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**November 16, 2023**

Dear Chairman Zurier and members of the Non-Plurality Voting Methods Study Commission,

I'm writing to notify you that I felt my testimony was mis-represented in the first draft of the commission's report on voting methods. I testified to the commission on March 22, 2023 and submitted a follow-up letter with additional information on April 7, 2023, but I feel my comments were taken out of context in the commission's draft report.

I'm sure it was not the intention, but my testimony has been misrepresented and I want to clear up any confusion.

My presentation to the committee was primarily a review of evidence about how ranked choice voting works in practice in the places that already use it. I discussed evidence supporting six positive claims about the impacts of ranked choice voting and I acknowledged a lack of evidence in two other areas. The commission's draft report skews my position by barely mentioning the six positive claims and over-emphasizing the two areas where evidence is lacking. The report claims that existing studies "do not provide evidence to support any of the other claims of RCV advocates" when in fact ample evidence exists in the scholarly literature.

I candidly spoke with this committee about areas where other jurisdictions have experienced challenges, in addition to sharing data on the benefits of ranked choice voting, trusting that this commission would do its own review of the evidence and treat my testimony in an even-handed way.

The current draft over-emphasizes the less positive aspects of my testimony, making me feel like my comments and my position have been taken out of context. The current draft report gives the impression that I am skeptical about the effects of ranked choice voting when in fact the opposite is true. I believe in the positive impacts of ranked choice voting in practice and I supported my claims with evidence. While I believe my full testimony conveyed my position accurately, the draft report seems to portray the opposite.

I also listened to Sara Gideon's testimony to the committee and I believe she too has been similarly mis-represented. She supports RCV, saying, "Overall this has been really positive for democracy and people feeling like their vote counts" but there is no reflection of that position in the draft report, only a discussion of challenges that she shared.

In addition to mis-representing the positions of those who testified, I also found the draft report to be lacking in two other areas.

- First, the report did not adequately explore existing research on how ranked choice voting works in practice.
- Second, there are factual inaccuracies and misrepresentations of facts. For example, the report claims that in Maine's 2018 RCV election for Congress, "that election result took several months to be declared." In fact, the winner was declared on November 15, 2018. The report also makes misleading claims about another election in Maine by highlighting a candidate who won a charter commission election in Portland ME with 4% of first-choice support. The report neglects to mention that the candidate was one of four winners in a multi-winner race (similar to town council and school committee elections in Rhode Island), a crucial piece of information when understanding why a winner had a low vote percentage.

For these reasons, I think the report would benefit from a more thorough examination of existing research on ranked choice voting and a more even-handed treatment of testimony provided.

As an addendum to this letter, I am submitting an annotated version of the commission's draft report with some suggested edits. In particular, I've highlighted areas where the report could correct misconceptions and cite relevant evidence.

Thank you again for the opportunity to speak with this committee. I am available for any additional questions or follow-ups as needed.

Sincerely,

Deb Otis  
Director of Research and Policy, FairVote Action