RANKED CHOICE
VOTING FOR LONGMONT

Incorporating Ranked Choice Voting into Longmont Municipal Elections

Introduction

Incorporating ranked choice voting (RCV) into Longmont's municipal elections has the potential to allow voters to better express themselves at the ballot box, improve our city elections, and make our municipal government more reflective of voter preferences. This is because the voting methods currently used in the City's municipal elections, pick-one plurality voting and vote-for-N plurality voting, can easily lead to unrepresentative election results through the spoiler effect and majority capture.

Colorado law currently authorizes municipalities to use two forms of RCV in their municipal elections: **single-winner RCV** and **multi-winner RCV**.[1] Both forms of RCV allow voters to rank the candidates for a given office or offices in the order of their preference, and then election officials use these rankings to allocate voters' votes and determine one or more winners. As their names suggest, single-winner RCV is used in elections where one winner is chosen, and multi-winner RCV is used in elections to choose two or more winners on a single ranked ballot.

For the reasons discussed below, Ranked Choice Voting for Longmont recommends that Longmont adopt a charter amendment providing for the use of RCV to elect all seven members of its City Council. Ranked Choice Voting for Longmont prefers using single-winner RCV to elect Longmont's mayor and multi-winner, proportional RCV for other municipal contests.

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[1] Colo. Rev. Stat. § 31-10-617. Single-winner and multi-winner RCV (referred to in statute as **instant runoff voting ("IRV")** and **the single transferable vote** method **("STV")**, respectively) are defined in Colo. Rev. Stat. § 1-7-1003. Further rules with respect to the tabulation and administration of elections conducted under RCV have been promulgated by the Colorado Secretary of State at Rule 26 of 8 Code Colo. Regs. § 1505-1.

How Does Longmont Currently Elect its Councilmembers?

Longmont's seven councilmembers consist of one mayor elected from the city at-large, three councilmembers also elected from the city at-large, and three councilmembers elected from one of three single-member districts, known as wards.

Elections are held in November of odd-numbered years. The mayor is elected at each city election for a two-year term. Each other councilmember is elected at every other city election for staggered, four-year terms. The councilmembers (excluding the mayor) elected at each election alternate between (1) the councilmember representing Ward Two and two at-large councilmembers and (2) the councilmembers representing Wards One and Three and one at-large councilmember.

Election Cycle 1	Election Cycle 2
Mayor	Mayor
Ward 2	Ward 1
At-Large	Ward 3
At-Large	At-Large

Longmont's current election cycles.

Longmont uses pick-one plurality voting in each of its elections, except when two of its at-large councilmembers are elected simultaneously, in which case it uses vote-for-2 plurality voting.

Problems with Current Voting Methods Used in Longmont Elections

The Spoiler Effect: The spoiler effect is an undesirable electoral phenomenon—primarily **affecting pick-one plurality elections**—where a losing candidate affects the results of a race simply

by running. Often, this results in two or more similarly-aligned candidates preferred by a majority of voters "splitting the vote" between them, allowing a different candidate preferred only by a minority of voters to prevail.

Arguably the most famous example of the spoiler effect occurred in the 2000 presidential election in Florida, where Green Party nominee Ralph Nader cost Democratic Party nominee Al Gore victory by winning almost 100,000 votes that likely would have otherwise been cast for Gore had Nader not been in the race.

Two practical consequences of the spoiler effect are the incentives to be strategic when casting a ballot and running for office. In plurality elections, voters often feel a pressure to cast their ballots for one of a few candidates broadly perceived to be electorally viable for fear of the spoiler effect. This is often referred to as **voting "for the lesser of two evils."** Potential candidates for office also experience a related pressure not to run if their candidacy has the potential to result in vote splitting and therefore cost another, similarly-aligned candidate victory.


The spoiler effect visualised.

Majority Capture: Majority capture is another undesirable electoral phenomenon—this time primarily **affecting vote-for-N plurality elections**—where a group of candidates preferred by a majority (or even just a plurality)[2] of voters can win the vast majority or even all of the seats up for

election. Majority capture prevents voters of minority groups (ideological, demographic, etc.) from having meaningful representation on multi-member elected bodies whose members are chosen using vote-for-N plurality voting.
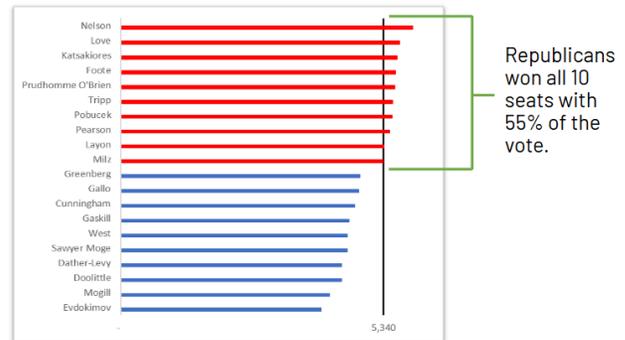
Majority capture in action in Derry, New Hampshire's vote-for-10 election.

Majority capture very frequently results in protected class voters who constitute an electoral minority in a given jurisdiction being deprived of meaningful representation on elected bodies.[3] In enacting its 1982 amendments to the federal Voting Rights Act (VRA), Congress recognized the discriminatory effect of vote-for-N plurality elections as one of the reasons for creating a clear standard to evaluate claims of protected class vote dilution.[4] **Vote-for-N plurality elections can now very easily be violations of the federal VRA in elections where voting is polarized along protected class lines.**[5]

Because of the spoiler effect and majority capture, elections held under pick-one and vote-for-N plurality voting methods can often produce unrepresentative and even discriminatory results. Relatedly, they can distort the incentive to vote for one's genuinely preferred candidates or run for office expressing one's genuinely held political preferences. Fortunately, certain forms of RCV can be

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[2] For the purposes of this brief, **majority** means greater than 50% and **plurality** means more than any other group, but less than a majority.

[3] *See generally* Berry, Barbara and Thomas Rye. "The Discriminatory Effects of At-Large Elections." *Florida State University Law Review* (1979).
[4] SENATE COMM. ON THE JUDICIARY, REPORT ON S. 1992, S. REP. NO. 417, 97th Cong., 2d Sess.
[5] *See, e.g., Brown v. Board of Comm'rs of the City of Chattanooga*, 722 F. Supp. 380 (E.D. Tenn. 1989); *Montes v. City of Yakima*, 40 F. Supp. 3d 1377 (E.D. Wash. 2014).

implemented to mitigate these undesirable electoral outcomes.

Benefits of Single-Winner RCV[6]

The primary benefit that single-winner RCV enjoys over pick-one plurality voting is the **elimination of the spoiler effect and, relatedly, the incentive to vote and run for office strategically.** RCV prevents the spoiler effect by allowing voters to express, through their rankings, who they would like their vote to count for if their first-choice candidate cannot be elected, and then uses this information during tabulation to find a winner broadly acceptable to most voters. Because RCV prevents the spoiler effect, it also encourages voters to express their genuine preferences on their ballots and makes sure candidates can run for office freely without acting or being perceived as "spoilers."

Benefits of Multi-Winner RCV[7]

Multi-winner RCV is a proportional voting method, designed to deliver proportional representation (PR).[8] As a form of PR, multi-winner RCV prevents majority capture from occurring in a multi-winner election.

PR refers to a family of voting methods that ensure ideological and demographic subgroups of an electorate are proportionally represented in a multi-member elected body (i.e. if Party A wins 30% of the votes in a given election, they can expect to win ~30% of the seats on a council, board, or legislature elected under PR).

PR is a foundational value of American democracy. Writing in 1776, founding father John Adams identified PR as an important attribute for the House of Representatives, arguing that "the greatest care should be employed" in determining the method used to constitute any legislative body:

> [The representative assembly] should be in miniature, ***an exact portrait of the people at large***. It should think, feel, reason, and act like them.[9]

PR elections enable voters from both the majority and any sizable minority electoral bloc to elect candidates of their choosing. In the context of multi-winner RCV, the degree of proportionality is a function of **district magnitude**, or the number of winners chosen on the same ranked ballot. As district magnitude increases, the results become more reflective of the electorate. **To achieve an appropriate degree of proportionality in multi-winner RCV elections, experts recommend electing between three and seven winners.**

Multi-winner RCV also maximizes the electoral strength of protected classes.[10] At sufficiently high district magnitudes, members of a protected class can elect representatives of choice on the basis of their own electoral strength and without relying on other groups of voters.

Furthermore, **the traditional strategy for addressing protected class vote dilution—drawing single-member "opportunity districts" where members of the protected classes constitute a majority or plurality of the electorate—can prevent protected class groups evenly dispersed throughout a jurisdiction from electing representatives of choice** because drawing such opportunity districts in these cases can be logistically challenging or even impossible. For example, in a three-winner RCV election, the roughly quarter of Longmont's electorate identifying as Latino/Hispanic could reliably elect a representative of choice on the basis of their own electoral strength, even though it is impossible to draw a ward where Longmont's Latino/Hispanic community would constitute a majority of the electorate. Multi-winner RCV is so effective at equalizing the representation and voting strength of protected classes that it has been recognized as a remedy to protected class vote

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[6] *See generally* Lewyn, Michael. "Two Cheers for Instant Runoff Voting." *Phoenix Law Review* (2012).
[7] *See generally* Tideman, Nicolaus. "The Single Transferable Vote." *Journal of Economic Perspectives* (1995).
[8] For this reason, the voting method is also sometimes referred to as **proportional ranked choice voting (pRCV)** or **proportional ranked voting (PRV)**.

[9] Adams, John. "Thoughts on Government." (1776).
[10] *See* Carstarphen, Dana R. "The Single Transferable Vote: Achieving the Goals of Section 2 Without Sacrificing the Integration Ideal." *Yale Law and Policy Review* (1991).

dilution claims under Section 2 of the Voting Rights Act of 1965.[11]

Lastly, proportional multi-winner voting methods like multi-winner RCV tend to improve voter satisfaction with elections by increasing rates of **voter success**, or the percentage of voters whose cast ballot helps to elect at least one candidate of choice. Because more voters can be more confident that the ballot they cast will help elect a preferred candidate, **voter turnout also tends to increase in elections held using multi-winner RCV when compared to plurality voting methods.**

Because multi-winner RCV acts as a form of PR while also sharing the benefits of single-winner RCV in negating the spoiler effect and the pressure to cast a vote or run for office strategically, electoral reform experts consider it among the gold standard of voting methods. **For these reasons, Ranked Choice Voting for Longmont prefers it to single-winner RCV, and recommends it as its voting method of choice for use in Longmont municipal elections.**

RCV Tabulation[12]

In RCV elections, voters have the opportunity to rank the candidates for a given office in the order of their preference. RCV elections are counted in successive rounds until all seats have been filled, but voters only need to cast a single ranked ballot. Each ballot counts for the voter's first choice until that candidate is either elected or eliminated. Importantly, the ranked ballot design and associated voter instructions used in single-winner and multi-winner RCV elections are identical.

For Single-Winner Elections: In a single-winner RCV election, the winning threshold is a majority of the active votes. If a candidate has a majority in the first round, they win. If no candidate has a majority in the first round, the candidate with the fewest votes is eliminated, and their voters' votes are redistributed to their next highest-ranked preference. This process

continues until a candidate receives a majority, at which point they are declared the winner.

For Multi-Winner Elections: In a multi-winner RCV election, the winning threshold is a function of the number of winners being elected. Candidates are eliminated and votes are redistributed just like in a single-winner election. Additionally, if a candidate receives more votes than are needed to clear the winning threshold, their extra votes are also redistributed to other candidates in accordance with voters' rankings. This process continues until either the correct number of candidates have reached the winning threshold or only the correct number of candidates remain in the race (i.e. have not been eliminated).
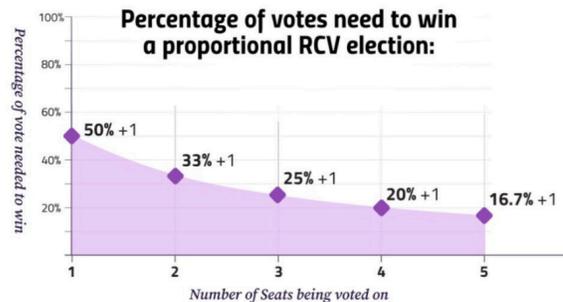
Winning thresholds in multi-winner RCV races are a function of the number of seats to be filled.

Proposed Ranked Electoral Systems for Longmont

Option 1—Multi-Winner RCV, Replacing the Wards: Keep Longmont's seven-member City Council, consisting of a mayor and six additional councilmembers. Elect the mayor using single-winner RCV for two-year terms. Elect the six additional councilmembers using multi-winner RCV for four-year terms in two staggered, three-winner groups.

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[11] *United States v. City of Eastpointe*, No. 4:17-cv-10079 (E.D. Mich. 2019).
[12] The Colorado Secretary of State has promulgated technical rules concerning single-winner and multi-winner RCV tabulation as Rules 26.5 and 26.6 of 8 Code Colo. Regs. § 1505-1.

Election Cycle 1	Election Cycle 2
Mayor	Mayor
At-Large (Group 1)	At-Large (Group 2)
At-Large (Group 1)	At-Large (Group 2)
At-Large (Group 1)	At-Large (Group 2)

Rationale: Because multi-winner RCV acts as a form of PR, mitigating the spoiler effect while making sure that all groups within an electorate have meaningful representation on elected bodies, RCV for Longmont recommends that the city adopt an electoral system that maximizes the use of multi-winner RCV. Option 1 would keep Longmont's seven-member City Council and current practice of electing councilmembers to staggered, four-year terms while maximizing the benefits of multi-winner RCV and creating a more equitable electoral system for Longmont voters.

Option 2—All Ward Seats in One Cycle, All At-Large Seats in the Other: Keep Longmont's seven-member City Council, consisting of a mayor and six additional councilmembers: three elected from the city at-large and three elected from one of three wards. Elect the mayor using single-winner RCV for two-year terms. Elect the three ward councilmembers for four-year terms using single-winner RCV in one cycle, and elect the three at-large councilmembers for four-year terms using multi-winner RCV in the other cycle.

Election Cycle 1	Election Cycle 2
Mayor	Mayor
At-Large	Ward 1
At-Large	Ward 2
At-Large	Ward 3

Rationale: Longmont already has three at-large seats on its City Council that could be consolidated into a three-winner RCV contest, as described above. This change would maximize the benefits of multi-winner RCV for Longmont's existing at-large seats without replacing Longmont's ward councilmembers.

One additional benefit of choosing Option 2 would be to simplify the seats up for election in any given election cycle without changing the current composition of Longmont City Council whatsoever. Some Longmont voters find themselves confused when another area in the city has a ward election on their ballot when they do not. By realigning the ward/at-large stagger so that all ward seats are up in one election cycle and all at-large seats are up in another election cycle, Longmont can prevent unnecessary confusion in its municipal elections.

Option 3—Keeping the Ward/At-Large Stagger as Is: Keep Longmont's seven-member City Council, consisting of a mayor and six additional councilmembers: three elected from the city at-large and three elected from one of three wards. Continue to elect one ward councilmember and two at-large councilmembers in one electoral cycle and two ward councilmembers and one at-large councilmember in the other electoral cycle.

Election Cycle 1	Election Cycle 2
Mayor	Mayor
Ward 2	Ward 1
At-Large	Ward 3
At-Large	At-Large

Rationale: Option 3 would allow for each member of Longmont City Council to be elected using RCV, which would prevent the spoiler effect from affecting future Longmont elections while requiring no additional change to Longmont's electoral system. However, without additional changes to the stagger on which councilmembers are elected, Longmont would not see many (if any) of the additional PR benefits of multi-winner RCV.

Overall Policy Recommendation: Because RCV for Longmont recommends that the use of multi-winner RCV be maximized in Longmont elections, it recommends Option 1. However, if Longmont does not want to consider replacing its ward seats, RCV for Longmont would recommend Option 2 for the same reason. RCV for Longmont would prefer either Option 1 or Option 2 to Option 3. However, because

Option 3 would still address the issue of the spoiler effect and the incentive to vote strategically, it would prefer Option 3 to the status quo.

How Would Longmont Adopt & Implement RCV?

In order to implement any of the proposed ranked electoral systems described above, **Longmont would need to amend its City Charter.** The Longmont City Council can refer charter amendments to the ballot by ordinance, where they then must be approved by a majority vote of the city's electorate.[13]

Colorado municipalities have been explicitly authorized by state law to use single-winner and multi-winner RCV in their elections.[14] Additionally, the voting equipment and software provided by Liberty Vote (formerly Dominion Voting Systems) used by both the Boulder and Weld County Clerk and Recorders to coordinate Longmont elections has built-in compatibility with both voting methods. This legal and logistical feasibility should facilitate a smooth transition to RCV in Longmont municipal elections.

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[13] Colo. Rev. Stat. § 31-2-210.
[14] Colo. Rev. Stat. § 31-10-617.

Appendix: Transition Periods

If Longmont were to move to Options 1 or 2 of the proposed electoral systems described above, it would require a transition period where certain Council seats (the Ward 2 seat currently held by Councilmember Matthew Popkin and the At-Large seat currently held by Mayor Pro Tem Sean McCoy) would be temporarily elected with shorter or longer terms (2 or 6 years, instead of the usual 4) to realign the current stagger between Longmont's ward and at-large councilmembers. If Longmont chose to adopt Option 1, after realigning the ward/at-large stagger, the ward seats would be replaced with three additional at-large seats. If Longmont chose to adopt Option 2, no additional change would take place after the stagger had been realigned. Two minimally-disruptive transition periods for Options 1 and 2 are detailed below:

Option 1 Transition Period[15]

2027[16]	2029[17]	2031[18]	2033	
Ward 1	***Ward 2***	At-Large	At-Large	***and so on…***
Ward 3	At-Large	At-Large	At-Large	
At-Large	At-Large	At-Large	At-Large	

Option 2 Transition Period

2027[19]	2029[20]	2031	2033	
Ward 1	***Ward 2***	Ward 1	At-Large	***and so on…***
Ward 3	At-Large	Ward 2	At-Large	
At-Large	At-Large	Ward 3	At-Large	

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[15] For both proposed electoral systems, the mayoralty does not require any transition beyond simply moving to single-winner RCV, and is therefore omitted from the description of the transition periods.

[16] Each of these offices would be elected using single-winner RCV, but the at-large seat would be elected for a six-year term.

[17] The Ward 2 seat would be elected under single-winner RCV for a two-year term. The two at-large seats would be elected in a two-winner, multi-winner RCV race.

[18] In the 2031 election, the ward seats would be replaced with an additional three at-large seats. Each at-large seat would be elected in a three-winner, multi-winner RCV contest for four-year terms.

[19] See Footnote 16.

[20] See Footnote 17.