Testimony from:
Deb Otis

In OPPOSITION to SB 63
March 25, 2025
Ohio Senate General Government Committee

Chair Roegner and Members of the Committee,

I am writing to express FairVote Action's opposition to SB 63, which bans RCV from being used in any state elections in Ohio and withholds state funds from any city or county that uses RCV in their local elections.

FairVote Action is a national nonpartisan organization that educates and advocates for electoral reforms that improve our elections. We are seen as a leading national resource on ranked choice voting (RCV). I am the Director of Policy and Research for FairVote Action and, as part of my job, I study the impacts of RCV in the places that use it.

RCV has had a valuable impact in the cities, counties, and states where it has been used, ensuring elections are fairer and delivering outcomes that are more representative of the will of the voters. Further, RCV has: (1) helped parties nominate more viable candidates who bring their party together; (2) offered voters more choices on their ballots; and (3) promoted more positive, issues-focused campaigns.

RCV is not currently used in any elections at any level in Ohio. But SB 63 would deny voters the opportunity to make up their own minds about RCV and its potential benefits for their and statewide elections. Furthermore, this bill would undermine the power Ohio localities have to decide their own election policies by giving them an unlivable choice: better elections with no state funding, or worse elections with state funding.

Approximately 14 million voters in 51 jurisdictions across the United States use RCV. It is an increasingly popular, party-neutral electoral reform with a long list of successes including:

- The Virginia Republican Party used RCV in 2021 to nominate candidates for statewide office and went on to sweep the offices of governor, lieutenant governor, and attorney general. They also used RCV in 2022 to nominate four congressional candidates, and in 2023 to nominate a state delegate candidate.
- In 2024, the U.S. Virgin Islands Republican Party used RCV in its presidential caucus, and voters in Maine used RCV ballots in presidential primaries for both parties.
- Legislatures in 14 states have passed RCV bills since 2020, including "local options" legislation that allows municipalities in Utah, Virginia, Maine, and Colorado to use RCV. Approximately a dozen Utah cities use RCV for their municipal elections.
- Voters have approved RCV ballot measures in 31 of the last 32 cities to vote on it.
- Alaska became the first state to elect its governor, state legislature, and federal offices using a combination of RCV and nonpartisan primary elections. A majority of Alaska voters said that ranking candidates was easy.

In RCV elections, voters have the option to rank candidates in order of preference: first, second, third, and so on. If a candidate receives more than half of the first choices, they win, just like any other election. If not, the candidate with the fewest votes is eliminated, and

voters who picked that candidate as "number 1" will have their votes count for their next choice. This process continues until one candidate wins a majority over their final opponent.

RCV offers voters greater choice, creating space for both voters and candidates to express a wide range of views. Voters may rank as many or as few candidates as they like but, in practice, most voters choose to use multiple rankings in order to express their full preferences. A median of 68% of voters choose to rank multiple candidates.[1] In highly competitive or highly publicized elections, the rate is even higher.

Voters like and understand RCV. Exit polling results find that voters in RCV cities overwhelmingly report that they like RCV and prefer it to their previous voting method.[2] Exit polling in Utah found that 81% of first-time RCV voters found RCV easy to use and 88% were satisfied with the method they used to cast their ballot.[3] In Alaska, 92%[4] of voters said they received instructions on how to rank their choices and 84% said RCV was "simple."[5] A 2023 Citizen Data poll found that over 60% of both Republicans and Democrats would support ranking candidates in a presidential primary.[6]

Voters understand RCV at the same level as traditional plurality voting.[7] Researchers have found no evidence of racial or ethnic differences in understanding of RCV.[8] Voter support for RCV tends to increase over time, as voters get more chances to use it.[9]

Most RCV winners are ranked among the top 3 choices by two-thirds of voters or more.[10] This demonstrates a measure of broad consensus among voters. Winners of RCV races usually earn the most first choices as well. When the winner is someone other than the leader in first-choice preferences, RCV has prevented an unfair outcome due to the majority splitting the vote.

By allowing voters to make backup choices, RCV addresses the problems of vote-splitting and "spoiler" candidates that sometimes result in candidates winning without the support of a majority. In our current system, a majority of voters may support a particular ideology or party, but split their votes among multiple candidates – allowing a candidate to win with a minority of the vote.

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[1] Research and Data on RCV in Practice. FairVote. (2024).
https://www.fairvote.org/data_on_rcv#research_ballotuse
[2] FairVote. 2024. Exit Surveys: Voters Love Ranked Choice Voting.
https://fairvote.org/report/exit-surveys-report-2024/
[3] Survey shows positive response to ranked choice voting. The Daily Herald. (2021).
https://www.heraldextra.com/news/local/2021/nov/18/survey-shows-ranked-choice-voting-got-positive-response-in-pilot-test/
[4] Alaska Exit Poll Results – New Election System. Patinkin Research Strategies. (2022).
https://alaskansforbetterelections.com/wp-content/uploads/2022/11/Patinkin_Alaska_Exit_Poll.pdf
[5] Exit Polling Shows Alaskans Found Ranked Choice Voting Simple. Alaskans for Better Elections. (2024).
https://www.alaskansforbetterelections.com/exit-polling-shows-alaskans-found-ranked-choice-voting-simple/
[6] Citizen Data April 2023 Omnibus Survey Toplines. (2023)
https://fairvote.app.box.com/s/gyn9x6gr6zh0g554o4rt7vomc0onmrgg
[7] 2014 Eagleton Poll California RCV Survey Results. FairVote. (2021).
https://www.fairvote.org/2014-survey-results.
[8] Self-Reported Understanding of Ranked-Choice Voting. Donovan, T., Tolbert, C. and Gracey, K. (2019), Social Science Quarterly, 100: 1768-1776. https://doi.org/10.1111/ssqu.12651.
[9] The 2017 Municipal Election: An Analysis & Recommendations. Minneapolis City Council. (2018).
https://lims.minneapolismn.gov/Download/RCAV2/4684/2017-Municipal-Election-Report.pdf
[10] Data on Ranked Choice Voting. FairVote. (2024).
https://www.fairvote.org/data_on_rcv#research_ballotuse

For example, the presence of Libertarian and third-party candidates has decided recent U.S. Senate elections in Michigan, Nevada, New Hampshire, and Montana.[11,12,13,14] In RCV elections, voters could rank the Libertarian candidate 1st and then rank either the Republican or Democratic candidate as their 2nd choice. Their votes would not be "wasted" or change the outcome of the race. Instead, they would count for a backup-choice candidate who best represents their values, rather than accidentally helping elect someone who *least* represents them.

Research shows that RCV also incentivizes more positive, issue-focused campaigning because candidates need to reach beyond a single base of voters. Sometimes, this means appealing to be the second or third choice of voters who support a different candidate as their first choice. Issue-focused campaigning is more effective than negative campaigning in RCV elections. Studies have found that in RCV cities, candidates use more positive language in debates,[15] voters perceive less negativity[16,17] and newspaper articles are more positive.[18]

This type of campaigning is particularly effective in helping parties produce strong nominees. The Republican Party of Virginia used RCV in 2021 to nominate candidates for governor, lieutenant governor, and attorney general. Each nominee consolidated support during the RCV count and eventually prevailed with a majority.[19]

All three nominees went on to win the general election in November, the first time Republicans won any statewide office in Virginia since 2009. Additionally, Virginia Republicans used RCV to nominate four congressional candidates in 2022 and a state delegate candidate in 2023; voters reported more positive primary campaigns, and the only RCV-nominated candidate in a competitive district outperformed expectations.[20, 21] Numerous

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[11] 2024 Michigan Election Results. Michigan Voter Information Center.
https://mvic.sos.state.mi.us/votehistory/Index?type=C&electionDate=11-5-2024
[12] Silver State General Election Results 2022. Nevada Secretary of State.
https://www.nvsos.gov/silverstate2022gen/USSenate/
[13] 2016 General Election Results. New Hampshire Secretary of State.
https://www.sos.nh.gov/elections/2016-election-results/2016-general-election-results
[14] 2012 Statewide General Election Canvass. Montana Secretary of State.
https://sosmt.gov/wp-content/uploads/attachments/2012_General_Canvass.pdf?dt=1480457264103&dt=1480523087997&dt=1483636395345&dt=1484090685147&dt=1484090818653&dt=1484091059850&dt=1484092785123&dt=1484668556665&dt=1484676687552&dt=1485286813335&dt=1485286979901&dt=1491412807839&dt=1494348815885&dt=1494348873534&dt=1497553987845&dt=1497555053569&dt=1497555121034&dt=1497555299184&dt=1497892315130&dt=1519325848767
[15] Effect of Instant Run-off Voting on Participation and Civility. McGinn, E. (2020).
http://eamonmcginn.com.s3-website-ap-southeast-2.amazonaws.com/papers/IRV_in_Minneapolis.pdf
[16] Socioeconomic and Demographic Perspectives on Ranked Choice Voting in the Bay Area. John, S. & Tolbert, C. (2015). https://fairvote.app.box.com/v/perspectives-on-rcv-bay-area
[17] Santa Fe Voters Support Ranked Choice Voting and Have High Confidence in City Elections.FairVote. (2018). https://fairvote.app.box.com/v/SantaFeExitReport
[18] Using Campaign Communications to Analyze Civility in Ranked Choice Voting Elections. Kropf, M. (2021). https://www.cogitatiopress.com/politicsandgovernance/article/view/4293
[19] Ranked Choice Results and Analysis from Virginia Republican Convention. FairVote. (2021).
https://www.fairvote.org/va_gop_results
[20] Measuring the Effects of Ranked Choice Voting in Republican Primaries. Center for Campaign Innovation. (2022).
https://campaigninnovation.org/research/measuring-the-effects-of-ranked-choice-voting-in-republican-primaries
[21] Parties, your non-majority nominees are failing. RCV can help. Hutchinson, R. (2022)
https://fairvote.org/parties-your-non-majority-nominees-are-failing-rcv-can-help/

Virginia Republicans have attributed the success of their candidates to the use of RCV for their convention.[22,23]

Republicans are also starting to use RCV in presidential primaries. In 2024, the U.S. Virgin Islands and Maine became the first states and territories to use RCV ballots in their Republican presidential primaries.

One of the most powerful benefits of RCV is that it ensures candidates must earn majority support from voters to win, without the need for costly and low-turnout two-round systems – in runoff elections, for example, turnout drops by a median of 41%.[24] This is why RCV has also been called "instant runoff voting." In RCV elections, if a voter's first-choice candidate can't win, their vote counts for their next choice without the need to return to the polls.

RCV can also protect the votes of military and overseas voters in runoff elections, like those used in Dayton, OH. Instead of asking service members to return an absentee ballot in a short runoff window, seven states currently use or allow RCV for these voters (Alabama, Arkansas, Georgia, Illinois, Louisiana, Mississippi and South Carolina). In those states, military and overseas voters are allowed to rank their ballots rather than vote in two separate elections; in case of a runoff, their vote counts for their highest-ranked candidate who makes the runoff.

As more jurisdictions have adopted RCV, there is a clear set of best practices and extensive support available to   election administrators. In most cities using RCV, preliminary results are produced on election night or the day after – the same timeline as single-choice elections.[25,26]

We understand there have been questions about a 2022 election administration error in an RCV race in Oakland, CA, which was the result of human error, and not specific to RCV. The Alameda County registrar of voters selected the wrong setting (i.e. checked the wrong box) on their RCV software relating to write-in ballots.[27] In one school board race with a very narrow margin, this led to the incorrect winner being announced. The cause of this error was human, not a software error. Once the right setting was chosen, the accurate results were generated with a push of a button.

This error was discovered within one day of the election's Cast Vote Record – an anonymized digital record of ballots cast – being released. Many other jurisdictions that use RCV release their cast vote record on the same timeline as election results, and this is considered a best

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[22] Lessons Learned: The Strategy and Rationale Behind the 2021 Convention and Why It Worked. The American Spectator. (2021). https://spectator.org/lessons-learned-the-strategy-and-rationale-behind-the-2021-convention-and-why-it-worked/

[23] Ranked choice voting helped elect Youngkin governor. Virginian-Pilot. (2021) https://www.pilotonline.com/opinion/columns/vp-ed-column-kathawalla-1215-20211214-az2rrrsv6ffqdef5hpltbel3iq-story.html

[24] Primary Runoff Elections and Decline in Voter Turnout, 1994-2024. Fitzgerald, B. and Hutchinson, R. (2024) https://fairvote.org/report/low-turnout-and-high-cost-in-primary-runoffs-1994-2024/

[25] Additional resources on RCV implementation are available from the Ranked Choice Voting Resource Center at www.RCVReources.org.

[26] Ranked Choice Voting in Practice: Implementation Considerations for Policymakers. NCSL. (2022). https://www.ncsl.org/elections-and-campaigns/ranked-choice-voting-in-practice-implementation-considerations-for-policymakers

[27] Borenstein: Oakland school trustee seated even though he probably lost election. The Mercury News (2023). https://www.mercurynews.com/2023/01/12/borenstein-oakland-school-trustee-seated-even-though-he-probably-lost-election/

practice. The Alameda County registrar delayed releasing the results, and this is the only reason why the 2022 Oakland error was not identified sooner.

Of course, human error is far from unique to ranked choice voting systems. In Oakland alone, the city clerk and county registrar made several errors in 2022 and 2023 – including announcing the wrong district lines for a school board election, which resulted in all of the candidates being disqualified.[28] Across the country in New Jersey, election administrators made almost the same exact mistake in a plurality school board race.[29]

RCV has had a long history of success in California's Bay Area. Oakland has elected its first three women mayors using RCV, and voter participation has increased 50% due to RCV replacing two-round elections.[30,31] Voter satisfaction with RCV in Oakland and across California's Bay Area remains high; 77% of Oakland voters say they are satisfied with RCV.[32]

RCV's record of success in practice has made it an increasingly popular election method. Recommended by Robert's Rules of Order and used in hundreds of private association elections, RCV is fully constitutional, having been twice upheld in federal courts, including in the Ninth Circuit Court of Appeals in 2011 and in federal district courts in Maine in 2018 and 2020.

Despite this record of success, SB 63 would prohibit RCV in Ohio's state elections and financially punish cities and counties who may decide RCV can give their voters greater choice and deliver majority winners in their municipal elections. I hope you will oppose SB 63.

FairVote Action is available to answer any other questions from the committee or provide additional data. FairVote Action can also advise the legislature as it deems fit and be a resource for RCV implementation. You can reach me at dotis@fairvoteaction.org and my colleagues at info@fairvoteaction.org.

Thank you for the opportunity to testify.

Sincerely,

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[28] Borenstein: Oakland school board election in chaos after city clerk's error leaves no eligible candidates. The Mercury News. (2023). https://www.mercurynews.com/2023/08/16/borenstein-oakland-used-wrong-boundaries-for-key-school-board-election/

[29] A voting system error in New Jersey could flip the outcome of a local school board race. CNN. (2023). https://www.cnn.com/2023/01/18/politics/new-jersey-school-board-voting-machine/index.html

[30] General Election November 7, 2006 Summary Report. Alameda County Registrar of Voters. (2006). https://acvote.alamedacountyca.gov/acvote-assets/pdf/elections/2006/11072006/results/november-7-2006-summary-results-report.pdf

[31] Ranked Choice Voting Results: General Election - 11/08/2022. Alameda County Registrar of Voters. (2022). https://www.alamedacountyca.gov/rovresults/rcv/248/rcvresults.htm?race=Oakland%2F001-Mayor

[32] Poll shows Bay Area voters like ranked choice voting and are interested in proportional representation. FairVote. (2025). https://fairvote.org/poll-shows-bay-area-voters-like-ranked-choice-voting-and-are-interested-in-proportional-representation/