



A GUIDE TO MASSACHUSETTS QUESTION 2: RANKED-CHOICE VOTING

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EXECUTIVE SUMMARY

Question 2 on the November ballot asks Massachusetts voters to consider a major change in the way they vote, with far-reaching implications for who gets elected, who chooses to run, and how candidates campaign.

It's an approach called ranked-choice voting, and the key difference is right there in the name: ranking. Unlike the state's current system, where voters choose a single candidate in each race, ranked choice lets voters rank the candidates — as many as they like — from their top choice to their least favorite option.

If the ballot initiative passes, Massachusetts voters will use this ranking process in a significant number of state and federal elections — though not for the presidential election.¹

Allowing voters to rank candidates would also change how votes get counted. As an example, if your top choice turns out to be uncompetitive, your vote will actually transfer to your second choice — as part of a multi-round counting process that helps weed out “spoiler” candidates and ensures winners have a broader base of support.

Switching to ranked-choice voting would bring potential risks and challenges, though the approach is rare enough that researchers are still trying to determine exactly how it affects turnout, partisanship, campaign spending, and more.²

Before deciding how to vote on Question 2, Massachusetts residents should consider the following issues:

- Our current voting system has some genuine deficiencies, which ranked choice can address. For instance, in large fields, the winning candidate sometimes ends up with a surprisingly small share of the votes. (In one 2020 Massachusetts congressional primary, the winner had [just 22.4 percent of the vote](#).) This doesn't happen under ranked choice, where counting continues until someone gathers majority support.
- Also, the current system sometimes discourages voters from supporting their real favorites. If your preferred candidate has low polling numbers, you may feel pressure to back another candidate with a better chance of prevailing. But under ranked choice you can vote your true preference, confident that if your first choice proves unpopular, your vote will get transferred to a more viable candidate in your rankings.
- There may be a constitutional problem with this ballot question that could preclude using ranked choice in general elections for state officers (though primaries and federal elections would be unaffected). The Massachusetts constitution says that in these races “the person having the highest num-

ber of votes shall be deemed and declared to be elected.” This may conflict with ranked choice, where the person with the most initial votes doesn't necessarily win. And this uncertainty could lead to disruptive legal challenges, putting future elections in the hands of the courts.

- The transition to ranked choice may also be rocky. Moving to a new voting system would require not just a reorganization of election logistics but also a meaningful change in the way voters think about candidates and prepare for election day.
- Results would likely take more time, as the counting process is more involved for ranked-choice elections. In some cases, ballots from across the state will have to be transported to a central location to be tabulated. And while electronic records could speed this process, the secretary of state's office notes that not all precincts have the capacity to generate electronic records, not to mention concerns about the secure transmission of electronic data.
- Many claims about the costs and benefits of ranked choice are based on limited evidence. This includes arguments about turnout, new types of candidates, campaign spending, and the impact on minority groups.

In the sections that follow, we consider these points in greater detail. First, we describe how ranked-choice voting would work in Massachusetts. Then, we discuss the potential constitutional challenge and assess research on voter and candidate behavior.

HOW RANKED-CHOICE VOTING WORKS

Under today's rules, voters simply pick their favorite candidate and move on. That would still be the case for races with two candidates under ranked choice.

But in races with three or more candidates, ranked choice gives voters the opportunity to rank candidates in order of preference: first choice, second choice, third choice, etc.³

It's not necessary to rank everyone in the race — just as many as you like and no more than you prefer. Figuring out which candidates *not* to rank is an important part of the process, as anyone you do select could eventually get your vote, depending on how the counting process unfolds.

Note that while the task for voters is relatively easy to understand — because many of us use rankings to talk about our favorite restaurants or TV shows — the counting process in ranked-choice voting is more involved.

To determine a winner, it's no longer enough to tally up the numbers and see who has the most votes. Under ranked choice, the winner needs to have an outright majority, meaning over 50% of the votes. Getting 30% of votes when all your opponents have 10% won't do.

To accomplish this, ranked-choice voting sets up a multi-round counting process.

In the first round, the #1 choices from all ballots are tabulated to determine if any candidate has a majority. If so, that person is declared the winner, and the election ends just as it would under current rules.

But if no candidate has over 50% of the vote . . . well, that's when another round of counting begins and vote transfers start to make things interesting.

Imagine a race with three candidates: StandardBearer, PassionateBase, and SlimChance. And let's

say that after the first round — looking at everyone's top ranking — the results are PassionateBase 45%, StandardBearer 43%, SlimChance 12%.

PassionateBase is ahead but he hasn't won, because he didn't hit 50%.

Round two starts with the elimination of the candidate with the fewest votes, SlimChance.⁴ But SlimChance's ballots aren't discarded.

Instead, all of SlimChance's supporters have their votes transferred to their #2-ranked candidate and a second count is taken.

As a result, this election would hinge on the second choice of SlimChance voters. If they all ranked StandardBearer #2, then the final result would be StandardBearer 55%, PassionateBase 45%. That's a big but not impossible change, showing that PassionateBase could lose even though he was ahead after the first round.

What dooms PassionateBase in this scenario is that he has no support beyond his base, having made no inroads with SlimChance voters. And generally speaking, that's central to candidate success in ranked-choice elections: making sure you end up #2 or #3 with voters who aren't core supporters.

With eight candidates or 12 candidates, this process could take a lot longer, but it would follow the same round-by-round path where votes are redistributed from last-place candidates to more competitive ones until the winner earns a majority.

ISSUES FOR VOTERS TO CONSIDER

Implementing a change as fundamental as ranked-choice voting will affect voters, candidates, and the state's election system. But because ranked choice remains relatively rare, research on the full range of effects is limited.

Based on the best available evidence, here are some of the key benefits, risks, and uncertainties circling Question 2.

Potential Benefits

Voter enthusiasm and voice. Allowing voters to rank candidates makes it easier for them to express their full range of feelings.

Consider that three-way election between StandardBearer, PassionateBase, and SlimChance.

Under today's rules, voters might be reluctant to support SlimChance — even if they love her platform. Among other things, they might worry that doing so would siphon support from StandardBearer and give PassionateBase a clear path to victory.

These kinds of strategic worries are eased under ranked-choice voting. Rather than being forced to choose one — and only one — favorite, you can rank SlimChance #1 and StandardBearer #2, confident that your support will ultimately flow to the candidate best positioned to win.

Plus, with more voters approaching elections in this way, it's possible that SlimChance's electoral fortunes may prove less dire.

Winners with broader support. Rankings also provide a lot more information about the true preferences of voters, compared to picking just a top choice.

By taking advantage of this additional information, the multi-round counting process ensures that winners have at least some support across a large swath of ballots. By contrast, ranked-choice rules work against candidates with a narrow but passionate base of voters.

Increased civility between candidates. To win a ranked-choice election, candidates need to curry favor with voters well beyond their base. And this push for broad support may encourage more collegial forms of campaigning.

Otherwise, if you continue to attack rivals in a ranked-choice election, those rivals may have core voters who resent the attacks and refuse to rank you on their ballot.

This isn't just theoretical. In a 2018 Maine gubernatorial primary, two Democratic candidates [ran a joint commercial](#) encouraging voters to think of them as a team and rank them #1 and #2.

Potential Risks

A constitutional challenge. Even if Question 2 passes, not all Massachusetts elections will be held via ranked choice.¹ Current voting rules would still apply to municipal elections, the presidential election, and any race with just two candidates.

So at maximum we're talking about:

- 1) Primary elections for US Congress and the US Senate
- 2) General elections for US Congress and the US Senate
- 3) Primary elections for state officials (including governor, attorney general, secretary of state, state senators and state representatives.)
- 4) General elections for those same state officials

However, the ballot initiative may be vulnerable to a constitutional challenge that would block ranked-choice voting in general elections for state officials (#4 on this list.)

This has already happened in Maine. After Maine voters embraced ranked choice in 2016, the state Supreme Court ruled that general elections for state officials were ineligible because the Maine constitution stipulates that winners must be chosen by plurality vote (i.e., whoever has the most votes, regardless of whether that's 20% or 51%.)

Our state constitution has a similar clause: "In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest

number of votes shall be deemed and declared to be elected.”

It’s possible that courts will find this language compatible with ranked choice.⁵ And either way, this is a one-time risk, as a ruling on the question should set the terms for all future elections.

But we might not get a final ruling until after we hold a ranked-choice election.⁶ And that could create a situation where the results of a contentious race for governor or attorney general are held up in the courts, sowing election-season turmoil and potentially affecting voters’ confidence in the new system.

Other legal challenges. Another lesson from Maine is that legal challenges are legion when it comes to ranked choice — potentially extending well beyond this constitutional issue. In the past few years, Maine has seen a litany of lawsuits aiming to curtail or eliminate ranked-choice voting.

Massachusetts may well face similar challenges, though we have several advantages, including the fact that Maine’s cases have established clear precedents for the legitimacy of ranked-choice voting in many circumstances.

Voter uncertainty. As voters adjust to this new way of filling out ballots, there would likely be some hiccups, potentially including an increase in ruined and error-laden ballots.³

Whether these problems persist will depend on the effectiveness of voter education and outreach, but there’s some evidence that less-educated voters do find ranked-choice ballots [more complicated and harder to understand](#).

Also, it might be challenging for voters to gather sufficient information to rank candidates across a range of different races, including low-profile races for offices like registrar of deeds and governor’s council.

Remember, however, that voters would have no obligation to rank candidates. If they prefer, they

can vote as they always have, choosing a favorite and stopping there. Also, they wouldn’t have to understand all the ins and outs of the counting process, with the various rounds, eliminations, and vote transfer procedures. So long as they can accurately rank their preferences on the ballot, the system as a whole will work as intended.

Logistical hurdles. Under our current system, individual precincts can tally their own votes and pass final numbers to the secretary of state’s office. This should still work in elections with just two candidates or those where the front-runner gets a clear majority after the first count.

But anytime the front-runner has less than 50% of the first-round vote — and the multi-round ranked choice counting procedures take effect — all of the ballots would need to be moved to a central location so that rankings from each individual precinct could be combined and tallied. Alternatively, electronic records containing the ranking information from all ballots could be gathered in a central place.

This would add a layer of logistical complexity, in managing the transfer of physical ballots or ballot records. It would also require new spending for secure transport, appropriate counting machines, and central counting facilities.

Question 2 does allow for the possibility of electronic records, but the secretary of state’s office notes that over 50 municipalities still use hand-counted paper ballots. And even if we did capture digital versions of all ballots, the electronic records might still have to be physically transported to avoid cybersecurity risk.

Delayed results. Note that this process of moving ballots would also take time. In split races where ballot information has to be tabulated at a central location, it may not be possible to identify the winner on election night.

Delays are already growing more common, as a result of voting-from-home. And it’s not clear that speedy results are essential to a healthy democracy.

But the expected delays associated with ranked choice might require changes in the state's election process. The secretary of state's office has said it will need to move up the date of the state primary.

Unknowns

Given the dearth of available evidence, any claims about the following effects should be viewed cautiously.

Turnout. Countries with ranked-choice voting tend to have higher turnout, but it's not clear there's a causal relationship. Notably, jurisdictions that switch to ranked choice [don't seem to experience any increase \(or decrease\) in turnout.](#)

As a precaution, it's important to track the impact on lower-income and less-informed voters, as they're least likely to get the information they need to properly rank candidates under the new rules. (In one 2019 study, education was highly correlated with people's [self-reported ability to understand ranked-choice ballots.](#))

New candidates. While the evidence remains thin, there are some indications that ranked-choice voting [encourages more women and minority candidates to run for office.](#)

But the push for ranked-choice voting in Massachusetts isn't likely to have the big impact on minority representation that you find with other variants of ranked choice — specifically those where voters select more than one winner (as Cambridge does for its city council.) That kind of multi-winner system tends to generate election outcomes that are much more demographically representative.

Partisanship. Maine's move to ranked-choice voting had a partisan impulse: It was part of an effort by Democrats to unseat a Republican governor twice elected with less than 50% of the vote. And so not surprisingly, support for ranked-choice voting in Maine remains divided along partisan lines.

The Massachusetts situation has no such partisan origin, and the algorithm behind ranked-choice

voting has no obvious partisan lean. However, it's also true that the long-term impact of ranked-choice voting is largely unknown. So while there are theoretical arguments about how ranked choice might help moderate candidates, or weaken party control, it will take time to understand the real-world impact.

Trust. Switching to ranked-choice voting would add a level of abstraction to the voting process. When voters leave the polling place they won't actually know which candidate will get their vote: their top choice or their #7.

This raises a risk that voters will feel unsure whether their ballots were counted properly — or even uncertain about the legitimacy of results as a whole. Here again, the research on voter confidence is limited, but one survey of Maine voters found a substantial drop-off in confidence after a 2018 congressional election that was decided by multiple rounds of vote reallocation.⁷

Campaign finance. As there have been no good studies on this, little can be said about the effect on fundraising or campaign spending.

TWEAKS TO CONSIDER

If Question 2 passes, there are a number of steps Massachusetts legislators could take to improve the new rules and smooth the path to ranked-choice voting.

Address the constitutional question. If at all possible, legislators should attempt to get an advisory opinion from the Supreme Judicial Court about whether it's permissible to use ranked choice in general elections for state officials. Short of that, a committee should be established to consider how best to avoid a disruptive post-election legal challenge.

Require audits. One way to build trust in the process is to confirm election results with a risk-limiting audit — not just for ranked choice but

across Massachusetts elections. With this approach, a statistical sample of paper ballots is hand-checked against the tabulated results, providing valuable assurance for voters.

Devote resources to ballot design and voter education. To help voters adjust to the change, the ballot question calls for a voter education campaign and a ballot design that is “simple and easy to understand.” To accomplish this, it might be useful to have an open design process, with academics and design experts helping to develop easy-to-use ballots. And for voter education, it would be vital to identify proven civic partners.

CONCLUSION

A yes vote on Question 2 would trigger a dramatic shift in the way elections work in Massachusetts. Ballots would look different, voters would have different responsibilities, and the vote-counting process would require new rules and logistics.

Among the benefits, citizens would have a greater ability to express their full range of preferences. Beyond that, ranked choice would also limit the impact of “spoiler” candidates and favor those with broad support.

At the same time, moving to a new voting system would bring changes, risks, and challenges. These include delayed results, potential voter confusion, and a constitutional problem that may limit the number of elections that could be held using ranked choice.

We at the Center for State Policy Analysis do not take a position on Question 2 — or any ballot initiative — but we hope this brief gives voters the information they need to make sound decisions on this complex issue.



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Endnotes

¹ The list of elections subject to ranked-choice voting under this ballot question includes primary and general races for the following offices: US Congress; US Senate; governor; lieutenant governor (primary only); attorney general; secretary of the Commonwealth; treasurer; auditor; governor's council; state senator; state representative; district attorney; clerk of courts; register of deeds; sheriff; county treasurer; register of probate; council of governments executive committee. Note that the constitutional issue discussed in this paper could alter this list for general elections.

² [Ranked choice is used](#) in a few US jurisdictions and several countries around the world.

³ Sample ballots for ranked-choice style elections [can be found online](#).

⁴ A process called “batch elimination” provides for the elimination of additional candidates at the beginning of each round. It applies to candidates whose vote deficit is so great that they could not catch up even if they garnered all the transferred votes of lower-performing candidates.

⁵ Question 2 defines “highest number of votes” to mean: the highest number of votes as calculated via the ranked choice counting system, and not just the highest number of initial votes. If the courts accept that definition, there may be no constitutional conflict.

⁶ Legal cases in the US generally aren't decided until they are “ripe,” but it may be possible to settle this question before the first ranked-choice election takes place. Under some circumstances, the Massachusetts Supreme Judicial Court can offer advisory opinions — which is how the issue was resolved in Maine. Alternatively, it's possible that a nonparty candidate could bring a lawsuit in advance of the election, arguing that they need to know the rules before deciding whether to run.

⁷ This drop-off was much sharper among Republicans, perhaps because in this case it was a Republican candidate who lost his lead during the vote-transfer process. Behind the decline in confidence, in other words, may be frustration with the outcome, rather than frustration with the system.