Common Cause

New York
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WRITTEN TESTIMONY OF SUSAN LERNER
Executive Director, Common Cause New York & Chair, Rank the Vote NYC
Before the
RHODE ISLAND HOUSE STATE GOVERNMENT
AND ELECTIONS COMMITTEE RE: H7540
March 26, 2024

Thank you for the opportunity to submit written testimony. As the Executive Director of Common Cause New York and the Chair of Rank the Vote NYC I am happy to provide information regarding New York City's positive experience with Ranked Choice Voting (RCV). Our organizations helped to introduce RCV to New York City, which is the largest and most diverse jurisdiction to use RCV in the United States.

The version of RCV that is used in New York City gives voters the opportunity to either rank as many as five candidates in order of preference or vote for just one like they always have. If no one wins with a majority (more than 50 percent), the candidate that came in last is eliminated and voters' second choice votes get counted and so on until there's a winner of the final two. This appears to be similar to the system proposed in H7540 for presidential primaries.

RCV in New York City applies to primaries and special elections for all municipal offices including City Council, Borough President, Comptroller, Public Advocate and Mayor. New York City voters overwhelmingly passed RCV in the fall of 2019, with 74 percent of the vote. We have used RCV successfully for two election cycles now, in 2021 and 2023.

Educational Efforts Led to the Successful Use of RCV in New York City

Rank the Vote NYC and Common Cause/NY conducted a variety of voter education efforts to spread the word on RCV. In preparation for the first RCV election, we built a team of 20 ethnically, linguistically, and culturally diverse organizers, working throughout the five boroughs of New York City. Organizers worked in South Asian, Latino, Chinese, Jewish, Haitian & Caribbean-American, African, and African American communities, working with organizations in those communities as well as organizations which serve the general public. Ultimately, we partnered with over 200 community organizations, large and small, throughout the City, with a particular emphasis on social service organizations, food banks, meals on wheels providers and senior centers. In addition to providing printed explainer materials in large type and multiple languages to be delivered in food packages delivered to seniors and the home bound, we provided training so that volunteers making deliveries could engage their clients in discussion and answer questions.

The Education Team developed educational presentations of differing lengths, tailored to distinct audiences. Through 2020 until the June, 2021 primary, our organizations participated in more than 600 events and trainings. Explanatory educational materials, including a one-page explainer, were translated into 13 languages and made available in large print. An informational website, www.RanktheVoteNYC.org, was created with a

specially developed interactive sample ballot so that website visitors could experience a mock Ranked Choice Voting election firsthand. All the educational materials we created, including the public presentation slide decks, in all languages and formats, were available for download on the website, https://rankthevotenyc.org/resources/. We also created a New York-specific animated explainer video, which we were able to provide in English and Spanish.

We also worked with a company which produces a mobile and online Ranked Choice Voting tool to configure the tool to reflect the expected layout of the NYC ballot with a "top 5" format. We were then able to run New York-specific monthly RCV contests to aid in voter familiarity and excitement for RCV. For example, the last monthly RCV contest, held in May for AAPI Heritage Month, asked participants to rank their favorite Asian noodle dish, ranging from Pad Thai to Pho to Ramen (which was the ultimate winner, by the way).

Our extensive educational efforts, combined with significant outreach and advertising by New York City government, paid off, as the exit poll which we commissioned for the 2021 primary showed. Voters embraced the benefits of ranked choice voting, found it simple to understand, and wanted to use it in future elections. The poll was conducted by Edison Research throughout early voting and on Election Day, with a sample size of 1,662, both in-person and on the phone, with voters from a broad spectrum of ages, races, and education levels that reflect the demographics of the city.[1]
Highlights include:

- New Yorkers embraced Ranked Choice Voting at the ballot box.
  - 83% of voters ranked at least two candidates on their ballots in the mayoral primary. The majority of those who opted not to rank did so because they only had one preferred candidate.
  - 42% of voters maximized their newfound power and ranked five candidates.
- New Yorkers understand the promise and the power of Ranked Choice Voting.
  - 51% ranked because it allowed it them to vote their values
  - 49% ranked because it allowed them to support multiple candidates
  - 41% ranked because it gave them more of a say in who gets elected
- New Yorkers found Ranked Choice Voting easy to use.
  - 95% of voters found their ballot simple to complete.
  - 78% of New Yorkers said they understood Ranked Choice Voting extremely or very well.
- New Yorkers want Ranked Choice Voting in future elections.
  - 77% of New Yorkers want Ranked Choice Voting in future local elections.
- There was little variability between ethnic groups' understanding of ranked choice voting:
  - 77% of Black voters said they understood ranked choice voting
  - 80% of Hispanic voters said they understood ranked choice voting
  - 77% of Asian voters said they understood ranked choice voting
  - 81% of white voters said they understood ranked choice voting
- New Yorkers across ethnic groups found their ballots simple to complete:
  - 93% of Black voters found their ballot simple to complete.
  - 95% of Hispanic voters found their ballot simple to complete.
  - 97% of Asian voters found their ballot simple to complete.
  - 95% of white voters found their ballot simple to complete.
- Contrary to fears that Ranked Choice Voting would harm voters by creating a knowledge tax, most voters ranked three or more candidates in the mayoral primary.
  - Overall, 72% of voters ranked three or more candidates.

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[1] Our memo detailing the polling results is attached to this testimony.

o 66% of Black voters ranked three or more candidates, 64% of Hispanic voters ranked three or more candidates, 80% of white voters ranked three or more candidates and 72% of Asian voters ranked three or more candidates.

Further analysis by the Center for Urban Research at CUNY Graduate Center[2] validates the exit polling responses.

- Voter turn-out for the June 2021 primary was 16 percentage points higher than the previous primary held with an open seat for mayor in 2013 (28% in 2021 vs. 11.7% of registered voters voting).
- 86% of voters in the Democratic primary ranked two or more candidates, as opposed to the reported average of 77% of voters ranking in other jurisdictions.
- Slightly less than 15% of voters did not have their vote counted for one of the two final candidates.
- Analysis shows that all voters, across all different demographics, used RCV in a sophisticated fashion, using the ranking differently for different races. An online interactive map posted by the Center for Urban Research illustrates this very well.[3]

We continued our educational efforts, working with community partners and providing voters with information about RCV for the June 2023 municipal primary as well, which resulted, again, in voters' successful use of RCV.

Successfully Administering an RCV Election

Let me immediately dispel one persistent piece of misinformation about RCV election results: Ranked Choice Voting does not significantly increase the time it takes to get final election results. New York City's election results are delayed, whether the election uses RCV or not, because of the requirements of New York law. New York, like California, provides that absentee ballots may be received for an additional week after election day and provides for a cure period during which the voter can correct any inadvertent errors, like neglecting to date the return, adding additional time until the final votes can be counted. In 2021, New York law even prevented the Board of Election from starting the canvass of votes until the absentee receipt deadline had passed.[4] Accordingly, results on election night only reflect in-person votes cast during the early voting period, on Election Day itself and received, valid absentee ballots that do not need to be cured. Affidavit (provisional) ballots and absentee ballots received after early voting ends are not included in the Election Day unofficial tally. As a result, the New York City Board of Elections does not run even preliminary RCV rounds on election night. Instead, the BOE has chosen to release updates of ballots counted and results of preliminary, incomplete rounds from ranked choice voting every week following the election on Tuesdays until all the votes have been canvassed and the official results certified.

Different jurisdictions follow different practices on whether and when unofficial results of RCV rounds are released in advance of the final count. San Francisco, for example, runs preliminary incomplete RCV rounds on election night, which are then released to the press and public.
We worked closely with the New York City Board of Elections in helping to design a clear, understandable RCV ballot and to develop the format and timing for release of the RCV results, showing round by round transfers of votes.

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[2] https://www.gc.cuny.edu/news/center-urban-research-assesses-impact-ranked-choice-voting-new-york-city
[3] https://www.urbanresearchmaps.org/nycrcv2021/?office=mayor&candidate=ead&map-type=choropleth-ed#%26map=10/40.699/-73.993
[4] Election night results in one New York City borough were incorrect when released, but the New York City BOE immediately clarified that the human mistake causing the initial error was unrelated to RCV when corrected unofficial figures were released shortly after.

New York City's voting equipment is manufactured by ES&S, the same vendor who provides Rhode Island's voting equipment. New York City's elections also use voter-marked paper ballots which the voter inserts into the ES&S manufactured-scanners, the DS-200, which I believe are the same scanners used in Rhode Island. ES&S' central tabulators can handle RCV ballots and produce a cast vote record which is readily used to compute the RCV rounds.

In short, election administration for an RCV election is not unduly difficult or complicated. There are now numerous jurisdictions with experience in running RCV elections whose election administrators are more than willing to share their expertise, as well as equipment vendors familiar with RCV requirements. As one election administrator in New York City told me, "Running an RCV election was simple compared to the adjustments we had to make for the pandemic."

I would be happy to provide further information which you might wish to have regarding our experience with RCV in New York City.

NEW YORK CITY VOTERS EMBRACE RANKED CHOICE VOTING (RCV)

Preliminary results from largest Ranked Choice Voting exit poll and election in US history

Over 1.1 million New Yorkers made history voting in the largest and most diverse ranked choice voting election in the United States. **After three years of ongoing efforts, the city held the largest ranked choice voting election in US history in time for the most consequential local election cycle since 9/11.**

Common Cause New York and Rank the Vote NYC contracted with Edison Research to conduct exit polling during the city's first citywide Ranked Choice Voting election. The survey was conducted from June 12 – June 22, 2021 among a representative sample of 1,662 Democratic in-person voters in New York City.[1] Full results will be available in mid-July, which will include results from absentee and Republican voters, however early data clearly demonstrates:

- **New Yorkers embraced Ranked Choice Voting at the ballot box.**
  - 83% of voters ranked at least two candidates on their ballots in the mayoral primary. The majority of those who opted not to rank did so because they only had one preferred candidate.
  - 42% of voters maximized their newfound power and ranked five candidates.

- **New Yorkers understand the promise and the power of Ranked Choice Voting.[2]**
  - 51% ranked because it allowed it them to vote their values
  - 49% ranked because it allowed them to support multiple candidates
  - 41% ranked because it gave them more of a say in who gets elected

- **New Yorkers found Ranked Choice Voting easy to use.**
  - 95% of voters found their ballot simple to complete.
  - 78% of New Yorkers said they understood Ranked Choice Voting extremely or very well.

- **New Yorkers want Ranked Choice Voting in future elections.**
  - 77% of New Yorkers want Ranked Choice Voting in future local elections.

With over 1.1 million New Yorkers voting across the five boroughs, the highest turnout for a municipal primary in thirty plus years, Ranked Choice Voting has delivered on its promise for New York City: our elected representation reflects the will of the majority of voters, not the minority, and puts power back in the hands of voters during local elections.

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[1] Interviews were conducted via multiple modes including by telephone and in-person exit polling at 17 early voting locations and at 30 election day voting locations. Interviews were offered in both English and Spanish. 70% of the sample were polled on election day and 30% were polled before the election during the early voting period. Absentee exit polling is ongoing and will be included in the final results in mid-July.
[2] Multiple responses allowed

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THE MAJORITY OF VOTERS RANKED THEIR BALLOTS
VOTER BEHAVIOR IN THE DEMOCRATIC MAYORAL PRIMARY

- **Overall, 83% of voters ranked at least two candidates in the mayoral primary.**

- **In fact, contrary to fears that Ranked Choice Voting would harm voters by creating a knowledge tax, <u>most voters ranked three or more candidates in the mayoral primary</u>.**
  - Overall, 72% of voters ranked three or more candidates.
  - 66% of Black voters ranked three or more candidates, 64% of Hispanic voters ranked three or more candidates, 80% of white voters ranked three or more candidates and 72% of Asian voters ranked three or more candidates.

- **While the majority of voters ranked their ballot, <u>there is a strong voter preference to maximize their choices by utilizing all their available rankings in the mayoral primary.</u>**
  - Overall, 42% utilized all five rankings on their ballot.
  - 43% of Black voters ranked five candidates, 40% of Hispanic voters ranked five candidates, 45% of white voters ranked five candidates, and 33% of Asian voters ranked five candidates.

Mayoral primary: Ballot utilization by voter type

	All voters	*Black voters*	*Hispanic voters*	*White voters*	*Asian voters*
Ranked 1 candidate	17%	25%	20%	10%	13%
Ranked 2 candidates	11%	9%	16%	10%	15%
Ranked 3 candidates	18%	16%	14%	20%	24%
Ranked 4 candidates	12%	7%	11%	16%	15%
Ranked 5 candidates	42%	43%	40%	45%	33%

- **Overall, the majority of voters who did not rank did so because they only had one preferred candidate in the mayoral primary.[3]**
  - 65% of voters did not rank because they only had one preferred candidate.
  - 28% reported they did not rank because they didn't know enough about other candidates.

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[3] Multiple responses allowed.

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VOTERS UNDERSTAND AND APPRECIATE THE VALUE PROPOSITION OF RANKED CHOICE VOTING[4]

- Overall, 51% of voters ranked in the mayoral primary because it allowed them to vote their values and 49% ranked in the mayoral primary because it allowed them to support multiple candidates.

- Black, Hispanic and Asian voters were most likely to say they ranked in the mayoral primary because it allowed them to vote their values.

- White voters were most likely to say they ranked in the mayoral primary because it allowed them to support multiple candidates.

Why Voters Ranked in the Mayoral Primary

Why did you rank?	All voters	Black voters	Hispanic voters	White voters	Asian voters
Vote my values	51%	54%	56%	49%	57%
Support multiple candidates	49%	40%	42%	59%	52%
More of a say in who gets elected	41%	34%	30%	50%	42%
My voice will be better heard by elected officials	29%	27%	25%	31%	33%
I'll feel better about the outcome, regardless of who wins	24%	24%	23%	24%	27%

NEW YORKERS UNDERSTAND AND FIND RANKED CHOICE VOTING SIMPLE

NEW YORKERS UNDERSTAND RANKED CHOICE VOTING

- **Overall, 78% of New Yorkers said they understood Ranked Choice Voting extremely or very well.**
  - 46% of voters said they understood Ranked Choice Voting extremely well and 33% of voters said they understood Ranked Choice Voting very well.

- **Regardless of age, voters understood Ranked Choice Voting.**
  - 46% of 18-39 year olds said they understood Ranked Choice Voting extremely well and 34% said they understood Ranked Choice Voting very well.

  - 44% of 40-59 year olds said they understood Ranked Choice Voting extremely well and 34% said they understood Ranked Choice Voting very well.

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[4] Multiple responses allowed

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- o 47% of 60+ voters said they understood Ranked Choice Voting extremely well and 31% said they understood Ranked Choice Voting very well.

- **There was nominal overall variability between ethnic groups.**
    - o **Overall, 77% of Black voters said they understood Ranked Choice Voting.** 47% of Black voters said they understood Ranked Choice Voting extremely well and 29% said they understood Ranked Choice Voting very well.

    - o **Overall, 80% of Hispanic voters said they understood Ranked Choice Voting.** 41% of Hispanic voters said they understood Ranked Choice Voting extremely well and 38% said they understood Ranked Choice Voting very well.

    - o **Overall, 77% of Asian voters said they understood Ranked Choice Voting.** 39% of Asian voters said they understood Ranked Choice Voting extremely well and 38% said they understood Ranked Choice Voting very well.

    - o **Overall, 81% of white voters said they understood Ranked Choice Voting.** 48% of Hispanic voters said they understood Ranked Choice Voting extremely well and 33% said they understood Ranked Choice Voting very well.

NEW YORKERS FOUND THEIR RANKED CHOICE VOTING BALLOT SIMPLE TO COMPLETE
- **Across the city, a whopping 95% of voters found their ballot simple to complete.**
    - o 75% of voters found the ballot "very simple" to complete and 20% of voters found the ballot "somewhat simple" to complete.

- **Regardless of age, voters understood their new ballot.**
    - o 97% of 18-39 year olds found their ballot simple to complete. 78% found the ballot "very simple" to complete and 19% found the ballot "somewhat simple" to complete.

    - o 94% of 40-59 year olds found their ballot simple to complete. 76% found the ballot "very simple" to complete and 18% found the ballot "somewhat simple" to complete.

    - o 94% of 60+ voters found their ballot simple to complete. 71% found the ballot "very simple" to complete and 23% found the ballot "somewhat simple" to complete.

- **There was nominal overall variability between ethnic groups.**
    - o 93% of Black voters found their ballot simple to complete. 72% found the ballot "very simple" to complete and 22% found the ballot "somewhat simple" to

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complete.

o 95% of Hispanic voters found their ballot simple to complete. 75% found the ballot "very simple" to complete and 20% found the ballot "somewhat simple" to complete.

o 97% of Asian voters found their ballot simple to complete. 80% found the ballot "very simple" to complete and 17% found the ballot "somewhat simple" to complete.

o 95% of white voters found their ballot simple to complete. 76% found the ballot "very simple" to complete and 19% found the ballot "somewhat simple" to complete.

NEW YORKERS WANT RANKED CHOICE VOTING FOR FUTURE LOCAL ELECTIONS

- **77% of voters think Ranked Choice Voting should be used in our local elections.**

Percentage of Voters Who Support RCV in Local Elections

Gender	
Male	76%
Female	78%
Age	
18-39	86%
40-59	74%
60+	72%
Ethnicity	
White	78%
Black	75%
Hispanic	79%
Asian	82%
Borough	
Bronx	72%

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Brooklyn	77%
Manhattan	85%
Queens	71%
Staten Island	68%

VOTER OUTREACH & EDUCATION EFFORTS ARE WORKING

- **Voters are receiving RCV-related information and education from a variety of sources.**
  - Television was the top source of RCV-related information and education for voters during the June primary.

Top 5 RCV Educational Resources for Voters during the June Primary

	All voters
#1	TV (53%)
#2	Mailed brochure (39%)
#3	Newspaper (27%)
#4	Social media (23%)
#5	Radio (20%)

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Appendix A: Edison Research Exit Poll Methodology

The survey was designed to measure the attitudes and experiences of New York City voters in the first citywide experience using Ranked Choice Voting for the NYC Mayoral Primary.

The survey was conducted June 12 – June 22, 2021 among a representative sample of 1,662 Democratic voters in New York City. Interviews were conducted via multiple modes including by telephone and in-person exit polling at 17 early voting locations and at 30 election day voting locations. Interviews were offered in both English and Spanish. 70% of the sample were polled on election day and 30% were polled before the election during the early voting period.

Absentee exit polling is ongoing and will be included in the final results in mid-July.

The in-person early and election day polling locations were randomly selected using a cluster sample design and are a probability sample of voting precincts. Within each polling location an interviewer approached every voter as they exited. The exact number of questionnaires depends on voter turnout and voter cooperation.

The data was weighted by sex, age and race, using the observed characteristics of those who refused to participate or who were missed, combined with the demographics of the known respondents who completed the questionnaire. The data was also weighted by education and to match the first-round results from the mayoral Democratic primary election.

Appendix B: Sample Data and Crosstabs

Complete crosstabs can be found here.

Demographics of Preliminary Sample for June Exit Polling

Total Respondents	1,662
Gender	
Male	43%
Female	56%
Age	
18-39	28%
40-59	32%

60+	38%
Ethnicity	
White	44%
Black	31%
Hispanic	17%
Asian	9%
Other	6%
Borough	
Bronx	11%
Brooklyn	40%
Manhattan	28%
Queens	29%
Staten Island	4%