Top Four Primary Ranked Choice Voting for U.S. House Elections
What It Is and How It Performs on Key Democracy Criteria
Prepared by Rob Richie for the National Democracy Slam on April 22, 2015

Summary of Evaluation of Impact on Criteria

- Voter turnout and political participation: 3
- Fair representation of parties and political groups: 2
- Fair representation of racial minorities and women: 3
- Electoral competition: 4
- Reduction of polarization in Congress: 4

Impact Scale Definitions

1  No impact or negative impact
2  Low impact or impact likely only if coupled with other reforms
3  Moderate impact
4  High impact, including significant long-term impact
5  Problem substantially solved, even without other reform

Description of Top Four Primary with Ranked Choice Voting

The Top Four primary combines the best features of two electoral rules: the Top Two Primary and ranked choice voting. Congress could enact it nationally for congressional elections or individual states could adopt it for their federal and state elections. It involves three changes:

Adopting ranked choice voting for both primary and general elections: Ranked choice voting (RCV, known also as “instant runoff voting” and “preferential voting”) is a voting method that can address a range of defects derived from our current electoral rules when more than two candidates run for an office. Voters are given the option to rank candidates in order of preference. Their vote is counted initially for their first choice. If no candidate has more than half of those votes, then the last-place candidate is eliminated. The votes of those who selected the defeated candidate as a first choice are then added to the totals of their next choice. This process continues until a candidate wins the final “instant runoff” with more than half of the active votes. Used for decades for parliamentary elections in Australia and presidential elections in Ireland, RCV has been approved by voters in a more than a dozen ballot measures in American cities, and is used today to elect mayors in Minneapolis (MN), St. Paul (MN), Oakland (CA), San Francisco (CA), San Leandro (CA) and Portland (ME).

Giving voters more choices on the general election ballot by advancing four candidates from a primary contest among all candidates: Washington State and California have adopted an election system where all candidates run against one another in a primary, and the top two advance to the general election. Going hand in hand with adoption of RCV is the value of
expanding choice on the general election ballot by making either of two changes. One approach would be to eliminate the primary altogether and adapt the Louisiana Top Two election model by having all candidates go straight to the November ballot. A compromise approach would be to advance four candidates from the primary rather than two. Either change would dramatically increase incentives for candidates to each out to more voters in the general election.

_Uphold association rights for both parties and candidates:_ In Top Two systems in California, Louisiana and Washington, candidates indicate their preferred party on the ballot, but those parties cannot indicate which candidates they support. Trying to take association out of politics in fact can diminish participation because voters can have trouble distinguishing among candidates. The Top Two proposal as defeated by Oregon voters in 2014 took a better approach by allowing candidates to indicate one or more party endorsements on the ballot in addition to candidates being able to indicate their party preference.

**Why Support Top Four Primary with Ranked Choice Voting**

In our modern era of polarized politics, it’s easy to first think that fixing politics means fixing primary elections. Given the combination of growing intensity of partisan voting patterns and increasing imbalance by partisan preference in most regions, few general elections are meaningfully contested. Last November, a mere two days after Election Day 2014, FairVote was able to project winners in 373 U.S. House seats in 2016 using a methodology that has been accurate in 699 of its last 700 projections. In other words, even as 2014 election ballots were being tallied, we already knew the winners in six out of seven congressional races to be held more than two year later. In those districts – and realistically, a good half of the remaining 62 seats – the only real chance for any change is in the 2016 primaries.

Lack of contested general elections goes far beyond House races. Nationally, more than four in ten state legislative races didn’t even draw two major party candidates in 2014, and most of the rest were contested in name only. Results are so governed by underlying partisanship that we are now seeing entire state legislative chambers – including the state senates in Georgia, North Carolina, Texas and Virginia – without even one “crossover” representative who won in a district where his or her party’s presidential nominee in 2012 did not equal or surpass his national average. To be clear, that stark fact means that every outcome in state legislative elections in 2013 and 2014 in these chambers could essentially have been entirely be predicted by even relatively modest differences in partisanship as measured by a presidential election in 2012.

In tandem with these telling numbers is the fact that half of the states have closed primaries where participants in a party’s primary must be registered with that party. But even in states where all voters can participate in primaries, research is clear that they remain largely dominated by older, whiter, wealthier and more ideological voters. FairVote shortly will release a report reviewing the disparities in who votes in primaries and general elections that will show that even in open primaries, unaffiliated voters participate at levels less than half their share of registered voters, and three-quarters are at least 50 years old. With primary election turnout
hitting all-time lows in most states and the remaining voters typically a party’s most committed and ideological members, you have a perfect storm: general elections where one side almost always can’t lose and primary elections where party diehards almost always control outcomes.

Backers of the Top Two primary see their reform as breaking open this calculus. As implemented for all state and congressional elections in California and Washington, separate primary contests are abolished in favor of a single free-for-all primary that is open to every registered voter. The top two finishers in that primary go the general election ballot – with the potential of two candidates from the same party facing general election voters in the same district. Every voter is treated equally, regardless of their party registration, and there’s a chance that previously safe seats will become competitive when two nominees of the same party have to woo backers of others parties along with their own in the general election.

But despite having significant financial backing, Top Two isn’t sweeping the nation. In recent ballot measures in Arizona and Oregon, voters defeated it by two-to-one margins. And while its advocates are optimistic about its results, there is reason to be concerned. Among them:

- **Overall voter turnout has plunged:** It’s too early to finger the Top Two primary as the culprit, but even as the whole nation experienced its lowest turnout congressional election since 1942, the single biggest decline in general election turnout among all 50 states from 2010 to 2014 took place in California, where the Top Two primary had been introduced in 2012. Winnowing primaries where no one wins just aren’t that interesting to most voters, and general elections that exclude nearly all minor parties and independents may seem less interesting as well.

- **The primary almost always determines final outcomes:** Backers of Top Two highlight examples of particular races where two people of the same party advance to the general election. But argument by anecdote is no substitute for systematic review. Primary voters in fact effectively determine the winner of nearly every contest. In Washington State, for example, there have been 56 statewide and congressional elections since the Top Two primary was first used in 2008. Only a single race has had two candidates from the same party, and all but two have involved a Democrat facing a Republican. As the parties learn to adjust to Top Two in California, we are seeing similar patterns: only one of 53 House races in 2014 had a competitive race between two candidates of the same party, and no incumbents were defeated. All eight statewide races for partisan offices in California in 2012-2014 have ended up with a November contest in which a Democrat comfortably defeated a Republican.

- **Primary turnout is particularly low and unrepresentative:** Even as the primary is still determining most comes, it is becoming even less representative of the overall potential electorate and of the November electorate, as FairVote is finding through use of the L2 votermapping tool. In Washington State, for example turnout among unaffiliated voters tripled between the primary and general election in 2012, -- and while
unaffiliated voters represented more than one in four voters in the November elections in 2010-2014, they were less than one in five voters in primaries. Young voters under 30 represented only a five percent share of the primary electorate in 2012, as opposed to 10 percent in November that year.

- **Split votes can mean unrepresentative outcomes and give parties leverage to reduce candidates:** Washington State for many decades used the “blanket primary” (one where all candidates contest the primary together, with the leader in each party’s contest advancing to the general) before it was struck down by the Supreme Court in 2000. As a result, parties and associated interest groups had a history of knowing how best to “work” primary electorates in which all parties can participate. That fact may explain how rare it is under Washington’s Top Two primary for major offices to have a primary with truly competitive intraparty competition, as party-linked interests typically instead rally around particular candidates in what amounts to a “shadow primary.” Obvious efforts this year by California Democrats to clear the U.S. Senate field for Kamala Harris in 2016 show how the fear of potential fractured votes in the primary – fractures that cost California Democrats a congressional seat in 2012 when the majority Democratic 31st congressional district advanced two Republicans over a divided Democratic field and that almost cost Democrats the statewide controller office in 2014 – gives such interests all the more leverage to reduce primary election competition.

- **Third party and independent candidates are virtually eliminated from the November ballot:** Third party and independents candidates rarely have been viable in California and Washington, but at least were a consistent part of those states’ politics before enactment of the Top Two primary. Since its adoption, they have never reached the ballot in a statewide election and rarely been a major factor in any other election.

- **Polarized voting patterns remain high in these states’ legislative chambers:** According to a 50-state analysis in 2014 by Boris Shor and Nolan McCarty California’s 2013 legislative session earned it the title of most polarized state legislature in the nation. The same analysis determined that Washington has the fourth most polarized state legislature. If Top Two is intended to mitigate polarization, its impact to date has been more anecdotal than systematic. That said, we will be interested to see if the mere prospect of a potential November challenger against a more moderate candidate from their party may change behavior over time.

Despite Top Two’s defects, the answer is not a simple restoration of traditional primaries. Instead, we should move forward with the Top Four primary with ranked choice voting (RCV). In elections for one candidate, RCV upholds majority rule while accommodating increased voter choice. It allows voter to consider three or more choices without “splitting” their vote in a manner that might otherwise result in an unrepresentative outcome. The RCV ballot has drawn
support in several different contexts. RCV has been adopted in American cities typically to condense two voting rounds into one – for example, by replacing runoffs or a primary-general election combination with a single RCV election when most voters are at the polls. RCV ballots were used by overseas voters in five states in congressional elections in 2014 to protect overseas and military voters’ participation in runoff elections. RCV is a valuable reform when replacing plurality voting rules in general elections with more than two serious candidates; the state of Maine will hold a statewide ballot measure in 2016 to adopt RCV for all state and congressional elections in the wake of its last three governors all winning an election with less than forty percent of the vote.

Going hand in hand with RCV, the Top Four Primary changes the Top Two system in two ways: first, four candidates advance from the primary rather than two; and second, RCV is used to reduce the field in the primary (by eliminating last-place candidates one by one and retallying votes until four remain) and then in the general election. With these uses of RCV, voters would never need to be asked to rank more than three candidates and would always get a second look at the frontrunners. The primary contest would remain open to all voters, but the much bigger, more representative general electorate would have more choices and more power.

FairVote has simulated the results of a Top Four system using actual vote totals in Washington and California, as summarized in this chart.

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<tr>
<td><strong>Top Two</strong></td>
<td><strong>Top Four</strong></td>
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<td># Races (out of 114)</td>
<td>% Races</td>
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<tr>
<td><strong>Both major parties in general election</strong></td>
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<tr>
<td><strong>Intraparty race in general election</strong></td>
<td>15</td>
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<tr>
<td><strong>Non-major party candidate in general</strong></td>
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* More candidates from these categories would have advanced with Top Four if they had run, which would have been likely if candidates were aware of greater access to the general election. For example, in no contest did one major party’s candidates take the first four positions ahead a candidate from another major party – not surprising when a candidate is guaranteed to advance if securing 20% of the vote and likely to advance with 12% to 15%.

The results are dramatic, particularly in the number of intraparty contests and elections with minor parties in November. This combination of results would address concerns both of those favoring Top Two and those opposing it. Speaking to critics of Top Two, the Top Four primary
would almost certainly avoid races in which a major party ends up being blocked from the ballot despite fielding a candidate in the primary, and it would increase the number of contests in which unaffiliated and minor party candidates advance, with non-major party candidates in Washington rising from being in 1.8% of November elections to 39.3%. Speaking to supporters of Top Two, it would greatly increase the number of races where more than one candidate from the dominant party advances; in Washington, intraparty contests rise from 1.8% to 76.8%.

Criteria Evaluation

Voter turnout and political participation: 3

Adoption of the Top Four primary with ranked choice voting would have a moderately positive impact on voter turnout and political participation – one certainly to be more substantial than either the Top Two primary system or ranked choice voting on their own.

Addressing impact on primary election turnout, I am not optimistic that any reform short of compulsory voting will have much positive impact on voter turnout in primary elections, and having a winnowing election that only reduces the field to four will likely make primary elections that much less interesting to voters. Conversely, new opportunities to reach the general election ballot would likely inspire more strong candidates to run, and in so doing inspire participation by voter attracted to those candidates.

It is the general election where the impact on turnout is likely to be most positive. As indicated by FairVote’s California and Washington simulations, the number of intraparty contests in districts that might otherwise by safe for the majority party would soar, yet the other major party and strong independents and third parties would be that much more likely to reach the November ballot. The result would be a large increase competitive general election contests – both from the traditional primary system and from the Top Two system.

Furthermore, these candidates would have incentives to reach out to more voters. In races with more than two strong candidates, candidates have an incentive to appeal to the backers of every other candidate – that is, to learn to find common ground with more voters. Winners in RCV elections often stress how different their campaigns were with RCV than other campaigns. Michael Brennan, mayor of Portland (ME), is a former congressional candidate and state senate majority leader. In a 2013 interview, he said of his 2011 mayoral campaign with RCV that:

You’re not only trying to get a number one vote, you’re trying to get a number two vote or a number three vote. So you don’t spend a whole lot of time saying things about your opponent that might be construed as being negative ....The second major feature of it for me was the fact that I really ended up focusing on all Portland voters as opposed to just looking at targeted voters. In almost every other campaign you sit down and you say ‘Ok, I need 28% to win or 32% to win or I need 35% of the vote to win’ and you target voters to get you that percentage that’s going to allow you to win. I didn’t care if they were Democrats, Republicans, or Independents but generally speaking you really tried to reach out as much as you possibly could to people that were registered voters.
A two-year study by political scientists Todd Donovan and Caroline Tolbert found robust evidence that this difference is more than anecdotal. As part of the project, the Eagleton-Rutgers Poll surveyed more than 4,800 likely voters in 21 cities – seven with RCV and 14 control cities without after their local city elections in November 2013 and November 201. They found that consistent findings that respondents in cities using RCV reported candidates spent less time criticizing opponents than in cities without RCV. Evidence from a Donovan-Tolbert candidate survey found similar opinions about the effects of RCV.

If competition mobilizes likely voters, then we would expect RCV to increase mobilization. Indeed, the Donovan-Tolbert survey provides evidence that people are more likely to be contacted by campaigns, and are more likely to volunteer under RCV than plurality. At least at the level of city elections, RCV repeatedly has rewarded candidates who engage in more direct contact with voters – putting a premium in that voter turnout behavior instead of 30 second television ads that are less likely to earn a voter’s ranking. One example was Betsy Hodges’ upset win in the 2013 Minneapolis mayoral race. She won by 20 percentage points in the final round of the RCV tally even as she did not spend any money on television advertising, unlike the better-funded frontrunner, and instead invested in direct voter contact.

Although negative campaigns and increased campaign spending do not necessarily hurt turnout in elections, they can contribute to voters turning off of politics between elections. The positive outreach emphasized by winning RCV candidates like Portland’s Mayor Mike Brennan creates an opportunity for more connections between voters and representatives that will improve engagement between elections.

Still, a variety of factors influence voter turnout and engagement. The most fundamental reason for voter turnout is whether eligible voters see casting a ballot as having an impact on their lives. Doubt about that perception goes far beyond any single reform.

**Fair representation of parties and political groups: 2**

Unlike multi-winner ranked choice voting, the Top Four Primary with RCV is not designed to accurately reflect the electorate overall in a legislature. In any given statewide or legislative contest, it is more likely that RCV will accurately reflect the median voter in that content than would be true of either our traditional primary system or the Top Two system. In addition, those with different views within parties will be more likely to reach the general election ballot and, as a result, outcomes have more potential to result in a greater reflection of each party’s “big tent” of support. For these reasons, I give the proposal an impact rating of 2, but not a higher rating because overall representation in Congress could easily remain skewed.

California provides a way to demonstrate this potential skew. About 40 percent of California voters support Republicans. Republican Neel Kashkari won that share in his uphill battle against incumbent Jerry Brown in the 2014 governor’s race and, while that year Republican congressional candidates won 41% of votes in House races. Even so, California’s Democratic congressional candidates translated their 57% of votes into 74% of seats, while Republicans won just 26% of seats. A Top Four system would allow such an overall skew as well, while with a
50 percent threshold to win in November, third parties and independents would continue to have a hard timing winning even if more able to hold the major parties accountable.

**Fair representation of racial minorities and women: 3**

One of the more intriguing findings from the use of RCV at a city level in the United States is a positive impact on opportunities for women and racial minorities.

Unlike multi-winner RCV, the Top Four Primary with RCV does not reduce the percentage of votes necessary to win. For that reason, it does not have a direct impact on representation of racial minority candidates who are dependent largely on earning voter support from their minority group. But in diverse electorates like Bay Area cities with RCV or some Minneapolis districts, candidates able to convey inclusiveness do well, and at least some racial minority candidates seem particularly successful in this messaging. Perhaps even more importantly, RCV means that decisive election are less likely to take place in a low turnout primary.

Even before RCV was introduced into the Bay Area, the Bay Area probably was already more likely to elect women and minorities than other parts of the country. Still, those numbers have risen. For example, nine of the eighteen the RCV-elected offices in San Francisco were held by people of color when RCV was first used in 2004, and now that number is 16 of 18. Overall, of the 52 seats in the Bay Area elected using RCV, 46 are currently held by women and people of color – which constitutes a large increase from the days before RCV elections and a larger increase than has been seen in non-RCV Bay Area cities.

As to a connection between RCV and election of women, the evidence remains anecdotal, but here is a list of all the open seat RCV elections for mayor or county executive where a woman candidate ran in the past decade:

- **Burlington (VT) mayoral election, 2006:** A female state senate and business owner spent the most money, but ran a more traditional campaign against a much less-funded male candidate who defeated her both in first choices and the final instant runoff tally.
- **Pierce County (WA) executive, 2008:** A female candidate won despite being outspent heavily by two men, including one of her party. She trailed in first choices, but won in the final count. She became the first female ever elected county executive in the state.
- **Oakland (CA) mayoral election, 2010:** A female candidate won despite being outspent heavily by a male frontrunner, a former majority leader of the state senate. She trailed in first choices, but won in the final count. She became the first Asian American female to win a mayoral election in a major city.
- **Portland (ME) mayoral election, 2011:** A female city councilor ran, but was not a factor.
- **Minneapolis (MN) mayoral election, 2013:** A female candidate won defeating a better-funded male candidate who had more establishment support.
• San Leandro (CA) mayoral election, 2014: A female candidate won after first getting elected in the city in an RCV city council election. She defeated another woman and longshot male candidate.

Overall, women won four of these six executive office elections, including three upset victories. In 2014 Bay Area election, women won eight of 10 open seats in RCV elections. It is not clear why women candidates are doing this well, but it may be that, at least contextually, they are helped by RCV’s incentives. Some women candidates may more effectively convey signs of empathy that are helpful for earning second choice support, or perhaps do better in electoral environments more focused on positive campaigns and coalition-building than in zero-sum electoral environments that may exploit gender stereotypes to hurt electoral prospects.

**Electoral competition: 4**

As explained earlier and demonstrated with FairVote’s simulations in California and Washington, the Top Four primary with RCV will greatly expand the number of districts with opportunities for meaningful competition. Strong incumbents will still cruise to victory in many races, to be sure, but more such races will draw attention and inspire more competition from general election challengers, especially when from the same party.

**Reduction of polarization in Congress: 4**

Ranked choice voting from Top Four will likely have a significant impact on polarization in Congress. Grounded in evidence presented earlier, this impact is for two key reasons:

1) The Top Four Primary will do far more to reduce the effective stranglehold on representation held by primary voters in both traditional and Top Two primaries. House Members attentive to re-election will be confident that they will advance to the general when only needing to finish in top four. Once there, even if a strong intraparty challenge does not emerge, incumbents will need to anticipate the possibility of one and be more attuned to the greater pool of voters in November elections when serving in Congress.

2) RCV will reward candidates able to reach out to other candidates’ backers. In highly competitive races where the order of elimination is unclear, this means being attuned to voters backing candidates of your own party, of other parties, and independents.

**ENDNOTES**

1 Rob Richie is FairVote’s executive director. He thanks FairVote senior attorney Drew Spencer and Stanford University’s Larry Diamond for their assistance with developing this proposal.