choice in RCV elections, enough likely do to make politicians think about these lower rankings. In fact, and following Cox, it may be that variation in the use of lower rankings owes precisely to the level of competition between a given election’s frontrunners.

11. I thank a reviewer for this suggestion.

also show that reform parties sometimes act as if only the most recent election is important. Second, preferential systems in the US have been repeal-prone. Recent RCV enactments in Pierce County (WA) and Burlington (VT), for example, lasted just a few years each. Voters in Ann Arbor (MI) used RCV for only one election, in 1975. Going back to the 1910s, a ranked-ballot system known as Bucklin voting saw widespread use in states and cities, all of which repealed it by the early 1930s (Bucklin 1911; Richie 2004). Passing RCV today far from guarantees its permanence.

In sum, we can expect a major party or faction to champion RCV when (a) it is losing elections, (b) some “spoiler” is present, and (c) that party or faction has reason to believe that RCV will restore majoritarian outcomes in its favor.

4 Hypotheses and methods

This informal model will stand as one potentially correct explanation if it can be shown that:

1. The losing frontrunner voted for reform;
2. That faction had reason to believe that more voters favor it over the main rival;
3. We can find no similarly positioned faction in the time when RCV was a live issue.

Survey data would be an excellent way to test these hypotheses. Ideally, they would capture attitudes toward RCV, voters’ factional affiliations, and their attitudes toward candidates from 2011 (when RCV became a viable reform option) through November 2016, when RCV won at referendum. Also helpful would be access to the parties’ internal decision-making with respect to RCV. None of these are available.

What we do have are (a) the relative electoral standings of Maine’s ticket-leading candidates over time, (b) precinct-level returns from the November 2016 election and referendum, (c) biennial survey data on voters’ placements of themselves and several important political actors, (d) newspaper reports of key politicians’ positions on reform, and (e) archived copies of the Yes on 5 campaign endorsement list.

I use ecological inference (EI) to identify the faction(s) that voted for reform. Technically, this is a Bayesian implementation (Lau et al. 2007) of the multilevel model proposed by Rosen et al. (2001). On the assumption that presidential voting captures party identification (Klar and Krupnikov 2016), this method helps us answer questions like: “What proportion of Democrats voted ‘yes’ on RCV? What proportion voted ‘no’?” Precinct-level results for 2016 and other years are available on the website of the Maine Secretary of State.

To capture expectations about potential use of second choices, I project voters and candidates into left-right, ideological space. The Cooperative Congressional Election Studies (CCES) regularly ask respondents to place themselves and politicians along the ideological spectrum (Ansolabehere and Schaffner 2015, 2017a, 2017b). Aldrich and McKelvey (1977) and Hare et al. (2015) offer a method for using these placements to recover ideal points. Because the CCES includes representative, state-level samples, we can use the estimated points to construct the distribution of left-right ideology in Maine. Finally, by bridging the 2012, 2014, and 2016 CCES waves, we can estimate the positions of parties, politicians, and voters over very much of the period in which RCV was viable.¹²

12. To bridge the estimates, we need to supply constant priors for two parties or politicians. I use the generic Republican and Democratic Parties, each of which receives more stable ratings than the only other entity included in all waves, the US Supreme Court. On a 1-7 scale, with 7 being most conservative, respondents’ mean ratings of the Democratic Party were 2.5 (with a standard deviation of 1.4), 2.4 (1.5), and 2.4 (1.4) in 2016, 2014, and 2012, respectively. Republican Party ratings were 5.7 (1.3), 5.8 (1.3), and 5.4 (1.6). For the estimation procedure, I supply the following priors: the Democrats at one random value between -1.1 and

Politicians' reform positions and electoral standings are straightforward to gather. The former can be found in local newspapers. The latter are available on websites.

5 Discussion of results

The discussion of results begins with the 2014 election, the last before the 2016 referendum. Recall that the Democratic candidate came in second with 43 percent of votes. Republican LePage won re-election with 48 percent. On this basis, and on the assumption that referendum voters respond to party cues (Smith and Tolbert 2001; Bowler and Donovan 2016), we should expect most Democrats (as the leading losing party) to have supported reform in 2016.

Figure 1 tests the losing-party hypothesis. Bars reflect the estimated percentage of voters in each group who voted yes (left) and no (right) on RCV. Line segments represent 95-percent Bayesian credible intervals. As expected, about 80 percent of Democrats supported RCV, and about 80 percent of Republicans opposed it. Trivially, most Libertarians also supported it. There are not enough of the other types of voters to precisely estimate their support.

In passing, note that 18 percent of Democrats voted “no,” and 18 percent of Republicans voted “yes.” In Maine today, a small group of Democrats continues to oppose reform, mostly within government. These include 11 state legislators who voted with Republicans in October 2017 to repeal RCV, as well as Democratic appointees to the Maine Supreme Court who joined Republicans in a May 2017 advisory ruling against RCV's constitutionality for gubernatorial races. On the Republican side, state party leaders quietly endorsed RCV

-0.9, then the Republicans at a random value between 0.9 and 1.1. See Hare et al. (2015) for details. Trace plots of parameters show that estimation has converged on stable, posterior distributions.

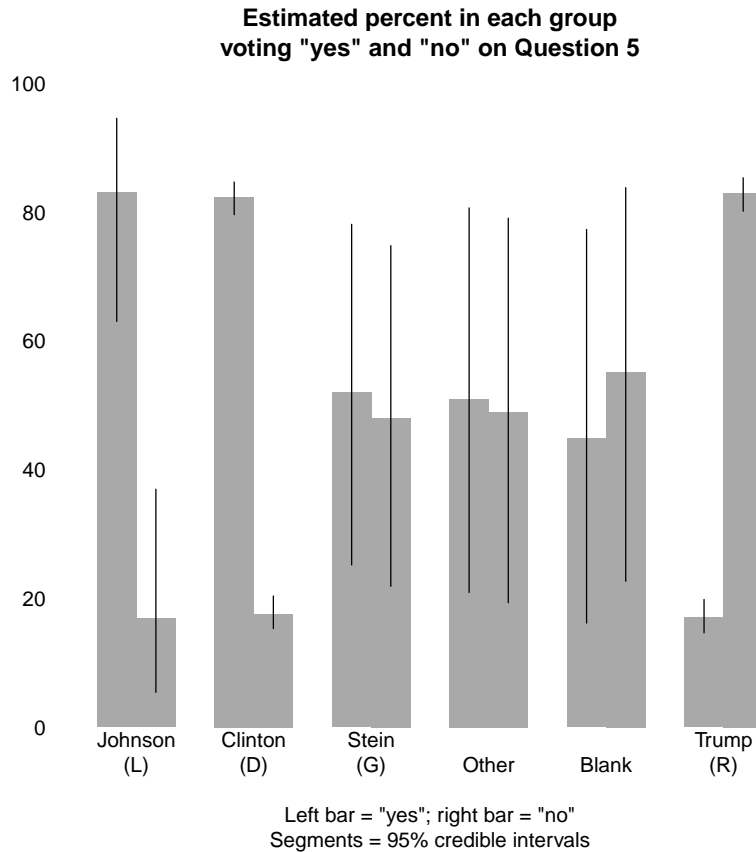


Figure 1: Support for RCV by presidential voting. L=Libertarian Party, D=Democratic Party, G=Green Party, R=Republican Party.

on October 12, 2016 (Warren 2016).¹³ Quiet Democratic opposition and tepid Republican support may have been strategic responses to reform's popularity, in the sense that reform had become a governing promise (Reed and Thies 2003). Therefore, the EI estimates may remind us that US parties do not always move in unitary fashion – or they may be nothing more than noise in referendum voting.

Figure 2 tests the expectations hypothesis. Given the prevailing climate of opposition to LePage, important actors would have known intuitively what these data show. After all, survey respondents supplied the ratings that went into this analysis. The mass of public

13. As of this writing, neither that article nor a video of the respective press conference remains online.

opinion in 2016 is clearly toward the left of the space, closer to the Democratic Party than to the Republicans. In 2014, it favors the Republicans. In 2012, it favors neither side.

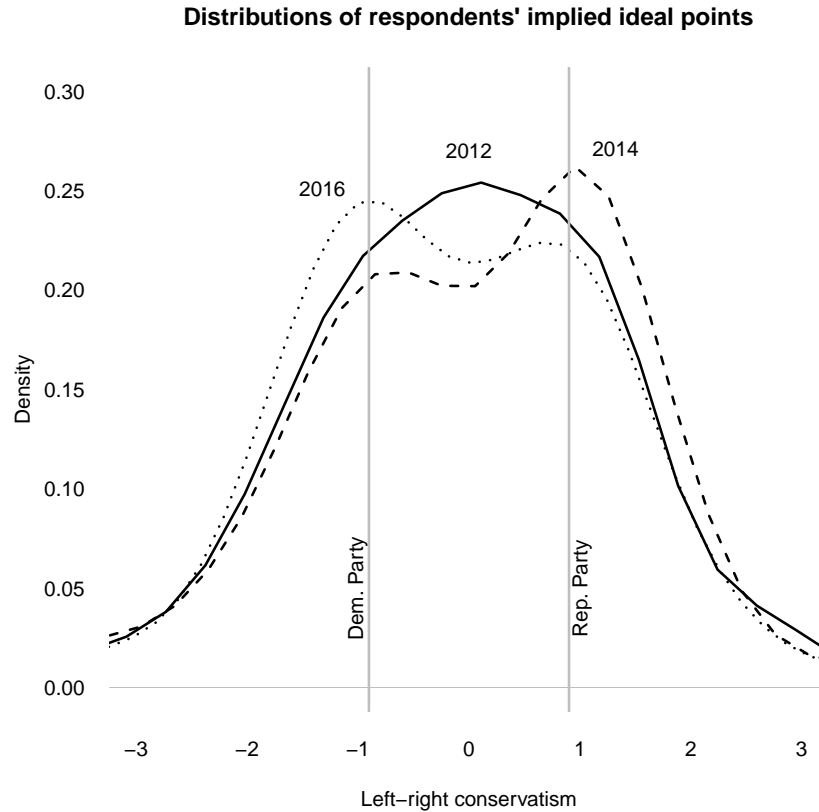


Figure 2: Implied left-right ideology of survey respondents.

Figure 3 raises our confidence in the quality of the ideal points. It also corroborates the story that began this paper: the rightward drift of Maine Republicans, led by Gov. LePage. Points represent the estimated ideological locations of political figures included in the Maine CCES samples, 2012-16. The estimates make sense. 2012 Democratic Senate Candidate Cynthia Dill and the generic Democratic Party anchor the left. On the farthest right are the 2014 U.S. Supreme Court, LePage in 2016, and the 2012 Tea Party. LePage lurches farther right from 2012-16, consistent with his increasingly manifest social conservatism. Moderate Senators Susan Collins (R), Olympia Snowe (R), and Angus King (I) straddle the middle of

the space.

Estimated ideological locations of Maine political figures

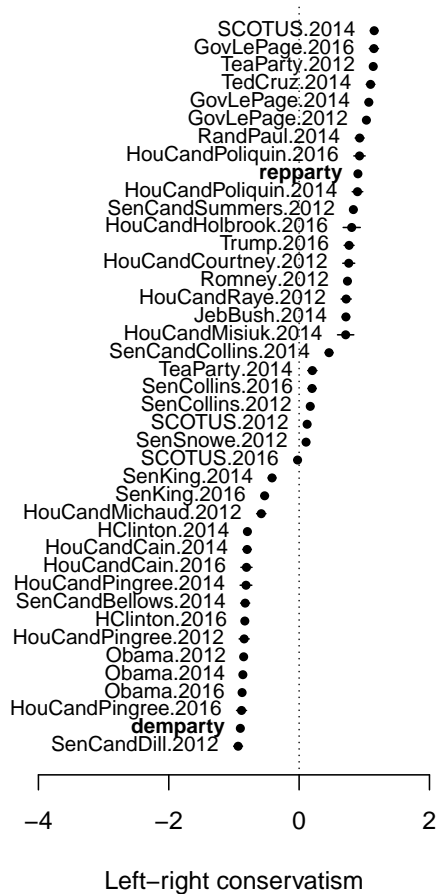


Figure 3: Estimated ideological locations of Maine political figures.

One hypothesis remains to test: that a front-running party should not have joined the reform effort between 2011, when RCV became viable, and 2016. Following the 2010 election, this should have been the Maine Independents, a largely Democratic faction led by two-time candidate Eliot Cutler. He came in second in that election with 36 percent of votes. Again, LePage had 38 percent, and Democrat Libby Mitchell trailed with 19 percent. Unfortunately, we do not have the data to place Cutler in left-right space. A look back at Figure 3, however,

shows that voter sentiment then had no clear leaning. From Cutler’s perspective, lower rankings as of 2012 might have been equally likely to break for him, the Democrat, or the Republican. And Cutler did not support RCV until late August 2014, perhaps once it was clear that he would trail in that election, thereby appearing as a “spoiler” himself (Koenig 2014).

Meanwhile, just as Cutler was warming up to RCV in 2014, so was the Democrat, Mike Michaud. His support was measured, simply stating that he was he was “open-minded about the voting reforms Cutler discussed” (Koenig 2014).

It was not until 2016, when the mass of public sentiment clearly had swung leftward, that several major Democrats endorsed RCV. One of them was 2004 presidential candidate Howard Dean (2016)

What about local Democratic politicians? Using the Wayback Machine from Archive.org, we can see how the Yes on 5 campaign’s endorsement list evolved.¹⁴ Wayback archived the webpage 11 times between July 25, 2015, and September 2, 2016, when party labels disappeared from most of it. Figure 4 plots the ratio of observed Democratic to Republican endorsements for all archived versions of the page. In October 2015, with signatures filed and the first endorsements appearing, Democrats outnumber Republicans by six-to-one. More Democrats than Republicans continue to sign on into the spring and summer of 2016, with a notable bump in March 2016, at which point one Republican falls off the list. Into the autumn, Democrats continue to out-endorse Republicans by more than four-to-one.

I make no claim about whether these endorsements caused or trailed the leftward shift in public opinion. All we can say is that, at the same time that voters took more liberal

14. <http://www.rcvmaine.com/endorsements>

positions in relation to Maine’s politicians, ever more Democrats endorsed reform.

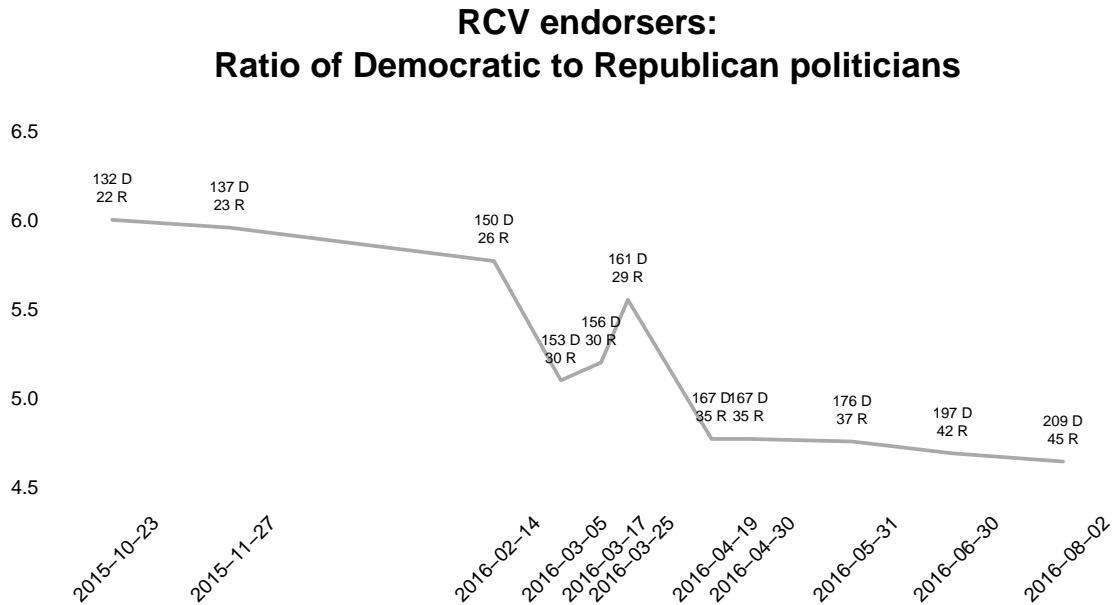


Figure 4: Politicians’ observed endorsements of RCV.

6 Implications

According to one recent model, major parties sign onto electoral reform campaigns when existing electoral systems fail to do what one would expect them to do (Shugart 2008). With the turn to ranked-choice voting in Maine, this was the failure of single-seat plurality to funnel voters into just two parties. A long string of “spoiled” elections, including a presidential one with global consequences, kept reform on Maine’s agenda for almost two decades.

The question is why it took so long for one of the major parties to become the party of reform. Part of the answer has to do with intellectual opposition. RCV is new to most.

On the one hand, advocates of approval voting and other single-winner systems are quick to enter reform conversations, pointing to what they see as flaws in RCV (Poundstone 2008). On the other hand – and rightly or wrongly – observational research suggests that ranked-choice ballots are hard on voters. The leading reform group in Maine, the League of Women Voters, had to work through these issues before it endorsed RCV. Then it worked to educate the public.

For political science, the main lesson is about politicians’ expectations. I have given circumstantial evidence – survey data on voter preferences, case history, and endorsement records – that a party with the capacity to make reform mainstream will not do that unless it expects to win elections under it. That information can come from surveys, its precinct captains, or even just the zeitgeist. Add rapid change in public opinion to the list of “contingent” reform factors: war, revolution, massive scandal, *et cetera*.

For reformers and their observers, I point out signs to watch for in states with RCV campaigns. One of those is “spoiler” voting. Two of the most developed so far are in Massachusetts and Utah. In Utah at least, third-party voting is on the rise (Greenblatt 2016). Massachusetts has had three-way races in two of its last three gubernatorial elections. In the more recent one, the third-party vote share exceeded the margin of victory between the Democratic winner and Republican runner-up. According to Tamas (2018), two variables can predict third-party voting in the period from 1870-2016: party polarization and economic inequality.

The second factor, I have argued, is the distribution of left-right ideology. Third-party spoilers alone are not enough to compel a party to abandon plurality voting. During the Progressive Era, when politicians fought to claim that label, there was widespread adoption

of RCV's old cousin, Bucklin voting. It is tempting to think that, given the Progressive consensus of the day, embattled major parties thought they might win on transfer votes.

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