A PUBLIC MEETING OF THE CAMBRIDGE CHARTER REVIEW COMMITTEE

September 5, 2023, @ 5:30 p.m.
REMOTE ONLY – VIA ZOOM

Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, the City is authorized to use remote participation at meetings of the Cambridge Charter Review Committee.

The zoom link is: https://cambridgema.zoom.us/j/83253118929
Meeting ID: 832 5311 8929
One tap mobile +13092053325,,83253118929# US

Agenda Items – Tuesday, September 5, 2023

I.   Roll Call 5:30 PM

II.   Introduction by Chair, Kathy Born

III.   Adoption of Meeting Minutes from the meeting of August 1, 2023

IV.   Meeting Materials Submitted to the Committee to be placed on file
●   Communications from Committee Members
    i.   A communication from Susan Shell, regarding methods of ranked choice voting.
●   Communications from Council Members
●   Communications from the Public
    i.   A communication from Lauren Gibbs, regarding election of city council, city manager and school committee
●   Other Meeting Materials

V.   Public Comment
●   Members of the public are invited to share their ideas or comments with the committee.

VI.   Review Resident Participation Mechanisms: Free Petition, Initiative, Referendum, Recall
●   **Facilitator**: Anna, Pat, Mike. **Goal:** Review Collins Center memo and discussion if any of these provisions should be included in the charter.

VII.   Review Drafted Language for public tracking mechanism of council policy orders and other measures
●   **Facilitator**: Anna, Pat, Mike. **Goal:** Review drafted language, discussion and vote

VIII.   Review Revised Drafted Language for City Council Goal Setting and Budget Priorities provisions
   ● **Facilitator**: Anna, Pat, Mike. **Goal:** Review drafted language, discussion and vote

MINUTES OF THE CAMBRIDGE
CHARTER REVIEW COMMITTEE
TUESDAY, AUGUST 1, 2023

COMMITTEE MEMBERS
Kathleen Born, Chair
Kaleb Abebe
Jessica DeJesus Acevedo
Mosammat Faria Afreen
Nikolas Bowie
Kevin Chen
Max Clermont
Jennifer Gilbert
Kai Long
Patrick Magee
Mina Makarious
Lisa Peterson
Ellen Shachter
Susan Shell
Jim Stockard

The Cambridge Charter Review Committee held a meeting on Tuesday, August 1, 2023. The meeting was called to order at approximately 5:30p.m. by the Chair of the Committee, Kathleen Born. Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, this meeting was remote via Zoom.

At the request of the Chair, Clerk of Committees Erwin called the roll.
Kaleb Abebe – Present
Jessica DeJesus Acevedo – Present
Mosammat Faria Afreen – Present
Nikolas Bowie – Present
Kevin Chen – Present
Max Clermont -Present
Jennifer Gilbert – Absent
Kai Long – Present
Patrick Magee – Present
Mina Makarious – Present
Lisa Peterson – Present
Ellen Shachter – Present
Susan Shell – Absent
Jim Stockard – Present
Kathleen Born – Present
Present – 13, Absent – 2. Quorum established.

The Chair, Kathleen Born recognized Member Ellen Shachter who made a motion to place the written communications from the public on file.
Clerk of Committees Erwin called the roll.
Kaleb Abebe – Yes
Jessica DeJesus Acevedo – Yes
Mosammat Faria Afreen – Yes
Nikolas Bowie – Yes
Kevin Chen – Yes
Max Clermont – Yes
Jennifer Gilbert – Absent
Kai Long – Yes
Patrick Magee – Yes
Mina Makarious – Yes
Lisa Peterson – Yes
Ellen Shachter – Yes
Susan Shell – Absent
Jim Stockard – Yes
Kathleen Born – Yes
Yes – 13, No – 0, Absent – 2. Motion passed.

The Chair, Kathleen Born opened Public Comment.

Heather Hoffman commented on communication within the City and on public records requests.

Anna Corning, Project Manager, Member Kai Long, and Member Jessica DeJesus Acevedo offered comments on the Charter Review Committee meet and greet at Tasty Burger that was held on July 25, 2023. Members shared and reviewed topics that were discussed during the community gathering. Anna Corning also shared her experience at the North Cambridge location of the CEOC and the outreach that was done there.

Anna Corning shared on the screen the upcoming meeting dates and planned topics of discussion (Attachment A). Committee members offered suggestions on moving forward and including additional topics of interest related to the Charter to discuss. Anna Corning reminded Committee members that in all the Committee discussions, the goal is to come to an agreement on what new provisions or changes to provisions members want to make to the Charter as well as to provide additional context and supporting elements.

Anna Corning opened discussion to Committee members on an accountability memo (Attachment B) that was sent from the Collins Center to Charter Review Committee members. Michael Ward from the Collins Center offered a detailed review of the memo. Staff from the Collins Center and Anna Corning were available to respond and help clarify questions and concerns from Committee members.

Anna Corning shared that they wanted to change the focus of discussion to City Council setting strategic goals, City Council budget priorities, and the City Manager review process. Anna Corning shared and reviewed a draft chart on the screen reflecting a three-year general time

frame around budget priorities and the City Manager Evaluation Process (Attachment C). Anna Corning and Committee Members offered suggestions and comments on how the Charter Review Committee could potentially revise the time frame for the two topics in ways they believe would be the most successful for the City. Anna Corning shared on the screen proposed language for City Council Strategic Goals and City Council Budget Priorities (Attachment D) and asked Committee members to share what they think is important to include in the Charter.

Member Jim Stockard shared that he agreed with all the proposed elements in the City Council Strategic Goal section and noted that even though the City Council and the City Manager are two separate parts of the government, it would be important to look at them as a team working together to set goals and collaborate.

Member Kaleb Abebe shared concerns about the possibility of the City Council and City Manager not agreeing when it comes to goal settings. Anna Corning noted that the main goal right now is focusing on City Council goals with the possibility of bringing the City Manager into the process and seeing what is achievable.

Member Kai Long asked how these goals are relayed to the public. Anna Corning shared that at a future date, the Committee will be discussing City Manager responsiveness to Policy Orders and public awareness. Member Long suggested that in relation to budget priorities, the City Council within their budget is given funding to use towards specific goals of the Council.

Member Lisa Peterson noted that it is important that goals and priorities work together to be successful. Member Peterson suggested adding public tracking of the goals, meeting benchmarks, and the importance of having those available to the public.

Chair Born shared that these goals are here to help make the City Council, as a body, the policy making and governing body of the City.

Member Patrick Magee shared that having the goal setting start at the beginning of new City Council terms will help normalize the political culture of the City. He noted that City Council candidates can promote their elections with their proposed goals and policies, which can then be potentially adopted in the new term. Member Magee shared that by default it would make candidates and those elected more accountable.

Anna Corning shared that moving forward, she will take all the thoughts and comments on the draft City Council Strategic Goals and use them as provisions to add to the current Charter.

Member Jim Stockard offered concerns with some of the language in the potential elements within the City Council Budget Priorities and provided suggestions on how it could be revised. Member Ellen Shachter shared concerns about the Executive Branch and City Council having different budget priorities and how the two can work together to support Council budget priorities.

Member Jessica DeJesus Acevedo suggested having a written report and a public meeting or forum related to Council budget priorities, and noted the importance of having more consistent engagement.

Member Lisa Peterson shared that Council goals should be tied to the budget priorities and vice versa.

The Charter Review Committee adjourned at approximately 7:30p.m.

Attachment A – Upcoming meeting dates and topics.
Attachment B – Memo from the Collins Center to the Charter Review Committee.
Attachment C – Draft three-year budget priorities and City Manager review.
Attachment D – Proposed language for City Council strategic goals, budget priorities, and City Manager review.

submission for the Committee

Susan Shell <susan.shell@bc.edu>

Mon 8/28/2023 4:05 PM

To:Corning, Anna <acorning@cambridgema.gov>

📎 1 attachments (3 MB)
ranked choice voting.pdf;

Dear Anna,

I wonder if you might please pass this along (with attachment) to Committee Members and interested members of the public.

With many thanks,
Best, Susan

Dear Members of the Cambridge Charter Review Committee,

I came across this article today on different methods of ranked choice voting and thought it might be of interest. The authors assume that ranked choice voting is a good thing, and then wonder about the distorting tendencies of various methods (e.g, immediate run off [our system] vs something called the "Condorcet" method).   Taking up the question of whether ranked choice voting tends to favor or suppress voter polarization (as is generally thought), they come to the perhaps surprising conclusion that while the suppresssion effect is true where there is a significant number of voters "in the middle," where there are fewer in the middle and more at the two extremes, the immediate run-off system tends to produce more polarized results -- i.e., ones less reflective than would be strictly representative of the middle voter or the voter willing and eager to compromise.   In short, where a constituency is polarized, or tending in that direction, our current system may tend to make the situation worse.
I'm certainly not equipped to judge the more technical aspects of the article, but thought the argument might merit a look.

Hope you are all having a wonderful August,

Best, Susan

BEYOND THE SPOILER EFFECT: CAN RANKED-CHOICE VOTING SOLVE THE PROBLEM OF POLITICAL POLARIZATION?

Nathan Atkinson, Edward Foley, and Scott C. Ganz[*]

July 13, 2023
University of Illinois Law Review, Forthcoming

ABSTRACT

Ranked-Choice Voting (RCV) is growing in popularity among election reformers, who have coalesced in particular around *Instant Runoff Voting* (IRV), a specific form of RCV that has recently been adopted in Maine and Alaska and will likely be proposed in many more states as ballot initiatives in the coming years. While reformers hope that IRV can ameliorate extremism and political polarization, this paper presents empirical evidence that undercuts these hopes. For instance, Alaska's very first election following the state's adoption of IRV signaled that the method may fail to elect the candidate most preferred by a majority of the state's voters. Extrapolating from Alaska's experience, and using a nationally representative sample of over 50,000 voters, we analyze the prospective effects of adopting IRV in every state. This analysis shows that IRV tends to produce winning candidates who are more divergent ideologically from their state's median voter than do other forms of RCV. And the effect is most pronounced in the most polarized states—precisely the electorates for which IRV is being promoted as an antidote to existing divisiveness. We conclude by highlighting other formulations of RCV that result in more representative outcomes and are thereby better positioned to combat extremism and political polarization.

I. INTRODUCTION

Ranked-Choice Voting (RCV) is winning support among advocates for voting reform.[1] Locales as diffuse as Alaska and Maine (which use RCV for state elections); San Francisco, CA and Burlington, VT (city elections); and New York City and Arlington, Virginia (party primaries) have already adopted the system, and more are likely to join. Following these high-profile uses, new ballot measures considering adoption are before city and state legislatures all around the United States.

Alaska's new system for conducting general elections has in particular caught the attention of politicians, journalists, election reformers, and even ordinary citizens. For each race, the state first stages a nonpartisan primary to send four finalists to the general election, after which a ranked-choice ballot is employed to identify a winner. In 2022, the near-even partisan split among Democrats and Republicans in both the U.S. Senate and House of Representatives placed a bright spotlight on Alaska, where polling showed potentially close races and the debut appearance of RCV made outcomes even more uncertain. In the Senate election, Republican Lisa Murkowski held off far-right candidate Kelly Tshibaka. In the House election meanwhile, Democrat Mary Peltola triumphed over Republicans Nick Begich and Sarah Palin. Given that both Murkowski and Peltola had espoused moderate views relative to Tshibaka and Palin, Alaska's 2022 experiment with RCV appears to have been a success in combating the extremist tendencies of plurality rule.

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[1] See, e.g., https://www.nbcnews.com/politics/politics-news/big-year-states-push-ranked-choice-voting-rcna64945

Advocates of electoral reform, who want to protect American legislatures and executive branches from polarization and extremism, are eagerly looking at Alaska's system as a model to be emulated in other states.[2] In November 2022, for example, voters in Nevada passed a measure to adopt a five-finalist variation of the Alaska procedure,[3] and Oregon voters will vote on adopting IRV in 2024.[4] An effort is underway in Arizona to have its voters do the same.

Some caution, however, is in order. Ranked-Choice Voting is not a single electoral procedure. Instead, it is a family of electoral methods that all use ranked-choice ballots—that is, ballots that permit voters to rank their preferences among candidates. But the mathematical formulas by which those ranked choices are then made to produce winners can vary, and do not always yield the same results. To underscore the essential point, this divergence in outcomes occurs *even when the electoral inputs—that is, the votes on the ranked-choice ballots—are identical*.

The mathematical formula used in Alaska, and most everywhere else in the United States that employs ranked-choice ballots, is a sequential elimination procedure most accurately labeled Instant Runoff Voting (IRV). This procedure is designed to simulate a traditional runoff election, where voters express their preference between two finalists after other candidates have been eliminated. But rather than having voters cast a second ballot, IRV conducts the runoff instantly based on the information contained on the initial ranked-choice ballots. The IRV formula eliminates the candidate who garnered the fewest total first-choice votes on the ranked-choice ballots, and then redistributes those ballots on which the eliminated candidate ranked first to the candidate ranked second. This elimination procedure is repeated sequentially until one candidate has a majority of post-redistribution ballots.

The problem with IRV is that its sequential elimination procedure can oust a candidate who is preferred by a majority of voters when compared one-on-one to every other candidate in the race. By definition, a candidate whom a majority of voters prefer to every other candidate is the candidate who most reflects the preferences of the electorate's median voter—the voter more liberal than half the electorate and more conservative than the other half, who therefore determines the majority. Given certain voter preferences, IRV can oust a candidate with a strong claim to being the most representative of the

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[2] See Section II.B *infra*.

[3] Under Nevada rules, voters must approve the same measure a second time. Clyede, Don, "Nevada voters back big changes to their election system" (https://www.npr.org/2022/11/13/1136342255/nevada-election-open-primary-ranked-choice-voting)

[4] https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/HB2004

electorate as a whole.

The problem is exacerbated when the electorate is unusually polarized. In an era of increased polarization, as currently exists in the United States, more voters diverge from the median toward the right and left poles of the ideological spectrum. But the median, which stays between the party extremes, does not experience such a shift. It instead becomes a much lonelier place.

By ousting candidates with fewer first-place votes, IRV will tend in polarized climates to eliminate candidates whose views best correspond to the median voter. These more moderate candidates will often be the second choice of voters on the left or right; they are compromise candidates, neither enthusiastically adored nor adamantly reviled by voters at either extreme of the political spectrum. Other forms of RCV will elect these compromise candidates as winners—and will do so precisely because they are more preferred by, and thus more representative of, the electorate's median voter. But not IRV, which as a result fails the criterion of *representativeness* in polarized conditions. States currently plagued with "leapfrog representation," in which election winners periodically shift between representing the preferences of each of the major parties rather than stably representing the median voter or the electorate as a whole, are therefore unlikely to see outcomes change under IRV.

This point, moreover, is not merely theoretical. Our large-scale computer analysis of voter preferences in all fifty states and the District of Columbia, explained in detail below, demonstrates that the use of IRV will tend to produce outcomes that deviate from the preferences of states' median voters. These deviations are much more pronounced when using IRV as compared to alternative forms of RCV. Most significantly, the divergence between IRV and other forms of RCV—and thus the extent to which IRV is significantly less representative of the electorate as a whole compared to alternative forms of RCV—is greatly exacerbated as the electorate's polarization increases.

The rest of the paper is organized as follows. In Part II we discuss IRV in theory and in practice. After describing the method in detail, we analyze the claims made by its advocates. In particular, we discuss how advocates initially touted IRV as a mechanism for avoiding the spoiler candidate effect, in which a non-viable candidate syphons enough support away from a major candidate to change the outcome of the election. We then show that, in recent years, arguments in favor of IRV have increasingly asserted that IRV can effectively combat political polarization. As we demonstrate, these claims go against a century's research showing that moderate candidates often get squeezed out under runoff voting.

In Part III, we analyze Alaska's recent experiment with IRV. Having obtained all of the anonymized ballots from the four statewide elections

conducted under IRV in 2022, we empirically assess the claims previously discussed in Part II. We find that IRV selected the most representative candidate in three of Alaska's statewide elections, but failed to select the most representative candidate in the fourth election, raising questions about whether IRV can be expected to produce representative results under similar circumstances in further elections.

In Part IV, we answer those questions by conducting a computational analysis of the expected outcomes of IRV in every state in the country. We use over 50,000 survey responses from a nationally representative sample to construct state-level partisanship distributions, which allow us to compute the expected winners under millions of IRV elections. Using standard measures of representativeness, we show that IRV results in more extreme outcomes than do other RCV procedures. We further show that this effect is the most pronounced in the most polarized states.

In Part V, we consider alternatives to IRV, and discuss how other RCV methods are better positioned to mediate extremism and polarization. Our conclusions should disturb the confidence of those who view IRV specifically, rather than RCV more generally, as the panacea for the polarization that currently ails American politics.

II. IRV in Theory and Practice

A. The Basics

Various election procedures permit voters to rank the candidates on the ballot from most to least preferred.[5] Multi-candidate elections like these were first seriously studied in the 1700s by the French mathematicians Marie Jean Antoine Nicolas de Caritat, more commonly known as the Marquis of Condorcet, and Jean-Charles de Borda. These two scholars showed how multi-candidate elections using ranked preferences could outperform standard elections where each voter casts only a single vote for only one candidate.

 Condorcet and Borda, however, differed on their treatment of these ranked preferences. Condorcet's method was first to compare each pair of candidates one-on-one (as in a round-robin sports tournament) to determine if any candidate ranked higher than each other candidate on a majority of ballots. Condorcet considered this majority-preferred candidate, when one exists, necessarily the winner. Borda's method, to the contrary, was to award

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[5] In some methods, voters can rank two or more candidates as tied, whereas other methods require a strict ordering.

each candidate one point for every other candidate they ranked higher than on a voter's ballot, with the top candidate overall being the one with the most total points. Because Borda's and Condorcet's methods can yield different top candidates from the same set of ranked preferences, their dispute initiated a centuries-long discussion on the best design of multi-candidate voting rules.[6]

The difference between Condorcet and Borda can be understood by looking at the level on which votes are aggregated. Because the Condorcet winner beats every other alternative in head-to-head competition, it is a natural generalization of majority rule. Indeed, many find it so compelling that they argue that only Condorcet rules should be considered.[7] However, because the Borda count takes into account the full ordering of voters' preferences, it can outperform Condorcet in identifying the best alternative.[8] There is no easy resolution to the debate, and indeed, there are many other methods that have desirable features that neither Condorcet nor Borda share. Here, we will focus primarily on Condorcet's method, rather than Borda's, because of the basic connection between Condorcet's method and the role of the median voter in the philosophy of democracy.[9] But the kind of analysis we describe to show the superiority of Condorcet's method to IRV could likewise be employed to demonstrate the superiority of Borda's method to IRV as well.[10]

In the centuries since Condorcet and Borda first debated these basic points, a large collection of other vote-counting methods in multi-candidate RCV elections have been proposed and extensively studied.[11] These include

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[6] See, e.g., Saari, Donald G. "Capturing the "will of the people"." Ethics 113.2 (2003): 333-349.

[7] See for example, Zwicker, William S. "Introduction to the Theory of Voting." Handbook of computational social choice 2 (2016), 35.

[8] Young, H. Peyton. "Condorcet's theory of voting." American Political science review 82.4 (1988): 1231, 1239. Young shows that for certain conditions, a particular Condorcet method, known as the Kemeny-Young rule is the best rule for obtaining a complete ranking of alternatives, but the Borda count is the best rule for identifying the best alternative. Also see for example, Saari, Donald G. "The borda dictionary." Social Choice and Welfare 7.4 (1990): 279-317.

[9] See, e.g., Robert Dahl, Democracy and Its Critics (1989).

[10] Using the Borda Count instead of Condorcet yields results that are qualitatively similar to the results presented here, with the Borda Count outperforming IRV in every state.

[11] See, for example, Levin, Jonathan, and Barry Nalebuff. "An introduction to vote-counting schemes." *Journal of Economic Perspectives* 9.1 (1995): 3-26, and Atkinson, Nathan, Scott Ganz, Dorit Hochbaum, and James Orlin. "The Strong Maximum Circulation Algorithm: A New Method for Aggregating Preference

the so-called Coombs and Baldwin methods, which some American jurisdictions experimented with in earlier decades. But in recent years, IRV has essentially become the default choice for localities seeking to employ ranked-choice ballots in order to expand electoral competition beyond the nominees of the two major political parties.

IRV allows candidates with extreme views and narrow bases of support to compete in elections without acting as a spoiler for one of the major party candidates. It therefore gained popularity after the 2000 presidential election, wherein Democrat Al Gore lost to Republican George W. Bush in the pivotal swing state of Florida by a much smaller margin than the total number of voters who voted for Green Party candidate Ralph Nader, a particularly prominent example of how a spoiler candidate can affect results. Because Nader ran to the left of Gore, and his liberal-leaning supporters likely preferred Gore to Bush as their second-place choice, reallocating the majority of Nader's 97,488 votes to his supporters' next-preferred candidate very likely would have allowed Gore to overcome his deficit to Bush, which was only 537 votes.[12]

Under a standard plurality election, votes for Nader were "wasted" insofar as he captured only 1.63% of the vote in Florida and had no feasible path to the presidency. Under IRV, however, Nader's elimination after the first round of vote-counting would have allowed Gore to triumph over Bush in the subsequent round. Assuming that most Nader supporters would have ranked Gore as preferable to Bush, these votes would have swung Florida, and the presidency, to Gore.[13]

Before the 2000 election, a small number of cities and counties throughout the United States used IRV, but it was not a well-known or widely employed voting method.[14] Following the 2000 election, however, support for IRV has grown significantly.[15] In 2016, voters in Maine approved a ballot initiative adopting IRV, which went into effect in the 2018 election. In 2020, voters in Alaska approved a ballot initiative to employ IRV starting in the 2022 elections. And in 2022, voters in Nevada favored a ballot question to

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Rankings" (2023).

[12] Official election results: https://www.fec.gov/resources/cms-content/documents/FederalElections2000_PresidentialGeneralElectionResultsbySt ate.pdf

[13] There were other minor-party candidates on the ballot in 2000 besides Nader, including Pat Buchanan, but none of them affect the basic point that under IRV Nader would have been eliminated, leaving both Bush and Gore, with Gore almost certainly picking up enough votes from Nader supporters to pull ahead of Bush.

[14] Novoselic, Krist, "A brief history of ranked choice voting" (https://fairvote.org/a-brief-history-of-ranked-choice-voting/).

[15] *Id.*

implement IRV, pending another vote in 2024.

In recent years, many prominent editorial boards and public intellectuals have also endorsed IRV as a means of fixing the American electoral system—and many more have endorsed RCV generally, seemingly not realizing that RCV is a family of voting methods and is broader than IRV specifically. Organized advocacy efforts are underway, and many more states and municipalities in the coming years will be deciding whether to adopt IRV. Multiple bills related to IRV have moreover been proposed in Congress.[16] And the most prominent interest organization supporting IRV, FairVote, has a stated goal "to enact [IRV] for all federal elections… by 2030."[17] Depending on the decisions made by voters and elected officials, IRV could conceivably become the principal method the country uses to calculate election winners within the next decade.

The ascension of IRV into the national consciousness raises a series of pressing questions, chiefly: why have reformers coalesced around IRV, and are its advocates' claims supported by theory and evidence? In the next subsection we examine the claims made by proponents of IRV. In Section IV we gauge whether those claims are substantiated by the data.

B. The Claim: IRV Leads to Representative Outcomes

The best place to begin understanding the arguments in favor of IRV is with the official support statements in the recent campaigns to adopt IRV. The ballot support statement in Nevada in 2022 read: "The candidate who receives the broadest support from all voters will be the winner."[18] In Alaska in 2020, advocates similarly argued that "[IRV] gives Alaskans more choices, eliminates the spoiler effect, encourages campaigns to engage voters on issues, and helps ensure that winners are elected with the support of a true majority of voters."[19] And in Maine in 2016, the support statement claimed that "[IRV] restores majority rule and gives voters more voice in our democracy."[20]

A common claim made by advocates of IRV is that the vote-counting

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[16] The *Voter Choice Act of 2005* would require IRV for general elections to federal office, and the *For the People Act* passed by the House in 2019, promotes purchase of voting systems that can handle IRV.

[17] Fairvote, "Our Strategy" (https://fairvote.org/who-we-are/our-strategy/)

[18] State of Nevada, *Statewide Ballot Questions (2022)*. https://www.nvsos.gov/sos/home/showpublisheddocument/10970/637992808153270000

[19]

https://aws.state.ak.us/OnlinePublicNotices/Notices/Attachment.aspx?id=124650

[20] https://www.maine.gov/sos/cec/elec/upcoming/citizensguide2016.pdf

system generalizes the principle of "majority rule." Under the standard plurality voting system, the candidate with the most votes wins the election, even if that candidate fails to secure a majority of the vote. This simple counting mechanism allows for spoiler candidates to upend election results. Ralph Nader siphoning votes from Al Gore during the 2000 presidential election may be the most famous example of the spoiler effect, but it is not the most recent. In 2016, Republican Donald Trump captured the presidency without winning a majority of the vote in six battleground states that supplied him with 101 of his 304 Electoral College votes: Arizona, Florida, Michigan, North Carolina, Pennsylvania, and Wisconsin.[21] Whether Libertarian candidate Gary Johnson and Green Party candidate Jill Stein combined to serve as spoilers for Democrat Hillary Clinton is more debatable—the theory depends on whether enough Johnson supporters in enough of these states would have picked Clinton rather than Trump as their second-ranked choice. But Trump's margin of victory in each state was less than the votes collected for Johnson and Stein; the math allows that the third-party candidates potentially could have been spoilers. And the same basic point applies to Democrat Joe Biden's victory in 2020: Biden secured the Electoral College vote without majority support in a number of states where Libertarian candidate Jo Jorgensen received more votes than Biden's margin over Trump.[22] State and local elected officials also commonly take office without securing majority support. In 2020 alone there were 77 elections (including two Senate elections and six House elections) where the votes for a third-party candidate outnumbered the winner's margin of victory.[23]

The logic behind IRV systems is that in competitive elections with two credible candidates, IRV ensures that the winning candidate is genuinely preferred to the runner-up candidate by a majority of the electorate. It resolves whether Gore would have prevailed over Bush in a head-to-head matchup that did not include Nader, whether Clinton would have prevailed over Trump in a head-to-head contest that did not include Stein and Johnson, and whether Trump would have prevailed over Biden in a head-to-head matchup that did

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[21] See Foley, PRESIDENTIAL ELECTIONS AND MAJORITY RULE. 1844 is the presidential election with the most consequential spoiler effect. See id. at . In 1912, Teddy Roosevelt would have won a nationwide IRV election; incumbent Taft, as the Republican nominee, was in effect the spoiler that year. Id. at .

[22] Cervas, Jonathan, and Bernard Grofman. "Why Donald Trump should be a fervent advocate of using ranked-choice voting in 2024." PS: Political Science & Politics 55.1 (2022): 1-6.

[23] Beaudoin, Dave, Ballotpedia News, "77 third-party candidates received more votes than the winner's margin of victory in 2020" (https://news.ballotpedia.org/2021/01/29/77-third-party-candidates-received-more-votes-than-the-winners-margin-of-victory-in-2020/)

not include Jorgensen. Advocates of IRV argue that it can definitively answer these questions and thus restore the ideal of majority rule to our elections.

And IRV is indeed structured well to solve this particular "spoiler" problem. In almost every major election in the United States, there are two candidates—and only two candidates—who can feasibly win the election: the Democratic nominee and the Republican nominee. It is vanishingly rare for an independent or third-party candidate to win a House, Senate, or gubernatorial seat, or even to run a competitive campaign. But however unlikely their election, third-party candidates commonly contest these races.[24] When IRV is employed in an election with two major-party candidates and a host of third-party candidates, it will almost always lead to the third-party candidates being eliminated, thereby culminating in an instant runoff between the Democratic nominee and the Republican nominee. That describes precisely how IRV has worked in Maine, particularly because Maine has retained a partisan primary system which ensures that only one nominee from each major party will contest the general election.[25]

While an IRV system generally guarantees that the winning major-party candidate is preferred by a majority of the electorate to the losing major-party candidate, solving the spoiler problem has not been the rationale explicitly articulated by many states and local governments that have either already adopted IRV or else have expressed interest in doing so. Polities including Alaska have instead expressed interest in moving away from elections dominated by two major-party candidates and toward elections with many candidates representing views from across the political spectrum.[26] This development is, in part, a result of a changing American political landscape in which the Democratic and Republican parties are shifting away from one another as the electorate grows more polarized.[27] Candidates within the mainstream political parties are growing increasingly divergent from one another, and primary elections increasingly pit moderate party members against more extreme factions. Meanwhile, an increasing share of the population is dissatisfied with both parties.[28] Some of these dissatisfied voters

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[24] See for example, *Ballotpedia,* "United States Senate Elections, 2022" (https://ballotpedia.org/United_States_Senate_elections,_2022).

[25]   Maine   also   uses   IRV   in   its   partisan   primaries (https://ballotpedia.org/Maine_Question_5,_Ranked-Choice_Voting_Initiative_(2016))

[26]   https://ballotpedia.org/Alaska_Ballot_Measure_2,_Top-Four_Ranked-Choice_Voting_and_Campaign_Finance_Laws_Initiative_(2020)

[27] Layman, Geoffrey C., Thomas M. Carsey, and Juliana Menasce Horowitz. "Party polarization in American politics: Characteristics, causes, and consequences." Annu. Rev. Polit. Sci. 9 (2006): 83-110.

[28]   https://www.pewresearch.org/politics/2022/08/09/rising-partisan-antipathy-

would prefer candidates who are more extreme than one or the other political party: either left of the Democrats, or right of the Republicans. But many centrist voters feel that both major parties are too extreme.[29]

The problem of political polarization, and the corollary desire to enable centrist candidates to compete effectively against major party nominees from the left and right ends of the spectrum, is a different issue from the spoiler problem. "Spoilers" can affect an election regardless of their position on the political spectrum, and eliminating weak and marginal third-party candidates allows a clearer, undistorted path to victory for one of the two major-party candidates; quite distinct is establishing the conditions for a centrist candidate to prevail against both major-party candidates if the parties stray too far to their respective ends of the political spectrum. Yet, while IRV gained popularity because of its effectiveness at inoculating elections against spoiler candidates, it is now being touted as a means of addressing political polarization—with advocates shifting the discourse toward "majority rule," "moderation," and "representation"—without adequate consideration of whether IRV is well-suited to address the issue. The 2022 Nevada ballot initiative for IRV promised that the mechanism would result in the election of the candidate receiving "the broadest support from all voters,"[30] and FairVote goes a step further, claiming that IRV "is the most impactful proven solution to the underlying problems that currently result in hyperpolarization and dysfunction."[31]

Instant runoff voting does result in the majority rule its advocates tout, but only in the sense that the winning candidate is definitionally preferred to the runner-up candidate by a majority of the electorate. When no more than

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widening-party-gap-in-presidential-job-approval/

[29] In addressing this issue, the newly established IRV system in Alaska implements an open nonpartisan primary, in which the top four vote-getters regardless of party affiliation proceed to the general election, wherein IRV identifies the winner. (Primary candidates are free to affiliate with a party, but all candidates on the primary ballot compete against one another to advance to the general election. None of the four finalists officially earn a party's nomination as a result of their advancement, and all Alaska voters are eligible to vote for all candidates in the primary, regardless their affiliation. Multiple candidates from the same party can advance, and may do so with the support of voters who themselves affiliate with different parties.) Likewise, the 2022 Nevada ballot initiative would have five candidates advance from a similarly open nonpartisan primary to the general election, which would subsequently be held using IRV.

[30] https://www.nvsos.gov/sos/home/showpublisheddocument/10970/6379928081532 70000

[31] https://fairvote.org/who-we-are/our-strategy/

two candidates are electorally viable, as is frequently the case under two-party rule, IRV ensures that the candidate with the widest support wins the election. However, a third viable candidate undermines the guarantee that the winner under IRV—or even the runner-up—will be the candidate with the "broadest support from all voters." In fact, one can easily construct examples where a candidate supported by "a true majority of the voters" is not included in the final two-candidate matchup.

Consider an election with five voters and three candidates: a left-leaning candidate, Linda; a right-leaning candidate, Rachel; and a centrist candidate, Carl. Two voters are liberals and prefer Linda to Carl to Rachel. Two voters are conservatives and prefer Rachel to Carl to Linda. And the lone centrist voter prefers Carl to Linda to Rachel.

In an election conducted under IRV, Carl receives only one first-choice vote, and so is eliminated after the first round. The one vote for Carl then transfers to Linda, who wins the runoff election against Rachel by a count of 3-2. Linda does in fact have the "broadest support from all voters" in the contest between Linda and Rachel. However, if the election had been between Carl and Linda, then Carl would have had the "broadest support from all voters," defeating Linda by a vote of 3-2. Likewise, Carl would have beaten Rachel by the same vote. Yet, because of IRV's focus on first-place choices in determining the order in which candidates are eliminated from contention, Carl is unable to survive the first ballot.[32] Recall that under Condorcet's method, Carl would be the most deserving candidate: a majority of voters prefer him to either alternative. But centrist Carl does not win the IRV election when both the liberal and the conservative alternatives have larger bases.

The simple hypothetical illustrates that IRV might not make a good antidote to polarization. Indeed, claims that IRV is effective at combating polarization contradicts over a century of research and discourse on IRV in particular and runoff voting more generally. As far back as 1910, the Harvard political scientist Arthur Holcombe argued that "the results of the second ballot do not constitute an accurate representation of the electorate."[33] More recently, the issue of non-representativeness under runoff voting has been termed the "center squeeze."[34] In the presence of a polarized electorate, a

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[32] This example is not merely hypothetical. It is precisely what happened in the 2022 Special Election in Alaska between Mary Peltola (Linda), Nick Begich (Carl), and Sarah Palin (Rachel), which we will discuss further in Section III. See also Foley, *Total Vote Runoff*, forthcoming N.H. L. Rev.

[33] Holcombe, A. N. 1911. "Direct Primaries and the Second Ballot." American Political Science Review 5:535-552.

[34] The term was coined by: Poundstone, William. Gaming the Vote. New York:

moderate candidate may beat each of the other candidates in head-to-head contests, yet fail to make it to the final round of voting due to concentrated support for more extreme candidates.[35]

The question then becomes: how much of a problem is the center squeeze for the viability of IRV in today's polarized political climate? If representative candidates—those closely aligned with the median voter—can generally secure enough first-ranked votes to avoid elimination before the final round, then the center squeeze is not a meaningful problem. If, however, representative candidates in a polarized electorate fail to survive to the final runoff, then elections conducted under IRV will lead to winners with more extreme, non-representative views. Given the growing popularity of IRV, and widespread concerns about the effects of increased party polarization, the question is an important one to answer, and it needn't be addressed solely through hypotheticals.

We provide two types of empirical evidence to help locales determine whether adopting an IRV system would result in representative election outcomes. First, in Section III, we use the anonymized ballots from the 2022 elections in Alaska to gauge the extent to which representative candidates were elected under IRV.[36] We find mixed results: in certain cases, IRV produced the kind of representative, moderate outcomes claimed by its supporters; in another, IRV clearly failed to elect the most representative candidate. Then, in Section IV, we generalize from the Alaska case to the remainder of the country using a simulation-based model that asks the question: what sort of winners should we expect if each state copied Alaska and adopted open primaries and IRV for statewide elections?

Hill and Wang, 2008 Print (terms it the "center squeeze"). But the idea dates to: Lowell, A. L. 1896. Government and Politics in Continental Europe. Boston, MA: Houghton Mifflin. Also see Callander, Steven. "Duverger's hypothesis, the run-off rule, and electoral competition." Political Analysis 13.3 (2005): 209-232.

[35] Other research on IRV illustrates that broader support can actually lead to a candidate ranking lower. See Smith, John H. *Aggregation of Preferences with Variable Electorate. Econometrica (1973).* More recent research suggests that this counterintuitive finding might occur regularly. See for example Ornstein, Joseph T., and Robert Z. Norman. *Frequency of monotonicity failure under Instant Runoff Voting: estimates based on a spatial model of elections*. Public Choice 161 (2014) (and cites therein).

[36] While Maine has employed IRV for a longer period, it maintains a partisan primary system that reformers are not widely advocating for. Alaska, therefore, instead of Maine, is a more prudent model for assessing the future performance of IRV.

III. ALASKA'S EXPERIMENT WITH IRV

In November 2020, Alaska voters approved Measure 2, which dramatically reshaped statewide elections.[37] Doing away with partisan primaries, the state now conducts a nonpartisan primary election in which all candidates from all parties, as well as independent candidates who qualify for the ballot, vie to place among the top four vote-getters who advance to the general election.[38] The general election is then conducted using IRV.[39]

In 2022, Alaska held four statewide elections using IRV. In August, the state conducted a special election for the United States House, and in November the state hosted general elections for Governor, for the United States Senate, and for the same United States House seat that'd been contested in August. To assess how well IRV performed, we collected anonymized ballots for each of the four elections.[40] These data permit us to observe how each individual voter in Alaska voted, without revealing the voters' identities. From these ballots we can assess the extent to which election resulted in a representative outcome.

In all four elections, the winner under IRV coincided with the plurality winner. That is, the candidate who collected the most first-round votes went on to win the election. In three of the elections, we find that IRV selected the most representative candidate, and in one election we find that IRV failed to select the most representative candidate.

To determine which candidate is most representative, we first ask whether a Condorcet winner exists: that is, if one candidate would receive majority support in a series of one-on-one elections in which they compete against every other candidate.[41] For instance, in the Alaska gubernatorial election, incumbent Mike Dunleavy captured 50.3% of the first-round votes,

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[37] See Ballotpedia: https://ballotpedia.org/Alaska_Ballot_Measure_2,_Top-Four_Ranked-Choice_Voting_and_Campaign_Finance_Laws_Initiative_(2020)

[38] *Alaska   Better   Elections   Implementation* (https://www.elections.alaska.gov/RCV.php)

[39] *Id.*

[40] Cast Vote Records (CVR) available at https://www.elections.alaska.gov/election-results/. When analyzing the CVR, we drop ballots with overvotes and ballots with multiple votes for one candidate. We also drop write-in candidates. Treating these ballots differently would have only a minor effect on the vote counts; given the margins of victory, the substantive conclusions are not affected.

[41] We assume that any candidates left unranked are tied for last place behind the ranked candidates. As a result, ballots that fail to rank two particular candidates do not contribute to the head-to-head comparison for that pair of candidates.

thereby winning without need for another round. Dunleavy's election exemplifies a case where plurality rule and IRV select the same outcome. Dunleavy was also a Condorcet winner because, by definition, any candidate who receives more than 50% of the first-place votes must beat every other candidate head-to-head. We know of no serious vote-counting mechanism that would have denied Dunleavy the governorship, given the electorate's clear preference for him over other candidates.

The Senate election pitted incumbent Republican Lisa Murkowski against Democrat Patricia Chesbro and Republicans Kelly Tshibaka and Buzz Kelley.[42] As one of the Senate's most moderate Republicans, Murkowski was attacked on the right by Tshibaka, who labeled her "functionally a Democrat."[43] On Murkowski's left, Chesbro sounded a different note, arguing that Murkowski was "very aligned with her party."[44]

In the first round of the election, Murkowski captured 114,118 votes to 112,101 votes for Tshibaka, 28,233 votes for Chesbro, and 8,575 votes for Kelly.[45] The election would have been considered close had the winner been declared by plurality, with only about two thousand votes (less than 1% of votes cast) separating the winner and the runner-up. But under the IRV system, the result was not close. As the candidate with the least first-choice support after the first-round votes for write-in candidates were redistributed, Buzz Kelley became the first primary winner eliminated.[46] Chesbro was eliminated from contention next, with her votes reallocated between Murkowski and Tshibaka.[47] Murkowski captured 20,571 of those votes, while only 2,224 went to Tshibaka.[48] Murkowski therefore won the final round of the election with 136,330 votes to Tshibaka's 117,534, a margin nearing twenty thousand votes.[49]

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[42] Kelley formally withdrew from the race prior to Election Day and endorsed Tshibaka.

[43] Caldwell, Leigh Ann. "Murkowski, Peltola cross party lines to endorse each other in tight Alaska races"

[44]   https://www.adn.com/politics/2022/10/17/the-making-of-a-us-senate-candidate-pat-chesbro/

[45]   Results   available   at https://www.elections.alaska.gov/results/22GENR/US%20SEN.pdf . These are the vote counts in the second round of voting, after votes for Buzz Kelley, who withdrew prior to the election, were reallocated to the remaining candidates.

[46] *Id*.

[47] *Id.*

[48] 6,301 votes for Chesbro were not allocated to either Murkowski or Tshibaka because those voters did not rank either candidate. A further 38 votes were disqualified for overvoting.

[49] *Id.*

This result highlights one of the key strengths of IRV. In the Senate election, Murkowski and Tshibaka were the only two viable candidates on Election Day. Given that most Chesbro supporters preferred Murkowski to Tshibaka, Chesbro would have been a potential spoiler candidate under plurality rule. Suppose for instance that 2,500 Murkowski voters had switched their preference to Chesbro, the farthest-left candidate, and ranked Murkowski second. Under the plurality rule that still governs most American elections, the election would have tipped to Tshibaka. Under IRV, however, Chesbro is eliminated from the election before the final round, those 2,500 votes return to Murkowski, and the potential for Chesbro to act as a spoiler for Murkowski is quashed.

Murkowski was a Condorcet winner as well. Based on the anonymized data, we estimate that Murkowski would have beaten Tshibaka in a head-to-head election by roughly 19,000 votes and Chesbro by about 104,000 votes. The 2022 Alaska Senate election, then, is a classic case where IRV can help ameliorate the possibility of spoiler candidates changing the outcome of the election and help to ensure the state elects a representative candidate.

While the Governor and Senate elections delivered outcomes that were representative of the Alaskan electorate, the August 2022 special election for the United States House instead illustrates some of the weaknesses of IRV.

Alaska's long-serving representative, Don Young, died in March 2022, and a special election was held to fill the remainder of his term. After a 48-candidate primary election,[50] Democrat Mary Peltola advanced to the general election along with Republicans Sarah Palin and Nick Begich III.[51] In the general election, 75,799 voters selected Peltola as their first-ranked choice, 58,973 selected Palin, and 53,810 selected Begich.[52] As the candidate with the fewest first-ranked votes, Begich was eliminated first, with his votes reallocated between Peltola and Palin. 27,053 of those votes transferred to Palin, while 15,467 went to Peltola. The shift toward Palin was insufficient to overcome Peltola's initial lead in first-ranked votes. Peltola won the election with 91,266 votes to Palin's 86,026, a margin of about 3%.[53]

The result was widely considered an upset. Alaska had last elected a Democrat (Nick Begich, grandfather to Nick Begich III) to the House in 1972, and the state was perceived as leaning Republican.[54] But whether

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[50]   https://www.elections.alaska.gov/election/2022special_primary_sb/SB-English%20HD99.pdf

[51] Independent Al Gross withdrew after the primary election.

[52] https://www.elections.alaska.gov/results/22SSPG/RcvDetailedReport.pdf

[53] https://www.elections.alaska.gov/results/22SSPG/RcvDetailedReport.pdf

[54]   https://www.adn.com/politics/2016/11/05/alaska-has-a-long-history-of-voting-republican-in-presidential-elections-will-it-continue-this-year/

Peltola won because of a deficiency inherent to new electoral system, or if instead she represented the true preferences of Alaskan voters, remained an open question.

The anonymized ballots in the special election allow us to look at voters' preferences in head-to-head matchups between the three Senate candidates, and to determine how well Peltola represented voters' choices. The result may come as a surprise: Begich, who was eliminated in the first round, was in fact the Condorcet winner. He won the head-to-head contest against Peltola by over 8,000 votes (86,385 to Peltola's 78,274), and the direct contest against Palin by nearly 40,000 votes (99,892 to 61,606).[55] In a plurality election between Begich and Peltola or between Begich and Palin, Begich would have won. However, because of the particular procedural features of IRV, he instead placed third.[56]

This result is concerning in light of the assertions made on behalf of IRV. Recall that the official support statement of Alaska's IRV ballot measure stated that IRV "helps ensure that winners are elected with the support of a true majority of voters." Following Peltola's victory in the special election, this claim rings hollow. While Peltola was preferred to Palin by a majority of voters, Begich was preferred to both Palin *and* Peltola by a majority of voters. Gauged by head-to-head competitions, IRV failed to implement majority rule in the special election.

How can we explain the Condorcet winner placing third? Note first that Begich represented the centrist position among the three candidates: Peltola ran the most liberal campaign, and Palin the most conservative. Most Peltola voters therefore preferred Begich to Palin, and most Palin voters likewise preferred Begich to Peltola. As a result, while Begich was the first-choice candidate of fewer voters than either Peltola or Palin, he frequently ranked second and rarely ranked third. Only a smattering of voters preferred both Peltola and Palin to Begich.

This result of course comports with our understanding of the polarized ideological spectrum in modern-day American politics. Given a left-leaning candidate, a right-leaning candidate, and a centrist candidate, relatively few

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[55] See footnote 40 infra for a discussion of why different analyses may have slightly different counts based on data-cleaning decisions. None of the qualitative findings change if decisions are made differently.

[56] The results are similar under the Borda count, where voters allocate points to candidates based on their relative preferences and the candidate with the most points wins. In a three-candidate election, a voter's least preferred candidate receives 0 points, the second-ranked candidate receives 1 point, and the top-ranked candidate receives 2 points. The candidates with the most points summed from all the voters wins. Using the anonymized ballots, Begich is the clear Borda winner, receiving 189,387 points to Peltola's 170,826 and Palin's 149,634.

voters are likely to choose the centrist as their first choice, but almost all will rank the centrist either first or second. The broad strokes of the special election were entirely predictable.

In other words, IRV resulted in Begich's loss because of the system's inherent weakness in choosing representative outcomes in polarized elections. Polarization of the electorate means that most voters are highly partisan and ideological, and will rank ideologically proximate candidates above moderate candidates. If the electorate is polarized enough, then moderate candidates, such as Begich, will be eliminated from the election in early rounds, even though they may be the most representative of all candidates—that is, the candidate ideologically closest to the median voter. The special election for Alaska's Senate seat in August 2022, then, was a textbook example of the center squeeze.

In November 2022, the general election for the United States House was a near-rematch of the August special election, pitting now-incumbent Peltola against Begich, Palin, and Libertarian candidate Chris Bye. This time Peltola won easily, capturing 48.7% of the first-round ballots and finishing with 55% of the votes in the final round against Palin.[57] Unlike in the special election, Peltola was also the Condorcet winner, winning the head-to-head contest against Palin by 135,906 votes to 111,211 and the head-to-head contest against Begich by 132,163 votes to 106,567.[58] What explains this substantially different result for a nearly identical contest held fewer than three months later? One possibility is that Peltola gained an advantage over Begich and Palin by becoming the incumbent candidate, which would be consistent with research showing that incumbents generally receive an advantage of several percentage points relative to non-incumbents.[59] Another is that turnout in the November general election was 50% higher than turnout in the August special election, and many of these new voters may have been ideologically aligned with the Democrats, preferring Peltola over Begich and Palin, respectively.[60] Given the small number of elections conducted under Alaska's IRV system, we cannot dismiss or disentangle these potential factors.

As the first state to combine open primaries with IRV, Alaska has

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[57] https://www.elections.alaska.gov/results/22GENR/US%20REP.pdf

[58] Begich beat Palin in a head-to-head matchup, 118,610 to 76,824.

[59] Gelman, Andrew, and Zaiying Huang. "Estimating incumbency advantage and its variation, as an example of a before–after study." *Journal of the American Statistical Association* 103.482 (2008): 437-446.

[60] https://www.elections.alaska.gov/results/22GENR/ElectionSummaryReportRPT.pdf

conducted four statewide experiments, test-driving a system that is now being considered all over the country. In each of these four elections, the IRV winner was identical to the standard plurality winner. The gubernatorial election and the November House election were not close contests, so are not particularly valuable case studies for the efficacy of IRV.[61] The Senate election illustrates the strengths of IRV with regard to potential spoiler candidates. However, the August House election illustrates the problem of the center squeeze, an example of how IRV sometimes fails to select the most representative candidate.

The move toward IRV is one of the most fundamental questions facing modern American electoral reform. Whether the system is an effective means of electing more representative candidates, combatting polarization, and perfecting democracy, or if instead the center squeeze exacerbates, or at least fails to ameliorate, political polarization, is yet to be determined.

We make the question an empirical one: how often will the most representative candidate be elected under IRV? Ideally this question would be answered using hundreds of House, Senate, gubernatorial, and presidential elections. But since the data on completed elections is sparse, as IRV remains in its infancy in America, we instead ask the following hypothetical: what sort of candidates would we expect to win election if each state adopted a system like Alaska's?

To provide the best possible evidence, we proceed in the next section to use modern methods from political science and political economy to gauge the prospective effects of adopting IRV in every state in the country.

IV. An Empirical Assessment of IRV

Broadening our focus away from the 2022 Alaska elections, we use representative survey data from over 50,000 respondents across all fifty states and the District of Columbia to capture voters' partisan leanings. These data permit us to measure not just the direction but the extent of polarization in each state. That is, we do not determine solely that California is "blue" or that Alabama is "red," but instead represent the makeup of each state's electorate in terms of the relative concentration of voters who identify as far-left, left-leaning, centrist, right-leaning, and far-right.

Having mapped each state's partisan distribution, we can next assess any statewide candidate's representativeness by calculating the candidate's

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[61] That is, the outcome in these elections would be the same across a wide variety of voting rules.

ideological proximity to the state's median or mean voter. In doing so, we turn our intuitive sense that a far-right candidate would not fairly represent the electorate in Vermont, or that a far-left candidate would be a poor fit for the electorate in Wyoming, into a quantifiable result.

Our empirical analysis simulates millions of state-level elections under IRV and then compares the outcomes to the residents' preferences. First we draw candidates at random from a given state's ideological distribution and have voters rank those candidates. Then we compute the winner of each election. By conducting a hundred thousand simulated elections per state, we can then assess the probability of various outcomes. That is, we can ask how often a given state will elect a particular type of candidate. We then compare the distribution of voters in each state to the distribution of election outcomes under IRV. We identify where and under what circumstances IRV works well—and when it does not.

To introduce the simulation's mechanics, and to explore whether the non-representative outcome in the August 2022 special election was a chance occurrence or instead indicative of an inherent feature of IRV's method for eliminating candidates, we first apply the simulation to Alaska. After discussing Alaska, we explain the empirical procedures in more detail and then present the results for the remaining 49 states and the District of Columbia. In aggregate, the results are not kind to IRV. We find that the center squeeze is not a chance occurrence, but instead a fundamental feature of the voting system—and one that is most pronounced in the most polarized states.

A. Case Study: Assessing IRV In Alaska

Our first step is to identify the partisanship of Alaskan voters. Alaska is historically considered a red state: Lyndon Johnson is the only Democrat ever to win the state's popular vote in a Presidential election,[62] and the state's House and Senate representatives predominantly have been Republicans. However, Alaska is being increasingly recognized as trending "purple," having elected a Democrat to the Senate in 2008 and having twice reelected Lisa Murkowski, one of the more moderate Republican Senators.

But exploring the effect of IRV on election results in Alaska requires understanding the electorate on a more granular level. That is, the single summary statistic of "red," "blue," or "purple" is insufficient; we need to identify the partisan distribution of the entire electorate. To do so, we use data from the Cooperative Election Study (CCES), a nationally representative sample of over 50,000 Americans collected around the time of the 2020

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[62] https://ballotpedia.org/Presidential_voting_trends_in_Alaska

election.[63] Respondents answered a variety of questions including their partisan leanings.

We assign voters a partisanship score in the interval from -0.5 to +0.5, where negative scores are left-leaning and positive scores are right-leaning.[64] To do this, we assign voters into five groups ranging from "Strong Democrat" to "Strong Republican."[65] Voters in the first group ("Strong Democrat") receive a score randomly drawn from the interval between -0.5 to -0.3. Voters in groups 2 through 5 ("Not Very Strong / Lean Democrat", "No party", "Not Very Strong / Lean Republican", and "Strong Republican") are allocated scores similarly on equally-spaced intervals.[66] Collectively, we refer to these scores as the partisanship distribution for a state.

The first panel in Figure 1 plots the estimated distribution of Alaskan voters. Independent voters appear at 0 on the x-axis. The more negative scores represent more Democratic-leaning voters, and positive scores represent more Republican-leaning voters. The height of the curve indicates the relative frequency of a particular type of voter.

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[63] Ansolabehere, Stephen, Brian F. Schaffner, and Sam Luks, COOPERATIVE ELECTION STUDY, 2020: COMMON CONTENT. [Computer File] Release 2:August 4th, 2021. Cambridge, MA: Harvard University [producer] http://cces.gov.harvard.edu

[64] The scaling from -0.5 to +0.5 is arbitrary, and the results would be unchanged for any scale. However, it is typical to set the interval between endpoints to be equal to 1.

[65] We construct the five-point partisan identification as follows. The CCES survey asked about partisanship in a series of questions. First voters were asked whether they identify as a Democrat, Republican or neither. For those who identified as Democrats (Republicans), they were then asked "Would you call yourself a strong Democrat (Republican) or a not so strong Democrat (Republican)? For those who identified with neither party, they were then asked "Do you think of yourself as closer to the Democratic or Republican party?" and could respond with "Democratic Party", "Republican Party", "Neither", or "Not Sure". From these responses we construct a five-point party ID ordered 1) Strong Democrat; 2) Not very strong Democrat OR lean Democrat; 3) No party; 4) Not very strong Republican OR lean Republican; and 5) Strong Republican.

[66] That is, voters in group 2 receive scores in -0.3 to -0.1; voters in group 3 receive scores in -0.1 to +0.1; voters in group 4 receives scores in +0.1 to +0.3; and voters in group 5 receive scores in +0.3 to +0.5.
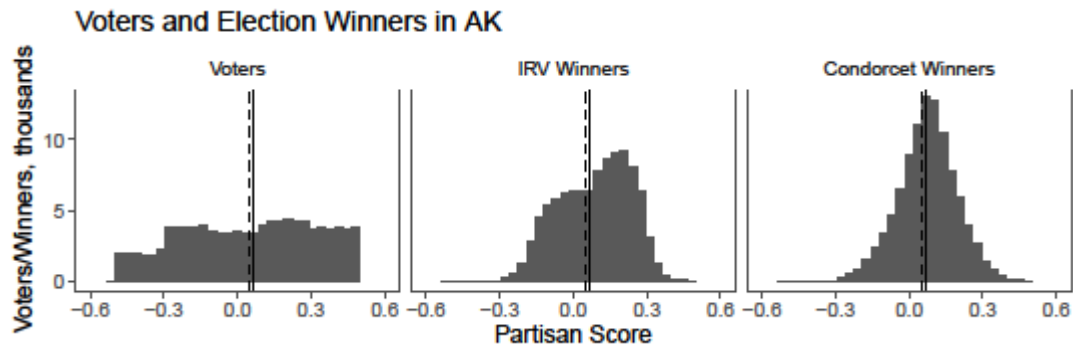
Voters and Election Winners in AK

Figure 1*: The first plot is the distribution of voters in Alaska *based on CCES data*. The second plot is the distribution of IRV winners in Alaska *based on our election simulations*. The third plot is the distribution of Condorcet winners in Alaska *based on our election simulations*.

The distribution of Alaskan voters based on CCES data shows that neither "red state" nor "purple state" accurately describes the electorate. The Alaskan electorate leans Republican: a majority of voters are to the right of center. However, calling Alaska a "red state" would obfuscate the electorate's significant share of Democrats; the state contains many Democrat-leaning voters, including many who identify as strong Democrats. Perhaps the most salient characteristic of the Alaskan electorate is the abundance of extreme voters. That is, the distribution of voters is not a normal curve with a high peak in the center, but is instead has a high proportion of voters with relatively extreme views. These voters will have important implications for the representativeness of outcomes under IRV.

How then are we to think about a "representative" outcome for Alaska? Now that we have identified the state's partisanship distribution, the natural approach is to use the two most fundamental statistical measures of a distribution: the median and the mean, represented in Figure 1 by vertical lines. The *median* of the distribution—the voter for whom half of the remaining electorate is to their left (more Democratic-leaning) and half is to their right (more Republican-leaning)—is represented by a solid line. In Alaska, the median voter is a Republican, but a more moderate Republican than the peak on the right side of the electorate. The *mean* of the distribution—the average voter in the population—is represented by a dashed line. In Alaska, the mean voter is only slightly to the right of the center, because the large number of very Democratic voters counteract some of the voters with a weak Republican lean. Strong arguments can be made in favor of prioritizing each of these metrics—the median or "middle" voter and the mean or "average" voter—when assessing a candidate's representativeness of the electorate. Instead of choosing one, we compare election results to both.

Our next step is to simulate 100,000 elections in Alaska. To mimic the

Alaskan electoral system, we draw four candidates from the distribution of the state's voters.[67] Voters then rank the four candidates based on how near each candidate is to the voter's own ideology.[68] Imagine a voter with a partisanship score of -0.2, faced with a ballot that offers candidates located at -0.4, -0.1, +0.2, and +0.4. This voter would rank the candidates, from most to least preferred: -0.1, -0.4. +0.2, +0.4. We then tabulate the winner under IRV and note the winner's location along the state's partisan distribution in each case. The middle panel of Figure 1 plots the distribution of IRV winners in Alaska across these 100,000 simulated elections.

We can observe from the distribution that IRV more frequently selects right-leaning winners than left-leaning winners. This result is to be expected from Alaska's Republican lean. However, note that the modal winner under IRV is far to the right of either the mean or median voter. Moreover, a large number of far-left leaning candidates also win under IRV. Given Alaska's partisan makeup, the most representative candidates should be moderate Republicans. Yet, IRV is frequently electing left-leaning and comparatively far-right candidates in Alaska. Why?

The reasons will sound familiar after our discussion of the August 2022 special election in Section III. When the electorate is polarized, representative candidates will often be eliminated from contention in early rounds. The final round of the election will often therefore pit a left-leaning candidate against a far-right candidate, which creates the conditions for extreme outcomes: one must win. Our simulated results of IRV in Alaska do not visually support proponents' claims that the system will have a moderating effect on election outcomes.

While IRV leads to many unrepresentative outcomes in Alaska, it may not immediately be clear that another election system can improve on the results. To assess the relative performance of IRV, we lastly determine the Condorcet winners in our simulated Alaskan elections.[69] Recall that the Condorcet winner is the candidate who beats each of the other candidates in head-to-head comparisons, and therefore is a generalization of a majority

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[67] This is consistent with a family of models in political science and economics known as the "citizen-candidate model." In a citizen-candidate model, each citizen decides whether to run for office, and the winning candidate implements their favored policies. See for example *Osborne, Martin J. and Slivinsky Al, A Model of Political Competition. With Citizen Candidates. Q. J. Econ. 1996.*

[68] That is, voters vote sincerely, which is consistent with research showing that strategic voting under IRV is very difficult. See *Bartholdi, John J. III and Orlin, James B, Single Transferable Vote Resists Strategic Voting. Soc. Choice and Welf. 1991.*

[69] Using the Borda winner instead of the Condorcet winner returns qualitatively similar results.

winner.

Using the exact same set of candidates as in our earlier simulations, we again conduct the 100,000 elections under a Condorcet procedure. The rightmost panel of Figure 1 plots the distribution of Condorcet winners. Visually, the winning candidate tends to be much more representative of the population than under IRV elections: the Condorcet winners of Alaska's simulated elections are significantly more clustered around the median and the mean of the distribution than are the winners under IRV. While IRV frequently elects relatively extreme candidates, a Condorcet method is much less likely to do so. On average, the IRV winner is 35% farther away from the mean voter in Alaska, and 35% farther away from the median voter, than is the Condorcet winner. That is, by either metric of representativeness, the IRV winner is significantly less representative than the Condorcet winner.

Overall, these results show the relative unrepresentativeness of IRV. Contrary to the claims of IRV proponents in general and supporters of the Alaskan ballot measure in particular, IRV does not generally lead to moderate outcomes in Alaska. Instead, the system leads to relatively extreme outcomes as compared to methods that select a Condorcet winner. In the following subsections, we describe our methodology in more detail and analyze the outcomes of IRV across all fifty states and the District of Columbia. We show that despite IRV performing poorly in Alaska, it performs even more poorly in most of the other states.

B. Identifying State Partisanship Distributions

We begin by identifying the partisanship distribution in each state using the same methodology we used in Alaska. The full results are found in the Appendix and include three panels for each state, mapping the state's partisan makeup along with the simulated distributions of IRV and Condorcet election winners, respectively, as we earlier demonstrated for Alaska's electorate. States vary widely in their partisan makeup and generally comport to our intuitive understanding: red states have more Republican voters and blue states have more Democratic voters. However, the simple binary labeling obscures subtleties in state partisanship distributions.

Many states feature a Democratic peak and a Republican peak; partisan leanings cluster near party lines. However, states differ in the prominence of those peaks. Utah and Massachusetts, for instance, are best described as unimodal. The former has a clear Republican lean and the latter a clear Democratic lean. Many other states, however, prominently including swing states such as Arizona, Pennsylvania, and Wisconsin, are bimodal. These more highly polarized states, where many Democrats and many Republicans reside and where comparatively few centrists can be found, demonstrate two

distinct and prominent peaks, although not necessarily of equal magnitude. As we will see, the center squeeze is generally more severe in the states with more polarized partisanship distributions.[70]

C. Simulating Elections

We next simulate elections for each state in the same manner as we did for Alaska: For each state, we randomly draw four candidates from the distribution of voters.[71] Voters then cast ballots for the candidates that are ideologically nearest to them.[72] Every voter from the state ranks their preferred candidates likewise, and we tabulate the results. For each state, we simulate 100,000 IRV elections.

D. Measuring Representativeness

Because the mean and median are the two most fundamental metrics to describe the representativeness of a distribution, we gauge IRV by comparing both the state's mean and median voters against the simulated winners.

We begin by noting that we should always expect some gap between the winning candidate and both the mean and median voter. Only under very specific conditions do the mean and median voter coincide, but electoral mechanics dictate that the state produce a single winner, nearly guaranteeing that one criteria of representativeness will not perfectly be fulfilled. And because candidates are drawn randomly from the distribution of voters, the probability of producing a candidate ideologically equal to the mean or median voter is exceedingly small.[73]

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[70] Note that partisanship distributions are not commonly scaled across states. That is, the set of "strong Democrats" in one state may be fundamentally different from the set of "strong Democrats" in another state. Because we identify partisanship from survey responses, a respondent who considers herself a "strong Democrat" in Vermont may hold fundamentally different views from another who considers herself a "strong Democrat" in Mississippi.

[71] Our results are qualitatively the same when we instead design five-candidate elections, as in the 2022 Nevada ballot initiative.

[72] That is, we assume that voters have sufficient information to determine which candidate is closest to them. For a discussion of deterministic and probabilistic voting, see Burden, Barry C. "Deterministic and probabilistic voting models." American Journal of Political Science (1997): 1150-1169.

[73] The same holds true when candidates are selected through the democratic process, rather than randomly. Recent evidence suggests, for instance, that individuals with extreme viewpoints are more likely to run for office than moderates. See Hall, Andrew B. *Who wants to run?: How the devaluing of political office drives*

We next calculate the Condorcet winners for each simulated election, and the rightmost panels of the plots in the Appendix show the distribution of Condorcet winners across the states. Note that under our constraints—voters are linearly aligned and rank the candidates in order of their ideological proximity—there will always be a Condorcet winner, who is always identical to the median voter's top-ranked choice. Visually, the Condorcet winner in all states is far more moderate and far more representative of the electorate than is the IRV winner. In every state the distribution of Condorcet winners is unimodal, unlike the IRV winner, and that peak is close to the mean and median voter.

Lastly, we compare the representativeness of the IRV winner to the representativeness of the Condorcet winner, measured through both the mean and median voter. Note that, in aggregate, IRV selects the Condorcet winner in 60% of elections. That is, in 40% of elections, the candidate who triumphs over every other candidate in head-to-head contests fails to win the election under IRV.

Figure 2 plots the difference in representativeness between a state's average IRV outcome and its average Condorcet winner, as judged by their proximity to the median voter. Each bar represents a state. Take, for example, Alaska. The figure illustrates that, on average, the IRV winner in Alaska is approximately 35% farther from the state's median voter than is the Condorcet winner, indicating that IRV in Alaska produces outcomes that are 35% more extreme than the outcomes that would result under a Condorcet method.
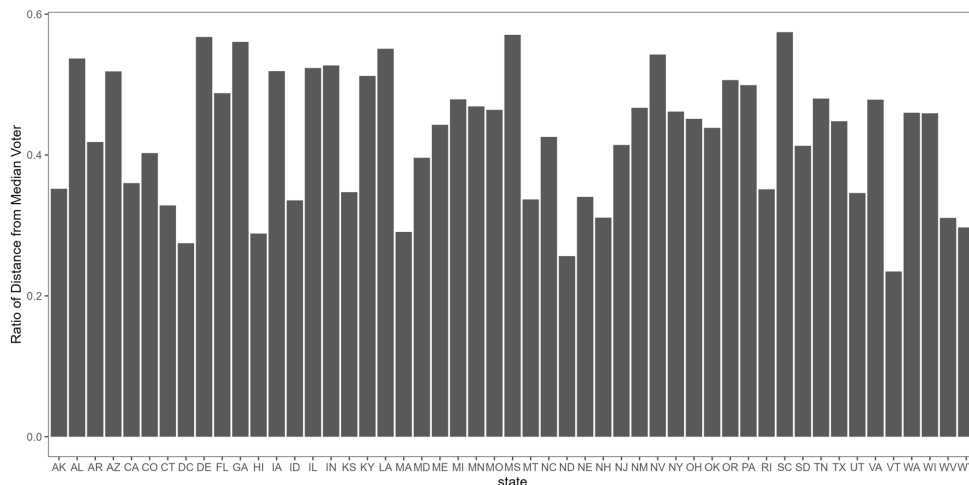

Figure 2: Difference between the average IRV winner and the average Condorcet winner, by state, as measured by distance from the median voter.

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polarization. University of Chicago Press, 2019.

IRV's polarizing effect is clear across every state and the District of Columbia. In every polity, IRV can be expected to produce outcomes that are more extreme than the outcomes under a Condorcet system. We further observe that this effect is most pernicious in the most polarized states. Because these states have hollowed-out ideological centers, centrist candidates are challenged to achieve the same support as more extreme candidates, and struggle to advance under IRV. The election's final round will therefore often pit one extremist against another. Condorcet systems avoid this polarizing eventuality by considering voters' entire set of preferences rather than just their top-ranked choice.

Figure 3 reproduces Figure 2, but replaces the state's median voter as the measure of representativeness with the mean voter. While heterogeneity has increased, the main themes remain the same. In every state the IRV process selects more extreme outcomes than does the Condorcet winner, and the effect is most concentrated in the most polarized states.

Figure 3: Difference between the average IRV winner and the average Condorcet winner, by state, as measured by distance from the mean voter.

We next present results comparing IRV and Condorcet winners on a state-by-state basis. Figure 4 plots the results from Figure 2 (on the y-axis) against the results from Figure 3 (on the x-axis) to establish a ratio: how representative are a state's outcomes under an IRV system as compared to their outcomes under a Condorcet system?

In aggregate the results are very clear: In every single state and the District of Columbia, IRV is less representative of the electorate than the Condorcet winner, as judged by the outcome's distance from either the mean or median voter. That is, IRV produces less-representative outcomes in every scenario based on real-world 2020 data. On average, IRV produces results

that are 38% farther from than the mean voter and 43% farther from the median voter than does the Condorcet winner. The data provides strong evidence that IRV is unlikely to lead to more representative outcomes relative to other election methods.
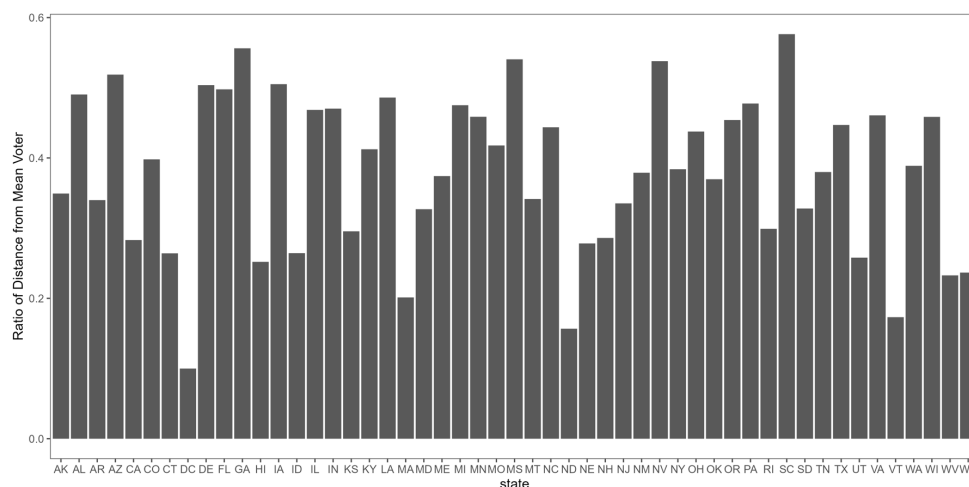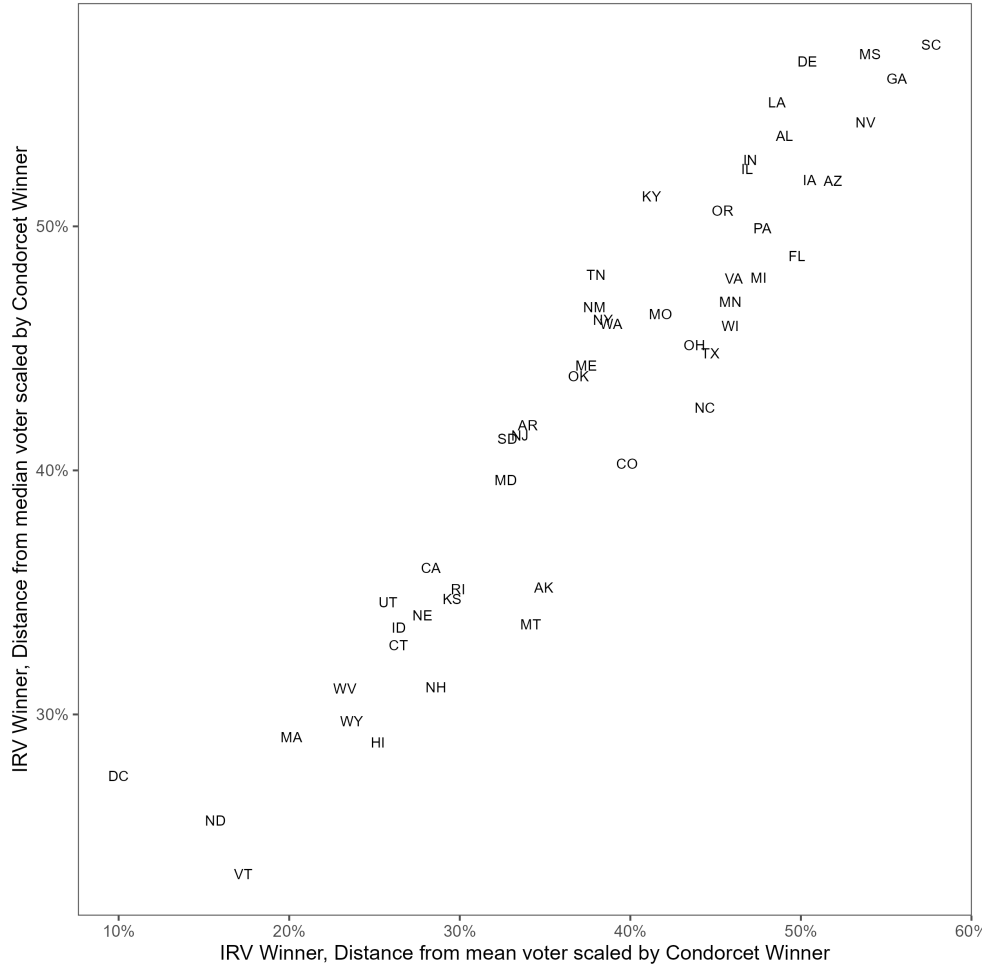

Figure 4: The difference between the average IRV winner and the average Condorcet winner, by state, as measured by distance from the median voter, plotted against the difference between the average IRV winner and the average Condorcet winner, by state, as measured by distance from the mean voter.

States in the upper right quadrant are those in which we can expect IRV to lead to the least representative outcomes. States in the bottom left quadrant perform better under IRV compared to their peers, but even in the best state with respect to median voter, Vermont, IRV performs approximately 17% worse than the Condorcet winner as gauged by the mean voter and approximately 23% worse than the Condorcet winner as gauged by the median voter.

Note that the states where IRV performs worst (including Arizona, Nevada, and Georgia) are among the most polarized, whereas the states where IRV performs the best (including Massachusetts, North Dakota, and Vermont) are among the least polarized, or most homogenous. This divide illustrates the threat of the center squeeze. In states with hollowed-out ideological centers, moderate candidates who would be selected under more representative voting systems are eliminated under IRV because extremist candidates receive significantly more support in the early rounds of voting.

The data also demonstrates where voters should be most concerned about the promise of IRV as an antidote to polarization. Our analysis suggests that Alaska is fairly average in terms of the representativeness of IRV. Despite this, voters needn't look further than the results from the 2022 Alaskan special election to understand the risks of installing IRV in a polarized state. Meanwhile there are efforts to implement IRV in many of the poorly-performing states in the coming years: Oregon voters will vote in IRV in 2024, Pennsylvania legislators are considering House Bill 1772, which would implement IRV,[74] and efforts are underway to bring ballot initiatives to Ohio, Arizona, and other states in 2024.[75]

V. What Should Be Done?

Polarization and extremism are fundamental threats to effective democratic governance. IRV has been touted as a means of achieving representative outcomes in our increasingly polarized political environment. Our empirical evidence demonstrates that IRV fails to mitigate polarized outcomes relative to other ranked choice methods. Instead, IRV can broadly be expected to deliver results that deviate away from representative candidates and instead award victories to more extreme candidates. In the most polarized states—several of which are expected to host ballot initiatives on adopting IRV in the coming years—this center squeeze would be particularly pernicious.

Voters and advocates looking to adopt election reforms that achieve representative outcomes in polarized environments are correct to look to ranked choice voting but should look at variants other than IRV. Indeed, the focus should be on identifying a workable system that is more effective than

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[74]

https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2021&sessInd=0&billBody=H&billTyp=B&billNbr=1772&pn=2009

[75]Arizona: https://azcapitoltimes.com/news/2022/12/01/arizona-groups-push-ranked-choice-voting/; Ohio: https://www.rankthevoteohio.org/about_us.

IRV at combating polarization. Having voters reveal more information about their preferences, rather than merely their first choice is a necessary start. But many other ranked choice voting systems do not share IRV's bias against moderate candidates and in favor of extreme candidates. Having voting systems choose a candidate that represents of all the voters—something akin to the "median" to "mean" of the electorate—rather than being aligned with political party's platform, is an increasingly important goal in the current political environment.

A wide variety of systems will guarantee election of the Condorcet winner if one exists. These systems, called "Condorcet methods," differ only in how they select a winner in the absence of a Condorcet candidate. One of the most intuitive Condorcet methods is Round-Robin Voting (RRV), which uses ranked-choice ballots to emulate a round-robin sports tournament, such as in the group stage of the FIFA World Cup or many college football conferences.[76] In this system, voters cast their ballots in exactly the same way as they would in an IRV system. The difference is how the system identifies the winner. In RRV, the winner is the candidate who is the majority choice of voters more often than any other candidate, when each candidate is compared head-to-head against every other candidate.[77] Necessarily, a Condorcet winner satisfies these criteria, since the Condorcet winner is the undefeated choice of a majority of the voters in *every* one-on-one comparison that forms the round-robin competition.[78]

Alternative methods generalize on the Borda approach by asking voters to allocate points among candidates, akin to how sportswriters, broadcasters, committee members, and coaches vote on team rankings and end-of-season awards in college football. The most straightforward approach is Borda's original proposal, in which a voter's first-place candidate receives one point, their second-place candidate receives two, and so on, with the candidate receiving the overall fewest points being declared the winner. Doing so takes

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[76] See Foley, *Tournament Elections with Round-Robin Primaries,* Wisconsin L. Rev.

[77] That is, a candidate wins a "game" if the candidate receives more votes than an opponent in a head-to-head matchup. The candidate that wins the most "games" wins the election. A Condorcet winner is a candidate who finishes the tournament undefeated.

[78] In the voting literature, this is known as Copeland's Rule. In the event that there is no Condorcet winner and that two or more candidates tie as most often preferred by a majority of voters, RRV continues to emulate World Cup soccer (and other sports tournaments) by using a "vote differential" statistic similar to the "goal differential" statistic used in the World Cup to break ties. Various methods have been proposed, but the simplest is to use the Borda Count as a vote differential statistic. See Foley, supra, for further explanation of the "vote differential" statistic.

into account the intensity of voters' preferences rather than just the ordering of those preferences.

Other voting systems combine elements of Condorcet and Borda methods. Indeed, IRV can be made into a Condorcet method with just a minor tweak. By counting the total number of votes that a candidate receives in each round—that is, the number of candidates they outrank on all ballots combined, rather than just their first-place votes—Total Vote Runoff (TVR) assimilates the Borda count into IRV.[79] TVR is also guaranteed to elect the Condorcet winner when one exists, because the candidate with the fewest total votes—that is, the lowest Borda score—can never be the Condorcet Winner.[80]

The key point is that IRV is not well placed relative to other methods at combating political polarization and extremism. As our empirical analyses show, it generally selects outcomes that are less representative than the Condorcet winner. IRV may have other strengths—for example effectively eliminating spoiler candidates in a traditional two-party election—but ensuring representativeness is not one of them. If the goal is to design a system that leads to representative outcomes in a polarized electorate, IRV is not the answer.

CONCLUSION

Democracy, fundamentally, is about settling disagreements among equal citizens over unavoidable issues of mutual concern. If the issues were avoidable, there would be no need to put them to a vote. If all citizens agreed on how to resolve the unavoidable issue, there would be no need for a rule to decide who wins and who loses. But so long as the goal remains to resolve unavoidable disagreements democratically, then there needs to be decision rule for calculating the winner among the multiple divergent preferences held among the equal citizens. The kind of bimodal distribution of preferences among voters—like those seen in the profiles of states like Arizona, Ohio, Pennsylvania, and Wisconsin, as well as other highly polarized states—thus poses a great challenge the basic philosophy of democracy. When there are few voters in the center, our current election system risks electing extreme

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[79] Foley, Total Vote Runoff infra.

[80] Total Vote Runoff is mathematically equivalent to what's known in the voting theory literature as Baldwin's method, although it is defined somewhat differently in terms of its operational procedure. While Baldwin's Method begins with the Borda count and eliminates the candidate with the lowest Borda score, Total Vote Runoff (like IRV) begins by looking to see whether any candidate has won a majority of first-place votes. TVR only calculates total votes, or the Borda count, if necessary to perform the runoff.

rather than representative candidates.

While it has been offered as a solution to polarization, our results show that IRV cannot be expected to effectively lead to representative outcomes relative to other election systems. Reformers concerned with polarization should look to other ranked choice methods. As shown in our simulations, a Condorcet electoral method will tend to elect candidates much closer to the state's median and mean voter, especially for highly polarized states with bimodal electorates.

Advocates, reformers, and scholars should continue to explore reforms to the voting system. And there is still much to learn. The 2022 elections in Alaska showed that IRV will succeed in electing the most representative candidate in some cases, but not always. As more U.S. elections are conducted under IRV, we will learn more about its strengths and its weaknesses. And, as other states consider adopting alternative electoral reforms, we will learn more about the strengths and weaknesses of other systems as well.

We are also learning more about the public's perception of ranked choice voting and of IRV in particular, which is increasingly becoming a partisan political issue.[81] While we think that the representativeness of the winner is a very important goal for election reformers, it is also important that voters understand the system and believe that it is fair and transparent. Understanding which ranked choice systems would be most well-received by voters is thus an important avenue for future research.

Relatedly, behavioral research on the propensity of voters to engage in strategic voting would help highlight the robustness of various systems. While there are no ranked choice systems that are entirely immune from the possibility of voters strategically misrepresenting their preferences, the extent to which this type of gaming biases the winner away from a representative outcome and toward an extreme one is an important open question. In the Alaska special election, for example, it does not appear there were many voters who ranked a less-preferred candidate over a more-preferred candidate, but there were many voters who opted not to rank all the

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[81] Kimball, David, and Joseph Anthony. "Public Perceptions of Alternative Voting Systems: Results from a National Survey Experiment." Available at SSRN 3854047 (2021). (finding that a strong majority prefers single vote to ranked choice voting. The authors also find that Democrats view RCV more favorably than Republicans). Anthony, Joseph, et al. "Ranked Choice Voting in Maine from the Perspective of Local Election Officials." Election Law Journal: Rules, Politics, and Policy 20.3 (2021): 254-271 (showing that the partisan divide persists among election officials). South Dakota and Idaho have both signed bans on IRV (but not on RCV more generally), with other states expected to follow suit, https://19thnews.org/2023/04/ranked-choice-voting-election-system/.

candidates. Broadly, more engagement is needed between reformers and those conducting research into voting methods so that the best reforms are put forward.

In conclusion, we applaud the growing interest in ranked choice voting as a necessary step to combating the tendencies toward extremism inherent to the current voting systems in place around the U.S. However, ranked choice methods other than IRV will tend to be more effective at combating polarization. The evidence presented here shows overwhelmingly that IRV is less well-suited to electing representative candidates than methods that select Condorcet winners, for example. Reformers in states with highly polarized electorates like Arizona, Pennsylvania, Ohio, and Wisconsin should therefore be cautious about advocating for IRV if choosing representative candidates is their goal.

APPENDIX: STATE LEVEL PLOTS

For each state below, the leftmost panel maps the state's partisanship distribution, with negative numbers indicating more liberal voters and positive numbers indicating more conservative voters. The center panel indicates the winners of 100,000 simulated elections conducted under IRV with four candidates generated from the state's partisanship distribution. The rightmost panel indicates the Condorcet winners of those elections. The solid vertical line represents the state's median voter; the dashed vertical line represents the state's mean voter.

Voters and Election Winners in CA

Voters and Election Winners in CO

Voters and Election Winners in CT

Voters and Election Winners in DE

Voters and Election Winners in FL

Voters and Election Winners in GA

Voters and Election Winners in HI

Voters and Election Winners in IA

Voters and Election Winners in ID

Voters and Election Winners in IL

Voters and Election Winners in IN

Voters and Election Winners in KS

Voters and Election Winners in KY

Voters and Election Winners in LA

Voters and Election Winners in MA

Voters and Election Winners in MD

Voters and Election Winners in ME

Voters and Election Winners in MI

Voters and Election Winners in MN

Voters and Election Winners in MO

Voters and Election Winners in MS

Voters and Election Winners in MT

Voters and Election Winners in NC

Voters and Election Winners in ND

Voters and Election Winners in NE

Voters and Election Winners in NH

Voters and Election Winners in NJ

Voters and Election Winners in NM

Voters and Election Winners in NV

Voters and Election Winners in NY

Voters and Election Winners in OH

Voters and Election Winners in OK

Voters and Election Winners in OR

Voters and Election Winners in PA

Voters and Election Winners in RI

Voters and Election Winners in SC

Voters and Election Winners in SD

Voters and Election Winners in TN

Voters and Election Winners in TX

Voters and Election Winners in UT

Voters and Election Winners in VA

Voters and Election Winners in VT

Voters and Election Winners in WA

Voters and Election Winners in WI

Voters and Election Winners in WV

Voters and Election Winners in WY

How Mayor, City Councilors, School Committee Chair & Vice Chair And City Manager Are Elected Or Selected

Lauren Gibbs <ladarelkg@verizon.net>
Mon 8/28/2023 2:12 PM

To:Nolan, Patricia <pnolan@cambridgema.gov>;Cambridge Charter Review Committee <CharterReviewCommittee@Cambridgema.gov>;City Manager <CityManager@CambridgeMA.GOV>

Cc:Hayes, Patrick <phayes@cambridgema.gov>;**City Council <CityCouncil@CambridgeMA.GOV>**

Thanks, Patty, for directing me to the Cambridge Charter Review Committee, which I had not been thinking about before you recommended it to me.

To the Cambridge Charter Review Committee, please take my 3 remarks to City Council, School Committee, and City Manager under Patty Nolan's email as well as a 4th point in the next paragraph into consideration in your review of the Cambridge City Charter by December 31st.

I think the City Manager should be elected as well as the Mayor, Councilors, and School Committee Chair and Vice Chair! So I am sending this message to you too, City Manager Huang, and cc'ing City Council just on this point of election rather than selection of the Cambridge City Manager in the future. If we are having a City Manager who actually runs Cambridge, that person should be <u>elected</u>, not <u>selected</u>, from my perspective.

The first 3 remarks are in this email as well as in the previous email to City Council, School Committee, and City Manager copied below Patty Nolan's email to me - but with the fact that it might be <u>11 wards or 13 school districts</u> and it might be <u>City Charter</u> rather than <u>City Council</u> deciding the number of districts and at-large members of the City Council and in point #2 and with titles capitalized throughout the email. I have placed highlighting on the new parts of point #2.

> My first point is that the City Mayor should be elected rather than selected by the reigning Councilors and the Vice Chair of the School Committee should be done by who has the most votes. I don't want people telling me who to select as Mayor or as Chair or Vice Chair of the School Committee. There have been a number of times when I have not liked who was selected as Mayor by other Councilors or Vice Chair by other School Committee members. I think Sumbil Siddiqui is a fine Mayor and could be re-elected Mayor multiple times as she was this session, but there have been Mayors in the past who should not have been Mayor in my opinion, and Vice Chairs of School Committee who should NOT in my opinion have been Vice Chair. In 2015 and 2017, on School Committee, Patty Nolan got the most votes, but the School Committee gave the job to Fred Fantini, Manikka Bowman, and Kathleen Kelly. Don't let the City Council - OR the School

Committee - do that again! Let the people - NOT
the Councilors or the School Committee members
- make the decision!

My second point: There should be election by
district of Cambridge with some at-large members,
whether there are 5 or 6 by district (East, West,
North, The Port, Central and maybe Kendall) or by
library (Main, Boudreau, Central Square, Collins,
O'Neill, O'Connor, Valente) or by ward (1-11) or by
school district (13 - 12 plus the high school) with 4,
3, or 2 elected at-large - or some other
configuration of members determined by the City
Council or the City Charter in advance of a vote.
The concerns of one neighborhood are not
necessarily the concerns of another neighborhood.

My third point: The Mayor should be a member of
School Committee but NOT necessarily the Chair
of School Committee. The education of students is
NOT NECESSARILY the perspective of the City
Council, which, in my perspective, is WAY too
DEVELOPER-oriented for my taste. Let people
decide for themselves what they want - don't
decide FOR people!

Lauren Gibbs, 3 Newport Road #1, 02140, ladarelkg@verizon.net, 617-441-8892

On Monday, August 28, 2023 at 11:29:53 AM EDT, Nolan, Patricia <pnolan@cambridgema.gov> wrote:

Dear Lauren Gibbs,

Thank you for reaching out to the council and thank you for your insights on local government. I wanted to respond to point you in the direction of the Charter Review Committee if you haven't already been aware of their work. Over a year ago, I worked with my fellow councilors to convene a committee of residents to comprehensively review our city government and to consider whether it makes sense to make any changes to our system of government to make it more accountable, responsive, and democratic. They are preparing to deliver a report to the City Council at the end of 2023 that will recommend charter changes. If you haven't sent this email yet to the committee, I would highly recommend you reach out to them via email (they are copied on this email). They also meet regularly every other Tuesday from 5:30pm-7:30pm and welcome public comment and input. You can also submit feedback or ideas on their website, which has information about their process and other charter related resources: https://www.cambridgema.gov/charterreview.

I appreciate you thinking so critically about our government, and I hope you will share your insights with the Charter Review Committee. Please don't hesitate to reach out directly to me or my aide, Patrick, if you have any questions.

Sincerely,

Patty

Patricia Nolan

Cambridge City Council

She/her/hers

Aide: Patrick Hayes

phayes@cambridgema.gov

617-349-4280

Dear City Council, School Committee, and I cc City Manager Huang as well,

My first point is that the City Mayor should be elected rather than selected by the reigning councilors and the vice chair of the School Committee should be done by who has the most votes. I don't want people telling me who to select as Mayor or as Chair or Vice Chair of the School Committee. There have been a number of times when I have not liked who was selected as mayor by other councilors or vice chair by other school committee members. I think Sumbil Siddiqui is a fine mayor and could be re-elected mayor multiple times as she was this session, but there have been mayors in the past who should not have been mayor in my opinion, and vice chairs of School Committee who should NOT in my opinion have been vice chair. In 2015 and 2017, on School Committee, Patty Nolan got the most votes, but the School Committee gave the job to Fred Fantini, Manikka Bowman, and Kathleen Kelly. Don't let the City Council - OR the School Committee - do that again! Let the people - NOT the Councilors or the School Committee members - make the decision!

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of the City Council, which, in my perspective, is WAY too DEVELOPER-oriented for my taste. Let people decide for themselves what they want - don't decide FOR people!

Lauren Gibbs, 3 Newport Road #1, 02140, ladarelkg@verizon.net, 617-441-8892

TO: **Cambridge Charter Review Committee**
FROM: **The Collins Center Charter Project Team**
DATE: **August 28, 2023**
RE: **Discussion of Citizen Relief Mechanisms**

This memo discusses in more detail some of the standard resident participation mechanisms that are outlined in the overview memo recently provided to the Committee. These tools are variously labeled "citizen relief," "resident participation," or "public participation" mechanisms, and can be customized or supplemented by additional measures.

While resident participation mechanisms are not frequently used in practice in Massachusetts municipalities, their presence alone in a charter creates a significant impact and encourages meaningful communication between local government bodies and the public. Should the Charter Review Committee decide to recommend one or more of these mechanisms, the Collins Center team can help the Committee discuss the key issue of setting appropriate thresholds for these engagement tools. Furthermore, the Center project team can discuss where it may be appropriate to include non-voters, including noncitizens and young adults, in resident participation mechanisms.

I.   Mass. General Laws

Current state law provides both citizen initiative petition and referendum mechanisms for cities established under plans A-E. These provisions are rarely used but are currently available to the residents of Cambridge. Should the city adopt a new charter, the City will no longer be considered a Plan E city and will likely have no access to these provisions. To preserve these mechanisms, the charter would likely need to include petition and referendum language.

II.   Free Petitions

Several cities have established a mechanism to require the city council (and other municipal bodies) to hold a public meeting on a particular subject when a certain threshold of signatures from registered voters is met. There is no requirement that any particular measures be passed; the only requirement is that the council, board, or committee consider the matter in a public hearing. The chart below indicates the threshold numbers required to present measures before the council, board, or committee.

Municipality	2020 Population	Petitioners
Amherst	39,263	150 voters
Chelsea	40,787	150 voters

Fall River	93,984	100 voters
Newburyport	18,290	100 voters
Newton	88,923	50 voters
Watertown	35,329	150 voters
Cambridge	118,403	n/a

Sample free petition language:

Watertown:

SECTION 7-8. CITIZEN PETITIONS TO COUNCIL OR SCHOOL COMMITTEE.
The city council or the school committee shall hold a public hearing and act with respect to every citizen petition which is addressed to it, which petition shall not be required to take any particular form, and is signed by one-hundred-fifty voters, or more, and which seeks the passage of a measure concerning matters other than action under section 7-11(c). The hearing shall be held by the city council or the school committee, and the action by the city council or the school committee shall be taken not later than three months after the petition is filed with the clerk of the council or the secretary of the school committee, as may be appropriate. Hearings on two or more petitions filed under this section may be held at the same time and place. The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the ten persons whose names appear first on the petition at least forty-eight hours before the hearing. Notice, by publication, of all such hearings shall be at public expense.

Amherst:

SECTION 8.2: FREE PETITION
(a) Resident Petitions, Action Discretionary: The Town Council, School Committee, and Library Trustees shall receive all petitions signed by 1 or more residents and addressed to any of them concerning a matter upon which they could act and may, in their respective discretion, take such action in regard to such petitions as they deem necessary and advisable.
(b) Group Petitions, Action Required: The Town Council shall hold a public hearing and act with respect to every petition which is addressed to it and which is signed by at least 150 voters as certified by the Board of Registrars. The hearing shall be held by the Town Council or by a committee or subcommittee thereof, and the Town Council shall act not later than 3 months after the petition is filed with the Clerk of the Town Council. Hearings on 2 or more petitions filed under this Section may be held at the same time and place. The Clerk of the Town Council shall mail notice of the hearing to the 10 petitioners whose names first appear on each such petition at least 14 days before the hearing. The Town Council shall publish a general summary of the subject matter of the petition and a notice stating: (i) the times and places where copies of the group petition are available for inspection by the public, and (ii) the date, place, and time not less than 2 weeks after such publication, when a public hearing on the petition will be held by the Town Council. No hearing shall be heard upon any 1 subject more than once in any given 12-month period, as determined by the Town Council President.

Decision points for the committee regarding Free Petition:

- Is the Committee interested in including the Free Petition mechanism in the charter?
- What is the threshold for the number of petitioners that makes sense for Cambridge?
- Should the Committee recommend expanding Free Petition to allow all residents of a certain age, regardless of voting status, to sign a petition?

III.   Citizen Initiatives

Citizen initiatives are mechanisms by which voters can petition the council, school committee, or other body to either pass a measure or to submit the measure to a binding vote. The required number of signatures and the method of calculating the threshold number varies. For example, in Chelsea, 20% of voters must sign, and in Lowell, 25% of the number of voters who voted in the last mayoral election must sign.

Local citizen initiatives are often a multi-stage process with a smaller number of signatures required to start the process, a procedure for sending the matter to the city attorney to determine if it is legally permissible, and then the collection of the larger number of signatures to require submission on the ballot.

In some cases, a higher percentage of signatures is required in order to put the matter to a special election, and a lower percentage of signatures results in the petition being placed on the next election rather than requiring an immediate vote. Signers are generally required to be registered voters because the intent is to see if there is enough interest among voters to place an issue on the ballot.

Current State law:
Under the state law for plan A-E cities, the process for a local citizen initiative is rarely implemented due to stringent requirements for signatures. Under MGL Ch. 43, Sec. 37 and following, only 3 signatures are required to start the process. Then, if 15 percent of the registered voters sign, the council or school committee can pass the measure or submit the measure to a special election. If between 8 and 15 percent sign the petition and the measure is not passed, the matter is submitted at the next regular municipal election. However, in order to pass, the measure must "be approved by registered voters of the city equal in number to one third of the whole number thereof and also by a majority of the voters voting on such measure." This is a significant hurdle.

Sample citizen initiative language:

Chelsea:

> ***Sec. 8-2. Citizen initiative measures.***
> *(a) Commencement of proceedings. Initiative procedures shall be commenced by the filing of an initiative petition with the city clerk. The petition shall be addressed to the city council or the school committee, shall contain a request for passage of a particular measure set forth in the petition and shall be signed by not less than 20 percent of the total number of voters.*
> *Signatures to initiative petitions need not be all on one paper. All such papers pertaining to any one measure shall be fastened together and shall be filed in the office of the city clerk as one instrument, with the endorsement thereon of the names and addresses of the persons*

designated as filing the same. With each signature to the petition shall be stated the place of residence of the signer, giving the street and number, if any.

Within ten days of the filing of said petition the registrars of voters shall ascertain by what number of voters the petition is signed, and shall attach thereto their certificate showing the result of such examination.

The city clerk shall forthwith transmit the said certificate with the said petition to the city council or to the school committee, as appropriate, and at the same time shall send a copy of said certificate to the persons designated on the petition as filing the same.

When such certificate has been so transmitted, said petition shall be deemed to be valid unless written objections are made with regard to the signatures thereon by a voter within 48 hours after such certification by filing such objections with the city council or the school committee, and a copy thereof with the registrars of voters. Any such objection shall be determined forthwith.

(b) *Referral to city solicitor. If the city clerk determines that a sufficient number of signers are voters, the city clerk shall transmit a copy of the petition to the city solicitor.*

Within 15 days after receipt by the city solicitor of the petition the city solicitor shall advise the city clerk in writing whether the measure may be proposed by initiative procedures, and whether it may be lawfully passed by the city council or the school committee. If the opinion of the city solicitor is that the measure may not lawfully be passed, the city solicitor shall state the reason or reasons therefor in said reply. The city clerk shall forthwith furnish a copy of the city solicitor's opinion to the person designated on the petition as filing the same.

(c) *Initiative petition; requirements for passage and submission to electorate. If any initiative petition is signed by voters equal in number to at least 20 percent of the total number of voters, and in the opinion of the city solicitor, such measure may be lawfully passed by the city council or school committee, the city council or school committee within 30 days after the date of the certificate of the registrars to that effect:*

(1) *May pass said measure without alteration, subject to the referendum vote provided in this Charter; or*

(2) *The city council shall call a special election to be held at a date fixed by it not less than 60 days after the date of the certificate herein mentioned, and shall submit the proposed measure without alteration to a vote of the voters at that election; provided, however, that if any city election is otherwise to occur within 120 days after the date of said certificate, the city council may, at its discretion, omit the calling of a special election and submit the proposed measure to the voters at such approaching election.*

The ballots used when voting upon a proposed measure under this section shall state the nature of the measure in terms sufficient to show the substance thereof.

(d) *Ballot question. The ballots used when voting upon a proposed measure under this section shall state the nature of the measure in terms sufficient to show the substance thereof by preparation of a fair, concise summary by the city solicitor and approved by the registrars of voters.*

The full text of the measure shall be published in a least one newspaper of general circulation in the city at least seven days before the election at which the question shall appear on the ballot.

The ballot used when voting upon a proposed measure under this section shall contain the question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect?

   (Text of measure summary)
   YES _____ NO _____

If a majority of the votes cast on the question is in the affirmative the measure shall be deemed to be effective forthwith, unless a later date is specified in the measure.

Watertown:

SECTION 7-9. CITIZEN INITIATIVE MEASURES.
(a) Commencement - Initiative procedures shall be started by the filing of an initiative petition with the clerk of the council or the secretary of the school committee, as the case may be. The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure, which shall be set forth in full in the petition, and shall be signed by at least ten percent of the total number of voters as of the date of the most recent city election. Signatures to an initiative petition need not all be on one paper, but all such papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer.
Within ten days following the filing of the petition the board of election commissioners shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent city election. The board of election commissioners shall attach its' certificate to the petition to the clerk of the council or the secretary of the school committee according to how the petition is addressed. A copy of the certificate shall also be mailed to the person designated upon such petition as having filed the same.
(b) Referral to City Attorney - If the board of election commissioners determines that a petition has been signed by a sufficient number of voters, the clerk of the council or the secretary of the school committee, as the case may be, shall forthwith following receipt of such certificate deliver a copy of the petition to the city attorney. Within fifteen days following the date a copy of the petition is delivered to the city attorney, the city attorney shall, in writing, advise the city council or the school committee, as may be appropriate, whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may be lawfully adopted by the city council or by the school committee. If the opinion of the city attorney is that the measure is not in proper form, the city attorney shall state the reasons in full in the reply. A copy of the opinion of the city attorney shall also be mailed to the person designated on the petition as having filed the same.
*(c) Action on Petitions - Within thirty days following the date a petition has been returned to the clerk of the council or to the secretary of the school committee by the city attorney, and after publication in accordance with the provisions of section **2-8(c)**, the city council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of an initiative measure, or by rejecting it. The passage of a measure which is in lieu of the initiative measure shall be deemed to be a rejection of the initiative measure. If, at the expiration of the said thirty days the city council or the school committee has not voted on such petition, no other business of said council or committee shall be in order or lawfully acted upon until a vote to approve of the measure, to disapprove of the measure, or to adopt some other measure in lieu thereof, has been taken.*
(d) Supplementary Petitions - Within forty-five days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the clerk of the council or the secretary of the school committee. The supplemental initiative petition shall be signed by a number of additional voters which is equal to five percent of the total number of voters as of the date of

the most recent city election. If the number of signatures to such supplemental petition is found to be sufficient by the board of election commissioners, the city council shall call a special election to be held on a date fixed by it not less than thirty nor more than forty-five days following the date of the certificate of the board of election commissioners that a sufficient number of voters have signed the supplemental initiative petition, and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other city election is to be held within one- hundred-twenty days following the date of the said certificate, the city council may omit the calling of such special election and cause said question to appear on the election ballot at such approaching election for determination by the voters.

(e) Publication - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than seven nor more than fourteen days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the board of election commissioners.

(f) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

> *Shall the following measure which was proposed by voters in an initiative petition take effect?*
>
> *(Here insert the full text of the proposed measure, or a fair, concise summary, as determined and prepared by the city attorney, in consultation with the city clerk.)*
>
> *YES _____ NO _____*
>
> *Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure; provided, however, that no such measure shall be deemed to be adopted if fewer than twenty percent of the total number of voters of the city, as of the date of the most recent city election, participate at such election.*

Decision points for the committee regarding Citizen Initiative:
- Is the Committee interested in including a voter initiative provision in the charter?
- What initial threshold of votes should be required to start the process?
- How many signatures should be required to require a ballot initiative?
- Should there be a higher number required for a special election?
- Should there be a minimum number of voters participating in order to pass a measure?

IV.   Referenda

Referendum is established by charters to provide a mechanism by which voters may override or veto an act of the council or other municipal body. Like initiatives, the required number of signatures and methods of calculation vary widely. Some signature thresholds are set based upon the total number of registered voters while others are based upon the number that voted in the last election.

Current state law:
Pursuant to Mass. General Law, Ch. 43, Sec. 42, within 20 days of the passage of a measure, a petition by 12 percent of registered voters may suspend a measure from taking effect and place it on the ballot at a special election or a local election within 30 days. This law has a faster track than for citizen initiatives.

Sample Referendum language:

Sec. 8-3. Citizen referendum procedures.

(a) *Petition, effect on final vote. If, within twenty-one days following the date on which the city council or the school committee has voted finally to approve of any measure, a petition signed by a number of voters equal to at least twelve per cent of the total number of voters as of the date of the most recent regular city election and addressed to the city council or to the school committee as the case may be, protesting against the measure or any part of it is filed with the secretary of the school committee or city clerk, the effective date of such measure shall be temporarily suspended. The school committee or the city council shall reconsider its vote on the measure or part of it at a special meeting, or at its next regularly scheduled meeting, whichever comes first, and if the measure or part of it is not rescinded, the city council shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular city election. Pending this submission and determination, the effect of the measure shall continue to be suspended.*

(b) *Certain initiative provisions to apply. The petition described in this section shall be termed a referendum petition and the applicable provisions of section 8-2 as they relate to the filing and certification of signatures shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" and the word "referendum" shall be deemed to replace the word "initiative". The measure or part protested against shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part protested against at the election.*

Northampton:

SECTION 9-2. CITIZEN REFERENDUM PROCEDURES

(a) Petition, Effect on Final Vote - If, within 21 days following the date on which the city council or the school committee has voted finally to approve any measure, a petition signed by a number of voters equal to at least 15 per cent of the total number of voters as of the date of the most recent regular city election and addressed to the city council or to the school committee, protesting against the measure or any part of it is filed with the secretary of the school committee or city clerk, the effective date of that measure shall be temporarily suspended. The school committee or the city council shall immediately reconsider its vote on the measure or part of it and, if the measure is not rescinded, the city council shall provide for the submission of the question for a determination by the voters either at a special election, which it may call at its convenience, within such time as may be requested by the school committee or at the next regular city election; provided, however, that pending this submission and determination, the effect of the measure shall continue to be suspended.

(b) Certain Initiative Provisions to Apply - The petition described in this section shall be termed a referendum petition and section 9-1, as the section relates to the filing and certification of signatures, shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" and the word "referendum" shall be deemed to replace the word "initiative". Subject to section 9-4, the measure or part thereof protested against shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part thereof protested against at the election.

Decision points for the committee regarding referenda:
- Is the Committee interested in including a referendum provision in the charter?
- How many signatures should be required to require a ballot referendum?
- Should there be a minimum number of voters participating in the election to approve a measure?

V.   Additional provisions

Charter articles containing resident relief mechanisms should also include, at a minimum, information about items ineligible for resident petitions and an acknowledgement that if two conflicting measures are included on the ballot, the ballot question with the most votes prevails. Some cities also include a threshold minimum number of voters who must cast votes for the petition to pass and a mechanism for the council to submit matters for a vote.

Sample charter language:

Newburyport:

Sec. 8-4 Ineligible measures.

None of the following shall be subject to the free petition, initiative or the referendum procedures:

(1) Proceedings relating to the internal organization or operation of the city council or of the committee;
(2) An emergency measure adopted under the charter;
(3) The city budget or the school committee budget as a whole;
(4) Any appropriation for the payment of the city's debt or debt service;
(5) An appropriation of funds to implement a collective bargaining agreement;
(6) Proceedings relating to the appointment, removal, discharge, employment, promotion, demotion, or other personnel action;
(7) Any proceedings providing for the submission or referral to the voters at an election; and
(8) Memorial resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.

Sec. 8-5 Required voter participation
For any measure to be effective under initiative procedure and for any measure to be declared null and void under any referendum procedure, at least thirty percent of the voters as of the most recent regular city election must vote at an election that includes on the ballot submission of one or more initiative or referendum questions to the voters.

Sec. 8-6. Submission of other matters to voters.
The city council may of its own motion, and shall, at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular city election for adoption or rejection any measure in the same manner and with the same force and effect as are hereby provided for submission by petitions of voters.

Sec. 8-7 Conflicting Provisions.
If 2 or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.

Decision points for the committee regarding additional provisions:
- Should there be express exceptions to resident participation provisions?
- Should the Council be permitted to submit matters to a ballot on its own initiative?
- Should there be a minimum number of voters participating in the election to approve a measure? Should this decision vary by mechanism or be consistent across all mechanisms?

VI.   Additional Considerations for Discussion

While these procedures are rarely used in practice, these procedures should fit within the Commonwealth's overall philosophy on initiative and referendum mechanisms. Some overarching considerations may include the following:

- The procedures should require a fairly arduous undertaking in order to demonstrate a reasonable measure of voter support.
- Collecting a relatively small number of signatures initially to bring to the city attorney's office is preferable to collecting 10 percent of voter signatures before learning that the attorney does not find the matter can be brought to the voters.
- Keep in mind that these articles are more technical and prescriptive than most charter articles. The language is focused exclusively on procedures, timelines, and actors. Because these procedures are so rarely used, there is a need for a highly detailed and procedural approach.
- Attachment A includes a sampling of signature thresholds for comparison purposes.

Chelsea
Free Petitions: 150 or more voters.
Citizen Initiatives: 20 percent of total number of voters for special election.
Citizen Referendum: 5 percent for regular or discretionary special election.
Council initiated submissions: Permitted.
Required Voter Participation: "At least 30 percent of the voters shall vote at an election upon which an initiative or referendum question is submitted to the voters."

Framingham
Free Petitions: 100 voters or more.
Citizen Initiative: Initially, 500 voters with 25 from each district. Then, after city attorney review, must be signed by at least 10 percent of total registered voters as of the most recent municipal election. If the council rejects petition, supplemental petition signed by additional 3% of registered voters (total 13%) is required before being placed on the ballot in a special election.
Citizen Referendum: 10% of total number of registered voters as of most recent municipal election.
Council initiated submissions: Permitted.
Required Voter Participation: None

Newburyport
Free Petitions: 100 or more voters.
Citizen Initiatives: Initially, 250 voters, at least 25 from each ward. Then, at least 10% of the total number of voters as of the date of the most recent regular city election. Then, a supplemental initiative signed by at least 5 percent of the total number of voters as of the date of the most recent city election (total 15%).
Citizen Referendum: 12% of the total number of voters as of the date of the most recent regular city election.
Council initiated submissions: Permitted.
Required Voter Participation: "at least thirty percent of the voters as of the most recent regular city election must vote at an election that includes" the ballot measure.

Newton
Free Petitions: 50 voters
Citizen Initiatives: Initially, 50 voters. Then, "ten per cent of the total number of voters registered to vote at the most recent preceding regular city election." Supplemental petition signed by at least 5 percent of total number of voters.
Citizen Referendum: At least 5% of the total number of voters registered to vote at most recent regular city election.
Council initiated submissions: Not specified.

Required Voter Participation: Passed if "if a majority of the persons voting on the question so vote."

Northampton
Free Petitions: Not specified

Citizen Initiatives: Initially 250 voters. Then, at least 10 percent of the total number of registered voters as of the date of the most recent city election. Supplemental petition signed by at least 5 percent of registered voters (total 15%).

Citizen Referendum: 15% of the total number of voters as of the date of the most recent regular city election.

Council initiated submissions: Permitted.

Required Voter Participation: "at least 20 per cent of the voters as of the most recent regular city election must vote at an election that includes" the initiative or referendum.

Watertown
Free Petitions: 150 voters.

Citizen Initiatives: Initially, "at least ten percent of the total number of voters as of the date of the most recent city election." Supplemental petition with at least 5 percent of voters.

Citizen Referendum: 15% of total number of voters as of the date of the most recent regular city election.

Council initiated submissions: Permitted.

Required Voter Participation: For initiative, at least 20 percent of voters must participate at the election.

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UNIVERSITY OF MASSACHUSETTS BOSTON

UMASS
BOSTON

TO: **Cambridge Charter Review Committee**
FROM: **The Collins Center Charter Project Team**
DATE: **August 28, 2023**
RE: **Draft Language Regarding Tracking of Council Measures**

_____

ARTICLE 3: EXECUTIVE BRANCH
SECTION 3-2 POWERS AND DUTIES.

[Current Working Draft] The city manager shall be the chief executive officer of the city and shall be responsible to the city council for the proper administration of all city affairs placed under the city manager's charge by or under the charter. The city manager shall be responsible for implementation of policies established by the city council, as reflected in the city council's votes and resolutions and in ordinances, appropriation orders, and loan authorizations.
The powers and duties of the city manager shall include, but are not intended to be limited to, the following:

c) Ensure that all the provisions of the General Laws, the city charter, city ordinances, and other votes of the city council that require enforcement by the manager or by officers or employees subject to the manager's supervision are faithfully carried out and enforced.

[New language] Be responsible for the establishment and maintenance of a centralized public tracking tool   to provide city residents with information about: 1) proposed and   enacted council ordinances, and council approved policy orders; 2) status of proposed council measures, including policy orders; and 3) the status of actions taken by the executive branch to implement measures that have been approved by city council.

ARTICLE 10: TRANSITION PROVISIONS

[New language] Within 18 months of the effective date of this charter, the city manager in consultation with the city council and city clerk, will complete a study of the use of technology to categorize and track council measures, including policy orders, for the purpose of providing information to the public about the status of votes and implementation of council orders by the executive branch pursuant to Section 3-2 (c). The information shall be made available on the city website as soon as practicable.

Revised Draft: City Council Goals, City Council Budget Priorities & City Manager Review

A. City Council Goals

SECTION 2-3 PRESIDENT/CHAIR MAYOR AND VICE PRESIDENT/VICE CHAIR/VICE MAYOR, ELECTION; TERM; POWERS

iv. Goal-Setting – The council president/chair/mayor shall coordinate, with the council, the development and prioritization of both short- and long-term council goals to support a strategic vision for the city, as provided for in section [2-12] at the beginning of each council term.

SECTION. 2-12 GOAL SETTING
(a) At the beginning of each council term, withing the first six months, the council shall develop council goals for the upcoming term, in consideration of the strategic needs and vision of the city.
(b) The council shall seek input from the city manager, department heads, multi-member bodies and the public in the development of council goals.
(c) The council shall consider intercity and regional issues in development and prioritization of council goals and strategic vision.
(d) The council may develop both short- and long-term goals. To the extent practicable, goals shall be measurable and include timelines for implementation.
(e) The council shall establish a broad public engagement process to incorporate public input into development of council goals. This shall include at least two public hearings at which public comment is accepted and such additional outreach efforts as the councils deems appropriate. The goal-setting and public engagement process under this section shall be publicized via multiple media avenues available to the city, including on its website, social media pages, and through direct electronic communications. The council shall also review the results of any city-wide surveys or other public engagement tools undertaken in the prior term.
(f) The council shall publish its goals for the term in multiple media avenues available to the city, including on its website, social media pages, and through direct electronic communications.
(g) The council shall establish a public method of tracking progress in meeting the established goals.

SECTION 3-1 CITY MANAGER APPOINTMENT; QUALIFICATIONS AND ELIGIBILILY; TERM OF OFFICE; COMPENSATION; EVALUTATION; GOAL-SETTING
(f) Goal-setting – The city council and city manager shall collaboratively develop and prioritize goals for the city manager that shall be used to measure the city manager's performance during the evaluation process and to provide guidance to the city manager. These city manager goals shall take into account the council's goal set pursuant to Section [2-12].

B. **Budget Priorities**

ARTICLE 5 SECTION __: BUDGETARY PRIORITIES

The president/chair/mayor of the council shall call a meeting of the council prior to the commencement of the budget process, but not later than October 30, to review the financial condition of the city, revenue and expenditure forecasts, and other information relevant to the budget process. The president/chair/mayor also shall invite the city's state legislative delegation, representatives of the school committee and other relevant stakeholders to attend this meeting.

Prior to the end of the calendar year, the city council shall develop and publish budgetary priorities that take into consideration the council goals created pursuant to Section 2-12, with input from the city manager and the community. There shall be broad public engagement in diverse formats with opportunities for the public to provide input, including at least one public hearing. The budget developed by the city manager will outline how the proposed budget is consistent with the council's budgetary priorities.

C. **City Manager Annual Review**

SECTION 3-1 CITY MANAGER APPOINTMENT; QUALIFICATIONS AND ELIGIBILILY; TERM OF OFFICE; COMPENSATION; EVALUTATION; GOAL-SETTING

(e) Evaluation – Annually the city council shall prepare and deliver to the city manager a written review of the city manager's performance in a manner provided by ordinance. This review shall include specific metrics related to council goals outlined in Section [2-12]. The council shall provide opportunities for public participation throughout the review process.