# PROTECT THE WIN

## AN ADVOCATE'S GUIDE TO IMPLEMENTING RANKED CHOICE VOTING

WE ARE
**DEMOCRACY
RISING**

RANKED CHOICE VOTING
RESOURCE CENTER

represent **Us**

Democracy Rising launched in the summer of 2020 with a mission to deeply engage impacted communities in the process of reimagining and transforming our democracy. Our vision is to create a democracy where all communities have political equity, are fully able to participate in the democratic process, and are empowered to hold elected officials accountable. Democracy Rising supports these efforts through voter and candidate education programs, coalition building, and cultivating a network of diverse democracy leaders. Our work sets the foundation for real, structural change that builds the community power to protect and enhance our democracy.

The Ranked Choice Voting Resource Center (RCVRC) is a division of the Election Administration Resource Center, a nonpartisan 501(c)(3) nonprofit organization. RCVRC provides information, research, and tools to teach the public about ranked choice voting (RCV). When the Resource Center was initially conceived, the team sought to develop a content-rich site to create a single space to share ideas, develop best practices, overcome hurdles, and deliver exceptional election administration. With decades of election administration experience and experience overseeing RCV elections at all levels of government, our team now focuses on expanding the resources and information available about this voting method. The work of the RCVRC covers many different RCV matters in an accessible and actionable way. The cornerstone of our Resource Center is our website which houses resources from research to webinars and podcasts to ballot design and more.

RepresentUs is America's leading nonpartisan anti-corruption organization fighting to fix our broken and ineffective government. It advocates for policies to strengthen our democracy and provides activists with the resources and training to bring meaningful change. RepresentUs has supported RCV campaigns and implementation across the United States.

## INDIVIDUAL BIOS

### Grace Ramsey
**Director of Programs, Democracy Rising**

Grace brings over 9 years experience working on voter education campaigns across the country. She began her career as an organizer with FairVote Minnesota's Rank Your Vote campaign, went on to become Deputy Director of Outreach at FairVote, and led voter education and organizing campaigns as a consultant with Democracy in Action. Grace has led voter education campaigns across the country in places like Minneapolis & St. Paul, Eastpointe, Albany, Santa Fe, New York City, Alaska, Maine, Utah, and more. Over the course of her career she has come to deeply understand and appreciate the power of community organizing and has solidified her belief that a strong democracy is one that evolves to better serve the people. Grace specializes in voter and candidate education, training development and facilitation, community organizing, and leadership development.

### Chris Hughes
**Director of Policy and General Counsel, Ranked Choice Voting Resource Center**

Chris Hughes is the Director of Policy and General Counsel for the Ranked Choice Voting Resource Center. He has contributed to RCV legislation and regulation in more than twenty states, including laws passed in Maine, Utah, and Virginia, and assisted with ranked-choice voting implementations in dozens of jurisdictions, from Newton, Utah (population: 780) to New York City. Chris also co-produces the RCVRC's podcast, RCV Clips. Chris is admitted to practice law in the State of New York.

### Kelly Goss Sechrist
**Director of Development and Communications, Ranked Choice Voting Resource Center**

Kelly Goss Sechrist has worked in nonprofits in some capacity as a volunteer, board member, or development staff member for over twenty-eight years after teaching middle school in Southern Appalachia. While new to election administration, she is not new to elections. Kelly served on several local and state election campaigns, including state senate campaigns in 2006, 2008, and 2010 where she served as the assistant campaign manager and public relations liaison. Kelly has spent the past three years learning about RCV reform and election administration. She oversees fundraising, development, and communications for RCVRC and co-produces the RCV Clips podcast with Chris Hughes & Melissa Hall.

### Ryan Kirby
**Public Policy Specialist, Ranked Choice Voting Resource Center**

Ryan supports the Policy Director and administers the organization's internship program. He previously served as the Chief of Staff for State Senator Cheryl Kagan in the Maryland Senate, where, among a multitude of issues, he supported the Senator's election legislation.

**David O'Brien**
Policy Director, RepresentUs

David leads RepresentUs' efforts on developing policy positions and legislative proposals. He has extensive experience passing and implementing RCV laws across the country through the legislative, regulatory, and legal processes.

**Anh-Linh Kearney**
Policy Analyst, RepresentUs

Anh-Linh has been on the RepresentUs research team since March 2020, tracking a wide range of democracy reform legislation and providing research to support numerous state and local reform initiatives. While most of her work has been behind-the-scenes for campaigns, she has also co-authored reports on gerrymandering, mail voting, threats to the ballot initiative process, and the case of Moore v. Harper.

## TABLE OF CONTENTS

PROTECT THE WIN

## INTRODUCTION

Congratulations! You finally did it. You knocked on doors or called legislators. You phonebanked and tabled, and explained Ranked Choice Voting (RCV) to anyone who would listen. You stayed up late to follow election returns or monitor the progress of a floor vote. After weeks or months or years of annoying your family and friends with lectures on ranking orders and ballot transfers, the campaign is over and you won. Ranked choice voting is now the law, and you helped make that happen. Enjoy the moment. Savor it. Because there's still a lot of work to do.

Ranked choice voting is one of the fastest-growing electoral reforms in the United States. Every election cycle sees new cities and states passing RCV laws. As more people become interested in RCV, advocacy groups have created a wealth of materials to explain how RCV works and how to pass RCV laws. Far less attention has been paid to what to do once that law has passed. This guide exists to fill that gap.

The period between the passage of any election reform law and the first election under that law is crucial to the reform's success, and RCV is no exception. During that time, election workers must be trained on new procedures, voters and candidates must be educated on changes to the process, equipment may need to be replaced or upgraded, and additional laws and regulations may need to be passed to fill legal gaps. We call this process implementation.

A successful implementation process can mean the difference between a smooth election that lives up to the promises of your campaign, and a fiasco that leaves voters and lawmakers wondering if this new reform is worth the trouble. A botched implementation will provide opponents with ammunition to repeal RCV and undo all your hard work. A successful implementation will help win the hearts and minds of the constituents.

We created this guide to share the lessons of RCV implementation from across the United States. It's designed to provide advocates behind winning RCV campaigns with a roadmap to help ensure a successful implementation. Each section addresses a different aspect of the implementation process: voter and candidate education, legal defense, political defense, communications, and technical implementation, each with its own set of considerations and pitfalls.

Every jurisdiction is unique, and no single document can anticipate every potential issue that may arise in the implementation process. This guide addresses some of the most common demands and concerns when implementing RCV and includes examples and case studies from real-world RCV implementations. The guide assumes a certain level of familiarity with RCV and the political process, but contains a glossary of terms for reference. Terms defined in the glossary are in **bold** throughout the document.

Implementation isn't an easy process, but it's an important one. It may seem overwhelming. But you're not alone, and you already have the tools you need. Congratulations on your victory. It's time to get to work.

# VOTER & CANDIDATE EDUCATION

**1**

**2**

**3**

**4**

**5**

## Introduction

Continued expansion of ranked choice voting (RCV) depends on successful implementation both in its execution and its delivery on campaign promises. While RCV does have some immediate impacts, the deep shift advocates hope to see in political culture requires deep investment.

To alleviate concerns from skeptics or opponents, advocates must educate key stakeholders and the public about the mechanics of RCV and why it's a more democratic system for choosing leaders. Only when voters internalize the benefits of RCV will the new system become impervious to the predictable and refutable claims that opponents of RCV amplify.

There is overwhelming evidence that voters find RCV intuitive. However, wherever RCV has been implemented, there have been understandable concerns about voter confusion. Additionally, implementation efforts tend to lack the enthusiasm that RCV advocacy campaigns garner. These factors make implementation a delicate time for maintaining the key narratives and support established by a campaign. A well-organized and funded education campaign is the primary way to ensure RCV lives up to campaign promises and prevents its repeal.

This campaign can be led by the jurisdiction itself or organizations in the community. However, the best voter education efforts are led by a combination of the two. Below are four of the key aspects in a voter education effort and some key questions to ask in advance of launching a voter education effort.

## Voter Education Led By Election Administrators

Jurisdictions are uniquely positioned to lend credibility to voter education messaging.  They typically have established staff to address public information issues, dedicated funding to address voter outreach, and are able to utilize media and other methods of sharing information in a way that other stakeholders are not. The most successful programs are those based on strong working relationships and clear agreements between the jurisdiction and community organizations that work on voter education and engagement.

Key Questions:

- During the legislative or initiative campaign, did the election administrator make any public or private statements of support or opposition?

- Are there typically high levels of voter turnout in the election in which RCV will be used?

- How many households are there in the community?

- What level of programming has the administrator led in past elections?

- Does the election administrator have a public information officer or public outreach coordinator?

- Did the bill or initiative that was passed have a funding stipulation for voter education?

The most successful implementations of electoral reforms occur when jurisdictions engage in a collective effort with community organizations to educate and engage voters. While jurisdictions are typically able to reach a greater number of voters, community groups have the ability to reach specific constituencies on a personal and culturally-appropriate level. Through a variety of tactics including canvassing, small group presentations, mock elections, and others, community partners can educate and engage voters in a meaningful and impactful way.

Key Questions:

- Is there an existing coalition that formed through the legislative or initiative campaign?

- Does your organization represent all of the key constituencies in the community?

- Does your organization or coalition represent all of the key geographic areas of the community?

- Does your organization have infrastructure for direct voter contact? Does your organization have access to the voter file?

- Does your organization have capacity for paid staff?

- What groups or organizations in your community are essential for reaching key constituencies?

- Is there an existing brand or reputation for your organization? Is that brand viewed as nonpartisan? Is it viewed as a credible source of information on voting and elections?

## RANKED CHOICE VOTING

INSTRUCTIONS: VOTE BY RANKING CANDIDATE OF YOUR CHOICE
- Rank as many or as few candidates as you like
- Completely fill in no more than one oval for each candidate or column
- For your 1st choice, fill in the oval in the 1st choice column
- For your 2nd choice, fill in the oval in the 2nd choice column
- For your 3rd choice, fill in the oval in the 3rd choice column, and
- If you make a mistake you can ask for a new ballot.

### Best M&Ms Flavor

| | 1st Choice | 2nd Choice | 3rd Choice | 4th Choice | 5th Choice |
|---|---|---|---|---|---|
| MILK CHOCOLATE | ⬭ | ⬭ | ⬭ | ⬭ | ⬭ |
| PEANUT | ⬭ | ⬭ | ⬭ | ⬭ | ⬭ |
| PRETZEL | ⬭ | ⬭ | ⬭ | ⬭ | ⬭ |
| PEANUT BUTTER | ⬭ | ⬭ | ⬭ | ⬭ | ⬭ |
| Write-In: | ⬭ | ⬭ | ⬭ | ⬭ | ⬭ |

Source: Alaskans for Better Elections

When a jurisdiction adopts RCV, educating voters is a priority. But more recently, organizations on the ground have placed emphasis on educating candidate campaigns as well. Candidate campaigns are the most likely way voters will hear about upcoming elections, making it essential that candidates and their teams are aware of how RCV works and are able to share that information with voters.

Candidate education is an essential part of voter education and a necessity for the sustainability of RCV. Providing candidates with training and guidance allows them to assess and adjust their campaign strategy to better align with the system. For instance, in an RCV election, campaigns must rethink their winning strategy, messaging, field plans, and more. While embracing RCV in campaign strategy does not guarantee that a candidate will win, there are many examples of candidates who may not have lost had they adapted their strategy.

Key Questions:

- How many candidates are declared for offices where RCV will be used? Are there enough candidates for RCV to be a factor?

- Are there any candidates who are running based on their support or opposition to RCV?

- Is there a possibility of partnership with the agency that is leading the election administration?

- What is the level of structure and funding in declared candidate campaigns?

- Are there influential campaign organizers engaged with declared campaigns?

- Does the organization leading voter education efforts have existing relationships with candidates or party leaders?

**Language Justice**

One in five Americans do not speak English at home. However, in American elections, it's common for election administrators to provide non-English speakers with hastily-translated information — which does not engage or empower them. This unimaginative approach leaves entire communities feeling overlooked. It also prevents those who run our elections from gaining valuable perspective from the intelligence and insight these communities have to share. It is essential to develop and provide effective and culturally-informed educational resources to non-English speakers.



¡Rankea y haz que tu voz se escuche!

Source: Sol de Medianoche

Key Questions

- What languages, other than English. are most commonly spoken in the community?

- Has there been voting rights litigation on behalf of a community that involved language access?

- What languages spoken in the community require translated materials under the Voting Rights Act?

- What languages does the agency leading election administration provide materials in?

- Are there organizations that represent language communities active in the community?

- Were those organizations, spokespeople or partners engaged during the legislative or initiative campaign? Did they support or oppose the policy?

## MINNEAPOLIS CASE STUDY

### CONTEXT

- Minneapolis has a population of 429,954 and holds nonpartisan municipal elections.

- Ranked choice voting was adopted in Minneapolis in 2006 and was used for the first time in 2009, however, the 2009 election had very few competitive races.

- In 2013 Minneapolis' popular incumbent Mayor decided not to seek a fourth term. There were 35 candidates that filed to run for the open mayoral seat. In addition to the mayor's race there were several competitive city council races.

- In 2017 there were several strong challengers to the incumbent mayor as well as competitive city council races.

- FairVote Minnesota partnered with the city of Minneapolis to educate voters and help the city implement the process.

- FairVote Minnesota partnered very closely with the City of Minneapolis. In 2013 there was a change in leadership in the city administrative offices election offices and they had hired an interim director who reached out to FairVote Minnesota immediately and said let's partner to get this done. He quickly saw the need to do that with the community partner. Then he set the stage for the city's new city clerk to continue to partner with FairVote Minnesota.

- Those strong relationships extend all of the other cities to Saint Paul, Saint Louis Park, Minneton-ka, and Bloomington. They all respect the role that we play and FairVote Minnesota shares voter education planning to prevent overlap.

### APPROACH TO VOTER EDUCATION

- FairVote Minnesota started with a voter centric education model as the first pass, making sure voters understood what the change was and that they had the opportunity to rank candidates.

- However, in future elections they built out more programming with candidates as they have more at stake. In 2013 FairVote Minnesota developed a candidate focused education program as well and then even more strongly implemented that and subsequent cycles.

- In partnership with Wellstone, FairVote Minnesota facilitated robust candidate training programs beginning in 2017.

- FairVote Minnesota also conducted outreach to independent expenditures and endorsing organizations with training and resources.

- Primary voter education activity was to attend community events. In a city as big as Minneapolis that means well in excess of 300 events in any given cycle. The goal is to be anywhere that voters will gather.

- In addition to having a presence at community events FairVote Minnesota partners with other organizations that are conducting voter outreach and FairVote Minnesota also leads phone and door canvasses.

- FairVote Minnesota runs a robust communications program that provides regular updates to stakeholders and the media.

- Digital organizing by having a steady online presence and using targeted digital ads that provide information about the election.

## SUCCESS

- On relationships with election administrators - making sure we had the proper outreach and most importantly people should always just pick up the phone send an e-mail "hey, I'd love to talk. Here is a resource, we stand ready to help we'd love to partner in whatever way it makes sense."

- Innovating candidate programming. FairVote Minnesota developed the first candidate training curriculum and built out sustained programming that engages with candidates and campaigns.

- FairVote Minnesota hosted a press conference after the 2017 election where candidates that won and lost came together to discuss the positive impact that RCV had on the process

## CHALLENGES

- Two concerns that emerged repeatedly, especially in the 2013 race, but it kind of repeated in 2017 as well as 2021 in Minneapolis is a long ballot meaning there are many candidates, especially for mayor, and the general concern was that voters would be confused. Post election surveys showed that voters were not confused and found RCV simple to use.

- Maintaining a completely unbiased approach to candidate work. Ensuring that leadership and staff maintain the same level of trust and professionalism with all candidates, parties, and their teams - regardless of their stances on issues or RCV.

## LESSONS LEARNED

- When faced with a crowded field of candidates voters are capable of determining which candidates are running serious campaigns versus those who are not. Much of this is made clear by which candidates make the stage at debates or forums.

- FairVote Minnesota raised a larger budget for the 2013 implementation since the efforts would need to be significantly more robust as it was the first time RCV would have a large impact on the election.

- The candidate outreach and training programs have become essential pieces of education campaigns and candidates in the communities using RCV have come to expect that information.

- In more recent years FairVote Minnesota has also invested more in the digital space. Creating digital ads and targeted outreach. This has allowed them to be more attentive to language needs and accessing communities in the most effective way.

- Organizers love this work and it shows all the time. It's fun, it's exciting, it's new, it's meaning-ful, it's purposeful. FairVote Minnesota gets a lot of people interested in this work because they can be involved in a campaign cycle but don't have to work on behalf of a specific candidate.

## IMPACT

- **Exit Polling**
- **2021 Post Election Press Release**

## ONE PIECE OF ADVICE

- Being present in the community and communicating consistently with community leaders, candidates, the media, and partner organizations centers the organization as the default expert on RCV. Being the first call a reporter or a candidate makes when they have a question about RCV prevents them from sharing misinformation and keeps messaging consistent.

## Recommendations

This section's recommendations come from a series of interviews with community leaders from RCV jurisdictions who have experience educating voters and candidates. Their experiences come from communities that vary geographically, socioeconomically, in voter turnout, in language communities, and in political leaning. The overarching recommendation of this guide to all national and local leaders who will be engaging in advocacy or implementation work: **listen to the people doing the work on the ground.**

While there are clear best practices that have emerged from implementation work to date, every community is unique in its opportunities and challenges. Tactics that were overwhelmingly effective in

some places may be a complete waste of effort in others. The combination of best practices with an understanding of the community's needs creates a responsive and effective education effort.

Report authors conducted interviews with Maria Perez (Santa Fe), Jeanne Massey (Minneapolis), Sean Dugar (New York City), Anna Kellar (Maine), Kelleen Potter (Utah), Anthony Meija (Palm Desert), and Juli Lucky (Alaska). Each of these interviews has been converted to a summary of the implementation (Appendix A) and the full transcripts of the interview are also available (Appendix B). These resources are available in the online report. Through all of these experiences, there were some consistent lessons learned and recommendations that future leaders should bear in mind when facing implementation work.

1. Seeing a ballot is the most effective form of voter education. Explaining the mechanics has value, but the baseline approach should focus on the ballot itself. The best way to explain both the ballot and the mechanics is to have a mock election.

2. Messengers are as important as the message.

3. A friendly and complementary relationship with the election administration agency creates a significantly more cohesive effort, prevents redundancies, and can improve implementation policies.

4. Create and maintain a planning document for your effort. This should include several tracks of outreach programming: direct voter contact, candidate, political, organizational, and media. If you begin the election cycle on the back foot, it is extremely difficult to get in front of challenges and can result in an education campaign that is reactive and defensive.

5. Engage candidates as early in the campaign cycle as possible. This allows you to build a relationship before campaign plans are finalized and enables you to get ahead of any internal misunderstandings of the system which can prevent external misinformation.

6. Don't reinvent the wheel. Creating an implementation infrastructure that is all things to all people takes immense effort and funding. Using existing community infrastructure to reach voters is significantly more efficient and effective.

7. Having a community presence builds the reach and credibility of education efforts. Whether it's at candidate events, press conferences, or community events, putting a face to the organization strengthens your organization's position as the expert on RCV.

8. Do not make language access an afterthought. Often, non-English materials are translated from materials in English, but they often lack the necessary nuance to engage voters. Developing materials in English and other languages should be done in tandem and can be an excellent opportunity to engage organizations that work closely with a particular language community. Interpretation work is valuable, and costs associated with it should be incorporated in your budget.

9. Favoritism has no place in voter or candidate education. Successful programs ensure that all training and resources are made available to anyone with interest. Whether candidates, parties, or individuals engage with those resources is up to them. External discussion of potential outcomes must be unbiased to remain credible.

10. Do not disregard all concerns or criticisms of RCV as opposition. There is a long history of reforms, electoral reforms as well as others, being used as a tool to suppress community power. Being dismissive of genuine concerns from communities prevents building trust and ensures future

opposition rather than potential partnership. Use discussions of concerns as an opportunity to engage a new partner in education work.

11. Inevitability is your ally. Voter and candidate education doesn't center on support for the policy, the policy is in place which means voters and candidates need to be informed about the new system regardless of their personal feelings about it.

It is important to note that the implementation of any election, including those that use RCV, has been made infinitely more difficult by the increase in misinformation and mistrust in elections that occurred before the 2020 Presidential Election and continues today. In the interviews with community leaders who navigated first-time implementations in a post-2020 environment, there were additional observations and recommendations:

1. Prioritize the needs of the whole over the individual. If there are individuals or groups that seek to cloud voter education, keep focus on the task at hand as much as possible.

2. When questions, theories, or accusations arise to derail voter education efforts, bring it back to the basics. What will the ballot look like? How do voters use the ballot? How do we determine the winner?

3. Election reforms such as vote by mail have been a key focus of election skeptics. This has extended to RCV. Providing data to counter specious arguments against the reform can steady the narrative. This data can include analysis of cast vote records and results, exit polling, and testimony from community leaders and elected officials. Planning ahead to gather this data is key to weathering election backlash.

Place particular emphasis on educating people or groups that espouse these views. While these interactions may be fraught, the ability to highlight the outreach that has been done to prevent willful misunderstanding of the system can prevent misinformation during and after the campaign season.

[Appendix A - Case Study Outlines](#)

[Appendix B - Interview Transcripts](#)

# LEGAL
# DEFENSE

**1**

**2**

**3**

**4**

**5**

The legal system frequently presents the first major challenge to an RCV law. After losing in the political arena, the law's opponents may hope to stop RCV in the courts. A single lawsuit can undo years of advocacy and campaigning. Additionally, RCV laws often require administrators to issue new administrative regulations to function as intended. This regulatory process presents another opportunity for opponents to interfere with implementation, and even well-intentioned regulators can inadvertently hurt the implementation of an RCV law if they create regulations without fully understanding the reform.

Advocates should seek out in-state legal counsel ahead of any potential litigation and remain alert for potential legal challenges. They should also follow the regulatory process to ensure that necessary administrative rules are passed.

*The section is intended to help advocates understand the potential legal issues commonly faced by RCV, but should not be considered legal advice. Consult an attorney who is familiar with election laws and legal processes in your state if you have specific questions.*[17]

## Lawsuits

One of the most common ways RCV opponents attempt to reverse a new RCV law is through a lawsuit. A lawsuit could challenge RCV on substantive grounds. For example, it could claim that it violates some aspect of the state or federal Constitution. It could attack the law on procedural grounds, and argue there was some issue with how the law was adopted. Or it could do both. There have been many lawsuits over RCV in the past century, and so far courts have overwhelmingly held that it does not violate the US Constitution. However, state constitutions vary widely and many state courts have not heard claims about RCV before.

When anticipating a lawsuit, here are some of the questions that you should try to answer to best prepare for the lawsuit:

- Who will the parties be and who will be responsible for defending the law?

  » The parties challenging the law could be candidates, elected officials acting in their personal capacity, a legislature that has voted to bring the case in its official capacity, voters, political parties, other politically-active organizations opposed to reform, or a combination of these.

  » The state's attorney general typically defends a state-level RCV law. For local RCV laws, city or county attorney or similar position would likely do so.

- Do you have a relationship or point of contact with the office that is responsible for defending the law?

  » How well does the office understand the mechanics of RCV and other information relevant to defending the law?

  » Is the office willing to consult with advocates and RCV experts during the case?

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[17] Recommendations for legal counsel in your state may be available through the RCV Legal Roundtable, a collaboration of national reform organizations committed to advancing RCV. For more information, contact one of the following member organizations: FairVote, RCV Resource Center, RepresentUs, Campaign Legal Center, Protect Democracy, Unite America.

- Should advocates get involved in the legal defense of an RCV law?

  » In situations where a government agency is already responsible for defending an RCV law, there are two ways for advocates to become formally involved in the case.

    ⤙ Advocates can try to **intervene** in the case. Not everyone is able to intervene in a lawsuit, and you will need to consult with an attorney to determine if you or other advocates meet the criteria. Intervention will also require you to retain your own legal representation, since the government attorneys already defending the law will not be representing you.

      - Example: When a lawsuit was filed against the successful RCV ballot measure in Alaska, Alaskans for Better Elections, the group behind the ballot measure campaign, intervened in the lawsuit and defended the law alongside the state attorney general's office.

    ⤙ Advocates can try to file an **amicus curiae** brief. Filing an amicus brief is a much more limited form of involvement than intervening, but it is often easier to find attorneys willing to work pro bono on an amicus brief than to represent a party intervening in a lawsuit.

      - Example: In response to legal challenges to Maine's RCV initiative, several nonprofit organizations supporting RCV filed "interested party" briefs before the state's supreme court, each focusing attention on responses to particular lines of attack.

- Do you already have legal counsel or a relationship with an organization with lawyers on staff who could participate in a lawsuit over the law, either as an intervenor or an **amicus curiae**?

  » Participation in a lawsuit can be much more time-consuming and expensive than the legal advising and compliance work that attorneys typically perform for advocacy campaigns. Even if you are already working with an attorney, the legal costs for intervening in a lawsuit can be significantly higher than what is in your current fee agreement.

  » Some private attorneys and firms may be willing to do work for you pro bono, but this is usually dependent on whether representation would affect their work with current and potential clients and how much work is required.

  » There are many nonprofit advocacy organizations with their own attorneys that may be able to help you. They often have limited resources and you should begin contacting them as soon as possible to determine what help, if any, they can offer you. Organizations that supported the campaign to pass RCV are a natural place to start.

- What do you need to know in order to make a decision about getting involved in a lawsuit?

  » In some situations it might become necessary to bring a lawsuit to force the government to implement an RCV law. This can be an intensive and expensive process, and should generally be considered only once it is clear that there are no alternative options. Lawsuits can potentially make adversaries of neutral (or even otherwise supportive) officials and so should be considered with care.

  » You and your attorney will need to analyze a number of strategic and legal considerations if you are considering bringing a lawsuit to force implementation. These issues include: when you need to bring a lawsuit, who in the government you should sue, the sorts of things a lawsuit can force the government to do, and others. These issues will be both fact- and law-specific and will require the advice of an experienced attorney.

## Implementing regulations

- Is the law **self-executing**? (See the discussion of **self-executing** laws in the Political Defense section on page X).

  » If a law is not fully self-executing, what needs to be done and who needs to do it?

- What areas will **regulations** need to cover? (See the discussions of **regulations** in the Technical Implementation and Political Defense sections).

- Understand the process for giving public input on **regulations** ("**notice and comment**") and how to get involved. Notice and comment is important for two reasons. One, you can submit suggested revisions to any proposed rules to ensure those rules follow ranked-choice voting best practices. Two, submitting comments allows you to build an evidentiary record in case you need to sue over a rule or help defend a rule from a lawsuit.

  » Before engaging in the notice and comment period, it is necessary to review the proposed rule and determine your organization or coalition's stance on the rule. Do you support it as-is? Support it with specified revisions? Oppose it, regardless of revisions? Oppose it unless specific revisions are made? That will determine how you proceed through the notice and comment process.

» Find out if any other organizations or interested parties plan to submit comments and try to coordinate your submissions. Coordinating what everyone is saying ahead of time can prevent advocates from sending mixed messages to rulemakers. Coordinating comments will also enable different groups to focus on different aspects of implementation, which is especially useful if there are limitations on how long comments can be.

» It is crucial to understand the timeline for issuing rules in order to effectively engage in the notice and comment process. Timelines for notice and comment will come from two sources:

⇨ The ranked choice voting law, which should set a date for when RCV will go into effect.

⇨ State administrative law, which defines how long the notice and comment period runs and the timeline on which rules are ultimately made final.

⇨ Ideally, elections offices will provide you with advance notice of any rulemakings before they are published. This will give you additional time to prepare for the notice and comment period by organizing coalition partners, preparing materials for any comments, and other steps.

» State administrative law may also require, or elections offices may elect to hold, hearings on proposed rules. Hearings are an additional opportunity to voice any support for, provide feedback on, or recommend revisions to proposed rules. Hearings also offer the opportunity to answer questions elections offices or other stakeholders may have about the proposed rule.

» Questions to consider are:

⇨ Will there be a hearing on the rules?

⇨ Do you need to provide written comment before that hearing?

▪ Written comment may need to be submitted before a hearing. If comment can be submitted after a hearing, any pressing questions posed during the hearing can be addressed in your written comment.

⇨ Do you need to provide oral testimony at that hearing?

▪ Is your presence at the hearing necessary? Helpful? Counterproductive?

⇨ Who else should be present at that hearing?

▪ Should coalition partners also present themselves to help build your case for or against the proposed rules? Can you get supportive elected officials, election administrators, or other stakeholders to testify?

- » State law may also permit emergency regulations, which can either skip the notice and comment period or go through an expedited version of it. Emergency regulations can be useful if any last-minute changes are necessary before RCV can be successfully implemented.

- Not all jurisdictions produce election regulations. Instead, many rely on internal agency documents that guide their day-to-day work. Understanding if or how your jurisdiction produces election regulations or other guidance will be important to effectively engaging in the regulatory process.

  - » Does your jurisdiction produce and rely on election regulations?

    - ◦ If so, how detailed do election regulations tend to be in your state?

      - This will also help you understand how detailed your comments or suggestions need to be when providing feedback on proposed regulations.

  - » Could election administrators implement any part of the law through agency guidance instead of regulation? Agency guidance does not typically go through notice and comment, so you will need to rely on other methods to provide input in that case. Could any implementation be primarily through agency guidance and other internal documents instead of regulation? Administrative law will not require that those guidance documents be subject to notice and comment, so providing input on the documents will require other strategies.

    - ◦ If your agency relies on internal guidance, what other avenues do you have to influence the creation of those guidance documents?

      - Are there relevant committees you or an ally can be appointed to?

      - Are there relationships you can leverage to pass feedback back and forth?

      - Other avenues?

- After a jurisdiction implements RCV, you may want to change the existing regulations. If so, you will need to understand additional aspects of the administrative process.

  - » Is the process for changing the regulation the same as making it in the first place?

    - ◦ This may also be relevant if the secretary of state's or lieutenant governor's office changes hands and the new leadership has a different stance on RCV.

  - » How can you get the relevant elections office to begin a new notice and comment period to update their existing RCV regulations?

    - ◦ Can you nudge the office to produce updates to their regulations?

    - ◦ Is there an administrative process for filing a request to change the regulations?

    - ◦ Can you file a lawsuit to require new regulations?

      - If so, is it worth harming your relationship with the administrator?

- You may need to be prepared to go through the same kind of notice or hearing process for when a new rule gets issued.

Maintain relationships with organizations that have the capacity to provide legal analysis and evaluate potential legal threats to RCV.

- Follow the news for information about potential legal challenges to RCV.

- Monitor the legislature for any attempts to bring a lawsuit challenging the RCV law.

- Figure out what agencies and officials will be responsible for passing rules and regulations to implement RCV.

- Keep track of new regulations to implement RCV and opportunities for notice and comment.

- When drafting comments on proposed regulations, consider the following:

  » States are required to publish notices when they propose a regulation. States tend to allow anyone to sign up for email notices when they publish comments for review. Be sure to sign up for those emails to stay on top of any relevant regulatory notices.

  » Be sure to include proposed legal language for any revisions you suggest. This will make it easier for regulatory agencies to make updates to any rules in line with your suggestions, and gives you a better chance of success.

  » Submitting comments varies by jurisdiction. Be sure you understand the process for submitting comment, whether it's email, online portal, or some other process.

  » Jurisdictions may have word limits and formatting requirements for comments. Be sure to understand those requirements before drafting and submitting your comment to ensure the agency will be receptive.

## Resources

Example of RCV regulations, from the Virginia State Board of Elections

Tips for writing effective public comments, by Public Comment Project

Guide to the regulatory process in each state, by StateScape

# MAINE LEGAL DEFENSE CASE STUDY[18]

Opponents will often challenge RCV in the courts after it gains a political victory through a successful ballot measure or legislation. The passage of Question 5, the 2016 ballot measure that adopted RCV in Maine, eventually led to six different lawsuits filed in both state and federal courts. The issues ranged from substantive questions about the constitutionality of RCV to technical and procedural questions, like whether signatures on a ballot measure petition were valid.

## SUBSTANTIVE CHALLENGES

The first major legal challenge to RCV occurred shortly after Maine voters adopted it. Early in the first legislative session after passage, the Maine Senate voted to ask the state supreme court to review the ballot measure as a "Solemn Occasion." This is an unusual process available in Maine and just a few other states in which a state court can provide an opinion on the constitutionality of a law before it goes into effect under certain circumstances. The court's opinion in this situation is not legally binding but is a strong indication of how the court would eventually rule if the law is challenged in court once it goes into effect. The court was faced with two questions: First, was the situation important enough to merit a "Solemn Occasion" opinion, and second, did RCV violate the Maine Constitution's requirement that state offices be elected by "a plurality of votes." The Supreme Judicial Court of Maine issued an advisory opinion stating that RCV appeared to conflict with provisions of the state constitution as applied to general elections for state offices, but not to primary elections or federal elections generally.

Three lawsuits were later brought in federal court to challenge RCV under the US Constitution. Ranked choice voting has been litigated in US courts multiple times over the last century, and no court had found that it violated the US Constitution. Opponents brought a combination of old and new challenges in these lawsuits. Prior to the first scheduled primary election using RCV, the state Republican Party brought a lawsuit claiming the use of RCV in primary elections violated its associational rights under the First Amendment. The court rejected this claim. Immediately after Maine's first general election under RCV, a defeated candidate brought a lawsuit arguing that RCV violated various federal laws and constitutional provisions, including the Elections Clause and the Equal Protection and Due Process Clauses of the Fourteenth Amendment. The court rejected these claims. Shortly before Maine's second general election using RCV, several voters brought a new lawsuit alleging different constitutional violations of the First, Fourteenth, and Twenty-Sixth Amendments. The court rejected these claims as well.

## PROCEDURAL AND TECHNICAL CHALLENGES

Two of the lawsuits did not challenge RCV itself but rather addressed procedural issues that would directly impact the adoption and use of RCV. After the legislature amended the RCV law to delay its implementation following the Solemn Occasion opinion, advocates gathered enough signatures to place a veto referendum on the ballot to overturn this new legislation. (See Maine Political Defense Case Study.) The secretary of state filed an action in state court asking for a determination if the veto

referendum, which effectively suspended the legislation until the public voted on it, would require RCV to be used in the same election they decided to approve or reject delaying its implementation. The court ruled that RCV would be used in that election, giving voters the opportunity to experience the process as they decided whether to accept the legislature's attempt to delay it. The second case was brought against the secretary of state by opponents of RCV. The legislature had passed a law expanding RCV to presidential elections, and RCV opponents gathered and submitted signatures to exercise a veto referendum over that law. The secretary of state reviewed the signatures and determined that many of them were not valid, leading him to reject the petition. The campaign challenged this rejection in court and prevailed at the trial level, but that decision was reversed on appeal. This reversal meant that this second veto referendum would not appear on the ballot, ensuring that RCV would be used in presidential elections.

## LESSONS

While the sheer number of legal challenges to Maine's RCV law is unusual, its adoption offers several lessons for advocates. Legal challenges to newly-adopted RCV laws are common. Most legal challenges ultimately fail, but unsuccessful challenges can delay implementation, and even anti-RCV lawsuits that are only partially successful can significantly reduce the reform's impact. A body of positive jurisprudence for RCV has been developed over the past century, but constitutional provisions differ from state to state, and courts facing issues they have never before considered can reach unpredictable conclusions.

Advocates can help educate state lawyers tasked with defending RCV laws about how the process works to ensure the law gets the strongest possible defense. Similarly, amicus briefs submitted by experts on RCV can help educate courts to prevent misunderstandings and confusion from impacting the outcome of a case. Ranked choice voting advocates submitted amicus briefs in many of the Maine lawsuits, which resulted in positive, thoughtful opinions in several cases.

Finally, a lawsuit that challenges issues connected to an RCV law, like challenges to signatures on a ballot measure, can impact the law's success even if it doesn't challenge RCV directly.

# POLITICAL
# DEFENSE

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Successfully passing a bill or ballot measure to adopt RCV is not the end of the campaign. Opponents of RCV may not necessarily change their opinion or accept the new law. In places that have recently adopted RCV, advocates should be prepared for attempts to delay and undermine the law's implementation or to repeal it altogether. Aspen, Colo., for example, repealed RCV after only using it for a brief period, while Memphis, Tenn., repealed it before it was ever used at all.

There are many ways opponents of RCV attempt to interfere with implementation besides outright repeal. Hostile legislators can refuse to appropriate the funds necessary to run RCV elections, or state agencies could drag their heels on drafting necessary regulations. If outright repeal is not an option, opponents may try to delay implementation indefinitely, waiting until public interest and support ebbs and repeal becomes legally possible or politically viable. Opponents who wish to avoid angering the voters by repealing a law they had just approved at the ballot box might instead invent complications that postpone implementation and which might be used to justify repeal later on.

Advocates should stay politically-engaged after passing the law to ensure that officials take the necessary steps to implement RCV and that any attempt to repeal or delay the law is quickly detected and opposed. Potential political threats to an RCV law will vary by jurisdiction and circumstances, but the following list of questions and considerations should provide advocates with an overview of common things to consider.

## Key questions and considerations

Was the law passed as a **constitutional** or **charter amendment**, as an ordinary piece of legislation, such as a **statute** or **ordinance**, or as an administrative **rule** or **regulation**?

- **Constitutional amendments** can generally only be repealed or altered by other constitutional amendments, which in most states must be approved by the voters.

- **Charter amendments** can be repealed or altered by other charter amendments, which typically require voter approval. In some states, they may also be repealed or altered by state legislation. However, opponents may also attempt to argue that existing state law or state constitutional provisions bar implementation.

- **Statutes** can be changed or altered by constitutional amendments or by other statutes. These can be passed by the state legislature or, in some states, by ballot measure. Some states also allow statutes to be blocked by a **veto referendum**.

- **Ordinances** can be changed or altered by charter amendments or by other ordinances. These can be passed by the local legislature or, in some places, by ballot measure. Ordinances are always subject to state constitutions and in some states can be repealed or altered by state statute.

- **Rules** and **regulations** can generally be repealed or altered by constitutional or charter amendment, ordinary legislation, or by another rule or regulation.

Was the law passed by the legislature (as a **statute** or **ordinance**) or as a **ballot measure**?

- If passed as a **ballot measure**, was it a **legislative referral** or a **citizen initiative**?

» **Legislative referrals** are measures created and put on the ballot by legislatures. They are likely to have supporters within the legislature who can be allies in protecting and implementing the law.

» **Citizen initiatives** are measures that originated from the public without legislative involvement. Legislatures are more likely to be hostile to laws passed this way.

▪ If passed as a **ballot measure**, are there restrictions on the legislature's ability to amend or repeal these laws?

» Some jurisdictions prevent legislatures from amending or repealing a law passed by ballot measure within a certain amount of time or require a supermajority of the legislature to do so. For example:

⇝ Alaska prohibits legislative repeal of ballot measures for two years after passage but allows the legislature to amend them at any time.[12]

⇝ Michigan requires a ¾ supermajority vote of the legislature to repeal or amend a law passed by ballot measure.[13]

⇝ California only allows the legislature to repeal or amend a ballot measure by submitting another ballot measure to the voters.[14]

» If your jurisdiction does have a restriction on legislative repeal or alteration, does it depend on the kind of law that passed (statute, ordinance, or constitutional or charter amendment)?

⇝ If yes, when do those legal protections expire?

⇝ If it does not, do you have allies in the legislature who can defend the law and watch out for hostile legislation and relationships with other politically-connected organizations or lobbyists to assist that effort?

▪ The need for this will depend on the strength of your opposition, but it is always good to have.



▪ Was the law passed at the state or local level?

» **State laws** can only be repealed, altered, or overridden by other state laws or, in certain circumstances, federal laws.

[12] Alaska Const. art. XI, § 6.

[13] Mich. Const. art II, § 2.

[14] Cal. Const. art. II, § 10(c).

» **Local laws** can be repealed, altered, or overridden by other local laws, as well as state and federal laws in certain circumstances. The degree of autonomy a local government has and whether its laws can be changed by state law is often called **home rule**.

Is any additional legislative action required for implementation?

- Is the law **self-executing**? Does it need additional legislation to go into effect?

  » **Self-executing** means a law can go into effect immediately, without needing more specific legislation or regulations to be passed in order for it to go into effect.

    ⇾ Constitutional and charter amendments are often not self-executing since they tend to be shorter and less detailed than ordinary laws and **regulations**.

      ▪ For example, voters in Minneapolis, Minn. amended the city charter through a ballot measure to adopt RCV, but the City Council still needed to pass an ordinance establishing the specifics of the voting and tabulation process.

      ▪ On the other hand, voters in Vancouver, Wash. amended the city charter to allow the use of RCV but not require it. The city council never executed those new provisions and Vancouver has not yet used RCV.

    ⇾ Statutes and ordinances tend to be more detailed than constitutional and charter amendments but may still require some administrative **rules** or **regulations** to be issued before they can go into effect.

      ▪ Maine voters approved a ballot measure to create a statute adopting RCV, but the Secretary of State still needed to issue **regulations** to address various parts of the tabulation process for the law to be implemented.

» If a law is not fully self-executing, what needs to be done and who needs to do it?

⤷ **Constitutional amendments** often require implementing **statutes** passed by the state legislature, but some may only require administrative **rules** or **regulations** for implementation.

⤷ **Rules** and **regulations** are issued by administrative agencies, such as a Secretary of State's office or a Board of Elections. This process is governed by state law, which is typically called something like the "Administrative Procedure Act" and generally requires proposed rules or regulations to be made public for public review and input. This is called a **notice and comment** period.

▪ For example, the Virginia Legislature passed a statute allowing local governments to adopt RCV. The statute did not include detailed rules for tabulating an RCV election, leaving that for the Department of Elections to establish through regulations. RCV advocates and experts reviewed a draft of the proposed regulations during the notice and comment period and submitted comments and suggestions, many of which the Department of Elections incorporated into the final regulations.

⤷ What needs to be addressed in the laws or regulations needed for implementation? Common examples:

▪ Detailed tabulation rules

▪ Rules for reporting results

▪ How to address various ballot errors

▪ What appropriations are needed to pay for implementation?

» Will election administrators need to upgrade voting machines or voting system software?

» Will additional funding be needed to pay for voter education and educational materials?

» Will election offices need to hire additional staff?

▪ Other factors in legislation that can impact/interfere with an RCV law - registered party and candidate requirements/ballot access, elections division funding (especially for initial voter education), regulations around results reporting, ballot design, ballot tabulation certification

## Recommendations

Regardless of how a law is passed, maintaining a presence in the legislature, such as through a lobbyist or maintaining a close relationship with friendly legislators, is a good safety net to ensure the law is implemented properly and the resources are there to support it.

Build and maintain relationships with friendly legislators who sponsor implementation laws and appropriations and fight attempts to roll back the law.

Build and maintain relationships with legislative staff. Legislators frequently rely on senior staffers for policy and political assessments. Helping the relevant staffers understand the details and importance of implementation is often a necessary step for gaining the support of the members they serve.

Build and maintain relationships with election administrators and clerks associations. Often, they have a strong presence in the Capitol and will weigh in heavily on legislation affecting their work. Work with them to understand their needs for implementation and funding.

Coordinate your response to opposition and ensure local and national partners are singing from the same songbook (i.e. your talking points).

Hold onto your list of volunteers and supporters and find ways to keep them engaged in case you need to activate public pressure to support a legislative lobbying effort. Keeping your supporters informed about the implementation process with periodic and ongoing updates also helps in case a quick response is needed.

Budgeting for technical implementation needs and voter education will likely be an area where legislative advocacy or lobbying is needed. This could also include lobbying at the agency level (such as an election administrator's office) to ensure funds are earmarked for education and implementation. Connecting administrators to helpful information and technical resources offers you an opportunity to be seen as helpful rather than adversarial

Keep an eye on the legislature.

- Actively monitor and track legislation relevant to implementation:
  - » Are necessary appropriations getting introduced and passed?
  - » Is there an attempt to delay implementation dates?
  - » Are there attempts to change the process?
  - » Are there attempts at outright repeal of the law or the creation of carveouts and exemptions that could effectively prevent implementation?
    - ⇨ Under the right conditions, a law that delays implementation until a seemingly-neutral condition is met, such as amending the state constitution, could potentially prevent the implementation of RCV as effectively as an outright repeal.

**Resources**

[Sample written testimony](#), by State of Hawaii Legislative Reference Bureau

[Model legislation to implement a non-self executing RCV law](#), by FairVote

[Guide to the legislative process in each state](#), by StateScape

# MAINE POLITICAL DEFENSE CASE STUDY[15]

In 2016, Maine voters approved a ballot measure to use RCV for all state and congressional elections. This victory was only the beginning of a long political fight.

## LEGISLATIVE INTERFERENCE

Attempts by some members of the state legislature to prevent implementation began shortly after the ballot measure was passed. Early in the first legislative session after passage, the Maine Senate voted to ask the state supreme court to review the ballot measure as a "Solemn Occasion." This is an unusual process available in Maine and just a few other states in which a state court can provide an opinion on the constitutionality of a law before it goes into effect. The court's opinion in this situation is not legally binding but is a strong indication of how the court would eventually rule if the law is challenged once it goes into effect.[16] The Supreme Judicial Court of Maine issued an opinion stating that RCV appeared to conflict with provisions of the state constitution as applied to general elections for state offices, but not to primary elections or federal elections generally. As a result of this opinion, the legislature passed a law that would delay the implementation of RCV for *any* election and repeal RCV altogether if the state constitution were not amended to allow RCV for state general elections within four years, which most people agreed was unlikely to happen.

## BALLOT MEASURE DEFENSE

After the legislature passed the law delaying implementation, RCV advocates mobilized to exercise a "People's Veto," a type of veto referendum available in Maine and some other states that allows the public to decide whether to accept or reject a law passed by the legislature. Supporters of a People's Veto campaign circulate petitions to get signatures, like any other ballot measure, and once it qualifies for the ballot the implementation of the law is suspended until the public votes on it at the next election. RCV advocates gathered enough signatures to qualify for the ballot in the upcoming primary election, which meant that voters had the opportunity to consider delayed implementation law in the same election in which they used RCV for the first time. After another statewide ballot measure campaign, voters once again affirmed their commitment to RCV by voting in favor of the People's Veto.

Several years after Maine first adopted RCV, the legislature passed a law to use it for presidential elections. Opponents of RCV attempted to use the People's Veto process to block this expansion of RCV. RCV supporters responded by running a "don't sign" campaign to prevent it from reaching the ballot. This new attempt at a People's Veto ultimately failed to reach the signature threshold, and the law expanding RCV to presidential elections remained in place.

## EXECUTIVE INVOLVEMENT

Political defense work in Maine was also concerned with executive actions by governors. Paul LePage, the governor at the time the initial RCV ballot measure was passed, was a vocal opponent

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of RCV. After the first congressional election using RCV resulted in a come-from-behind victory over an incumbent, there was concern that Gov. LePage would refuse to certify the results or take some other hostile action. He ultimately certified the results but wrote "stolen election" on the certificate of election and shared a picture of it on Twitter. While this did not have any legal consequences, it created additional political and messaging problems for RCV advocates by spreading misinformation about RCV and further polarizing views on RCV along partisan lines (Gov. LePage and the defeated incumbent congressman were Republicans while the winning candidate was a Democrat).

This became an issue again with LePage's successor, Gov. Janet Mills, after the legislature passed the law to use RCV in presidential elections. While Gov. Mills supported RCV, she had expressed concerns about the state's ability to successfully implement it ahead of the upcoming 2020 presidential election. Governor Mills decided to let the law go into effect without her signature, meaning that it would not be implemented until the 2024 presidential election.

### LESSONS

The complicated history of Maine's RCV implementation is a good example of the many political challenges an election reform can face even after becoming law. There were multiple points of vulnerability within the political process that many opponents used to threaten the successful implementation of RCV. The legislature used its ability to request an advisory opinion, which it then used to justify passing a new law that threatened the adoption of RCV altogether. Multiple governors (both hostile and friendly) were able to use their positions to either undermine the legitimacy of RCV or delay its implementation. Maine RCV advocates had to vigilantly monitor the actions and statements of the governor and legislature long after voters passed the original ballot measure.

Maine is also an excellent example of how smart advocates can use a state's political and legal processes to protect RCV. Advocates were able to use the People's Veto process to defend RCV after the legislature attempted to delay implementation. However, this can be a double-edged sword, and the same processes that advocates can use to defend RCV can often be used by opponents to threaten it. Advocates should monitor opposition campaigns in addition to monitoring official actions by legislators, the governor, or other state actors.

# COMMANICATIONS

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With the current climate surrounding elections in our country, transparent, easy-to-understand messaging is paramount. Communication is an important part of successfully implementing a new voting method. Once the campaign moves into the implementation phase, the communication strategy will look very different. First and foremost, the rhetoric transforms from persuasive to informative. Strategies go beyond the simple understanding of ranked-choice voting. Clear communication with election officials and the public is the key to successful implementation.

The post-campaign communications strategy requires collaboration among many people and groups. Election officials are the subject matter experts on laws and procedures related to local elections. They determine  procedural changes, voter education strategies, and how to share the message with voters. Journalists and the media can spread your message to a larger audience and mitigate the spread of misinformation. Local civic groups are trusted messengers to specific populations of voters. These groups may include: minority affinity groups, faith-based organizations, party precincts, and voter-engagement groups. National advocacy organizations like FairVote, RepresentUs, Democracy Rising and the Ranked Choice Voting Resource Center, offer assistance as well. Collaboration with a wide variety of groups can aid in reaching under-represented communities, providing paid advertising, providing educational materials, and opening doors to a wider audience.

**Build a communications plan from the start**

As far in advance as possible, create a comprehensive communications plan that outlines what you wish to communicate, how you will communicate, and when you will communicate. A helpful format is to create a matrix that includes what platform you will use with what message and a flexible calendar for the timing of messaging. It is important to keep your plan flexible so you can be responsive to unforeseen circumstances or crisis management. It's also important to set goals and track your progress along the way. Goals should be specific, measurable, achievable, relevant, and time-bound. Goals should include the steps necessary to accomplish the work. Determine your key metrics for engagement and monitor your progress regularly.



Examples of metrics could include:

- Email open rates and actions taken
- Policymaker engagements
- Number of mobilized advocates
- Social media engagements
- Fundraising and repeat donors

## ALASKA IMPLEMENTATION COMMUNICATIONS CASE STUDY

One example of a successful approach to a flexible communications plan is Alaska's implementation of 2020's Ballot Measure 2, which included RCV in a broader package that involved primary reform and new campaign finance rules. The campaign team, Alaskans for Better Elections (ABE) was successful because their communications plan was set far enough in advance and yet flexible enough to adapt when Congressman Don Young passed away, resulting in an unexpected special election two months ahead of the regular election schedule.

- ABE had partners at national, state, and local levels. They formed coalitions with parties, candidates, and diverse community groups. The coalitions started planning early for voter education and were able to quickly mobilize.

- ABE had a prepared and consistent message, including repeatedly using the message "pick one primary" to remind voters not to rank candidates in the primary. They were able to adapt their messaging to respond to specific flare-ups within various groups and address concerns with ranking or barriers to implementation (for example, convincing pro-choice voters that ranking was still worthwhile despite only having one pro-choice option in a race).

- ABE worked closely with the Alaska Division of Elections to get clear and accurate information to share across networks, especially around what to expect from ballot design and results reporting.

  » Due to the Division's interpretation of the statutory mail ballot receipt deadline, the Division decided to wait for that deadline (15 days after election day) to run the RCV tabulation.

  » Coordinated communication with the Division and coalition partners helped the campaign team spread the message that results reporting delays were not due to the use of RCV.

  » The Division live streamed the results tabulation, which enhanced transparency, added credibility to the process, and provided another opportunity to inform voters about the process.

- ABE repeatedly ensured all stakeholders used consistent language and reported information clearly to voters.

Communications efforts by the Alaska Division of Elections, the ABE team, local partners (especially in the Alaska Native community), and national RCV organizations paid off in a successful special election. **Exit polling** by Patinkin Research Strategies showed that 95% of voters reported receiving instruction on how to use a ranked-choice ballot prior to Election Day, and 85% of voters found ranked-choice voting simple to use.

The fact that there are many ways to communicate provides both opportunities and challenges. A multi-pronged approach that uses different types of communication pathways is necessary to reach as many people as possible. Advocacy groups can support these efforts by sticking to official jurisdiction talking points and referring questions to the appropriate election officials.

Here are several ways to share information across multiple platforms:

- Websites: The official jurisdiction website should include as much educational information as possible in as user-friendly a format as possible. Partner groups should use the same talking points and education material whenever possible. Making approved messaging content available on the campaign website for download will give coalition partners an easy way to stay on message. The campaign website can be updated to serve as an information hub for the implementation phase. It is important to use messaging consistent with information provided by election administrators.

  » Use the campaign website to inform voters of the following:

    ⇨ Important deadlines such as early voting or mail-in ballots.

    ⇨ Information about where to vote or how to find your voting center, precinct, elections office, or dropbox.

    ⇨ Why, how, and what legislation was passed.

    ⇨ Simple explanations of the new law that was passed.

    ⇨ Information on what changes election administrators will make.

    ⇨ Tools and resources that familiarize voters with the RCV process, such as the [Ranked-Vote.co](Ranked-Vote.co).

  » Use clear language and videos, pictures, and infographics where possible.

- Local journalists: Cultivate relationships with journalists since they have a built-in audience and are generally trusted by the public as sources of information. Good relationships with the press will not only help you get information out to the public but also help you monitor and counter misinformation. Press releases and media memos are an excellent way to dispel misinformation, clarify instructions or procedures, and highlight your organization's role as policy experts on election reform. Always share accurate RCV information with journalists.

- Radio and television: Take advantage of paid advertising, public service announcements, and earned media opportunities to appear on radio or television (news shows, morning radio, etc.). Broadcast media organizations are some of the most accessible venues for the general public to hear your message.

- Social media: Understand your audience and evaluate which platforms make the most sense for the audience you want to reach. For example, Facebook is a great place to reach older audiences while TikTok is ideal to reach younger audiences (Santa Clara County, CA @sccvote on TikTok

is a great example of this). The key to a strong social media strategy is to post often and post consistently with recognizable branding and uniform messaging. Some platforms offer verified accounts, and some platforms require proof of identity before posting about elections. For information about verification on Facebook and Instagram, **click here**. For Twitter, **click here**. Great social media posts tend to include a picture or video.

- Direct mail: Direct mail remains an important way to communicate with large numbers of people. Sending informational mailers is a great way to reach audiences who are not as tuned in to radio, tv, social or news media. Mailings can be costly, and to cut costs some election officials have partnered with municipal utilities to include a notice about changes to elections with  a water or power bill where possible.

- In-person events: Talking to people in person, whether as a group or individually, is often a great way to educate them about the voting process and ranked-choice voting.  Community gatherings and festivals, civic and religious groups, forums, and other public events are examples of opportunities to meet voters and provide them with educational materials. See **Voter Education section** for more information.

## Before the first RCV Election

Leading up to the first RCV election, many issues will need to be communicated to voters, the press, and candidates. Well in advance of Election Day, it is important to create a list of talking points to ensure that the campaign stays on message. Some key areas to consider when creating talking points include:

- How to fill out an RCV ballot;

- How RCV benefits voters compared to the previous elections system;

- How votes are tabulated (keep it simple); and

- How long it will take to get results, and why it might take longer than expected to get results (because of military and overseas voters, mail-in ballots, etc.). The timeline for results is often business as usual and is dictated by the laws governing elections.

Develop simple explanations for how voters should expect to cast their ballots, how votes will be tabulated, and how long it will take to get unofficial and official results. Use bulleted lists, pictures, and videos that are easy to understand for all voters. Once a simple explanation has been developed, stick to it for consistency and to avoid confusing voters.

It is important to consider how the campaign is communicating with voters about the election process. Successful messaging can reduce voter anxiety about the novelty of using ranked-choice voting and reassure voters. Given the growing distrust around elections post-2020, your messaging should comfort voters that their elections are as safe and secure as ever.

Like many issues around elections, there will be incorrect information about RCV. Using clear and concise explanations in your talking points will help address misinformation and reduce the chance of voters being disenfranchised. It is unlikely that all incorrect or misleading information will need a response, and this is where it is important to trust your political instincts. Don't overreact and add fuel to the fire if an incident of misinformation is isolated or otherwise not likely to spread, but know when and how to react to threats that could go viral and confuse voters. Several organizations and government agencies have resources regarding misinformation:

- **Common Cause** & Election Protection Coalition

  » **Combatting Online Disinformation**

  » **Social Media Tools**

  » **Disinformation Training**

- **Cyber Infrastructure and Security Agency** (CISA)-Government Agency

  » **Rumor Control**

- **National Association of Secretaries of State** (NASS)

  » **www.canivote.org**

- **National Association of State Election Directors** (NASED)

  » **CIS Information Reporting: Trends and Information**

- **Center for Tech and Civic Life**

  » **Misinformation Checklist**

## During the Election

As more jurisdictions expand vote by mail and other early voting policies, it's important to keep in mind that voters can now start casting ballots well before Election Day.  While it should be part of the campaign's usual messaging practices, it is important to keep various mail-in, registration, and early voting deadlines in mind as part of the messaging to voters.

As the election season proceeds, the messaging should shift from mainly education and awareness toward including how votes are tabulated and how long it will take to get results. Communicating with voters as much as possible before Election Day to manage expectations will help reduce (but not eliminate) the work needed to combat misinformation, including that RCV is to blame for delayed results. This is also where it is important to share accurate information about the results process; from the timing of unofficial results to how many rounds will be posted and when to the process for getting official results. The main theme of communications during the election should revolve around reassuring voters about:

- How to fill out a ranked ballot;

- How ranked ballots are tabulated and how votes are transferred from first to second or third preferences;

- The requirement for a majority/threshold winner;

- The security and integrity of the ranked choice process; and

- Managing expectations about the timeline for results, including when results will be available and the reason for any delays (military/overseas ballots, mail ballots, etc.).

- How jurisdictions provide transparency in the process (some jurisdictions have live streamed their results tabulation to increase transparency into the process).

## After Election Day

After winning an RCV campaign and supporting its successful implementation, campaign advocates have the opportunity to create new goals. Often these include 1) prioritizing political/legislative defense, 2) continued work with election officials and coalition partners to increase voter education and awareness, and sometimes 3) re-orienting the existing coalition toward new policy goals like expanding the use of RCV to more elections or other democracy reforms.

For any of these goals, research and exit polling can be helpful. While just one election may not be determinative of RCV's impacts, asking voters about their experience can provide impactful data for talking points if RCV opponents try to attack the new system. (For example, *Did you see instructions on RCV prior to voting? Did you find ranking candidates to be confusing?*)

Advocates should be prepared to discuss tabulation timelines, unofficial and official results reporting, and best practices with the media. Advocates should be ready to share effective RCV visualizations quickly once results are released. Tools such as **RCVis.com** can help make providing understandable results easier.

# UTAH COMMUNICATIONS CASE STUDY

In 2018, the State of Utah adopted the Alternative Voting Methods Pilot Project, a law permitting cities to adopt RCV for local elections. In 2019, the cities of Payson and Vineyard used RCV for their local elections. The Project was then amended and expanded in 2021 and included an additional 21 cities. The case study below discusses some of the communication methods and strategies used by the local jurisdictions.

**BEFORE ELECTION DAY**

As one of the first RCV jurisdictions, Payson City began its initial outreach to voters in its **April 2019 newsletter**. The city included RCV education in each newsletter throughout the election cycle with references to other sites such as **UtahRCV.com**. In 2021, the City included information on RCV in the candidate information guide for voters. In Vineyard, Utah, election administrators included RCV information in **their newsletters**, urging people to attend interactive RCV demonstrations. Additionally, the City established a **webpage for RCV FAQs**.

Ahead of the 2021 elections, Salt Lake County produced **three RCV explainer videos** for voters. The videos focused on how to fill out an RCV ballot, how RCV tabulation works, and demonstration of a mock election. A **dedicated page on the county's website** provided information on RCV, FAQs, and links to resources for additional information.

**COMMUNICATIONS STRATEGY SUPPORTING GROWTH OF OPT-IN CITIES**

RCV advocates eager to add more cities to the list of participants developed a number of high-level one-pager information documents and presentations. The communication strategy was different because the decision makers were election and city officials rather than voters. Some key tactics included:

- **Use of the term "instant runoff voting" instead of RCV:** This language was more accessible since election officials are familiar with runoffs. It was easier to conceptualize than "ranked choice voting." It also was not soured by the left-leaning narratives around RCV following its passage in places like NYC.

- **Focusing talking points on cost and time-savings:** Advocates emphasized messages around fiscal savings, shorter and less expensive city campaigns, and that the change was easy and ready to implement. They also included non-fiscal arguments - like how RCV eliminates the spoiler effect, requires candidates win with a majority vote, leads to more informed voters, and increases civility. Notably missing was data on how RCV promotes better representation for women and people of color.

- **Head-on engagement with opposition arguments:** Advocates here learned that the saying "if you're explaining, you're losing" might be true for campaigns where voters make the decision, but when city and other elected officials make the call, their concerns should be addressed head-on. This can look like anything from a one-pager explainer to a brief presentation. Regardless of the format, refuting false claims against RCV should be done with factual, data-based information.

**COMMUNICATIONS FROM RCV ADVOCATES**

**Utah RCV** was one of the most prominent advocacy groups supporting the implementation of RCV in Utah. The group's website has three main pages dedicated to public education about RCV. The webpages focus on "What is Ranked Choice Voting?," "Why Ranked Choice Voting?," and "Utah's History with Ranked Choice Voting." The website provides clear explanations for voters. The "What" page uses text, graphics, and video to explain RCV. The website was a useful tool for election administrators and was even listed as an additional resource by several counties.

**COMMUNICATING ELECTION RESULTS**

Utah counties expected to release preliminary results at 8:00 p.m. on Election Day. In Utah County, RCV results were posted on the County Election Division's website using the **RCVis.com** visualization tool. Viewers could watch each tabulation round and how votes were transferred. Additionally, the Utah County Elections Division used Twitter and Facebook accounts to share updates.

During and after the election, it is important to understand whether and how voters and candidates received the RCV communications, how they felt about RCV, and how well they understood their ballots. A **post-election survey** administered by the Utah County Clerk found that 86% of respondents found RCV easy to use, and 87.5% of candidates had a positive impression of RCV, with no candidates having a negative experience.

## Examples of crises during the implementation stage

Crises and unexpected scenarios are important to consider when planning communications strategies.

- **Administrative mistakes/issues:** During the New York City democratic primary for Mayor in 2021, staffers with the NYC Board of Elections accidentally included approximately 131,000 test ballots, used to calibrate the voting machines in the earlier stages of election preparation, in the initial vote count. These ballots were included in the  release of preliminary unofficial results. The Board of Elections immediately removed the test ballots when the error was discovered and the votes were re-tabulated. By responding quickly and transparently, including briefing local, state, and national reporters, RCV advocates in New York City prevented ranked-choice voting from being blamed for the incident. [Read more on this in the NYC implementation case study below.]

- **Unexpected vacancies:** Sometimes special elections happen unexpectedly due to seat vacancies during elected official terms.

  » In 2010, North Carolina law required the use of ranked-choice voting in rare circumstances where election timelines were compressed due to unexpected vacancies. Election officials had just 80 days to implement an RCV election with very little budget to support the cost of a statewide election. Communication with the public became a central part of the successful execution of the election.

» **Alaska faced a similar situation in 2022.** Slated to hold the first statewide RCV election in November, the timeline was dramatically compressed by the unexpected death of Congressman Don Young, which meant the state's first RCV election would be a statewide special election three months earlier than expected.

- **A come-from-behind winner:** In rare instances, an RCV election can have a candidate come from behind to win. For example, in the 2021 New York City Democratic Primary for the 25th District Council seat, Shekar Krishnan trailed the leader, Yi Andy Chen, by 0.6% in the first round. At the end of the seventh tabulation round, Krishnan won with 53.4% of the vote. (To learn more and see the round-by-round tabulation, go to the **New York City Board of Elections results page.**) This situation can jump-start an opposition or repeal campaign. That was the case with Burlington, Vermont, which repealed RCV because of a second-round winner. Keep in mind that come-from-behind winners are rare. According to **FairVote**, 96% of first-choice leaders end up being the ultimate winner; only 4% of RCV contests have a trailing candidate come from behind to win.

## Key considerations for a crisis or unexpected situation

Scenario-planning is a critical first step to successfully weathering any RCV-related crisis. While it's impossible to predict everything that could go wrong, use the examples above and discussed throughout this guide as a starting point for developing contingency plans for situations including but not limited to 1) errors in results reporting, 2) a special election, and 3) a come-from-behind winner. Take time to think through potential situations and create plans for response, some groups dedicate a whole day or a team retreat to scenario-planning. Being thorough with contingency planning prevents you from starting on the back foot.

One thing is true for every situation that could arise; transparency is the key to mitigating a crisis. You should be as transparent as possible with the public and the media, particularly in admission of an error and the steps taken to correct that error. Determine what happened before commenting on the specifics. Until you know, be honest with reporters and say you're looking into the issue to determine the facts.

| QUESTIONS | PREPARATION |
|---|---|
| **What kind of things should you anticipate may go wrong during RCV implementation?** | ☐ Consider the examples from the last section on how unforeseen circumstances posed an issue for a smooth RCV implementation.<br><br>☐ Research other election-related mishaps in your jurisdiction's history. |
| **What are our immediate responses to a crisis or unexpected situation? Long term responses?** | ☐ Prepare a basic standard format press release that can easily be updated with current information regarding any situation.<br><br>☐ Prepare talking points for a variety of contingencies.<br><br>☐ Consult an attorney if litigation is a potential issue or solution. |
| **What channels of communication will we use in the short term? (Press release, social media, website) In the long term? (Printed materials, website, press, social media)** | ☐ Prepare a press list and make regular contact with local media to build relationships before a crisis situation.<br><br>☐ Identify who is responsible for crisis communications, how decisions will be made, and who is authorized to speak to the media.<br><br>☐ Coordinate with local and national partners to amplify your message. |

When planning for a potential crisis, create a list of talking points in advance and distribute it to stakeholders. It is especially important to stick to your talking points during an unexpected situation. A few examples:

- Elections are governed by laws and regulations. That is why we do [XYZ].

- Election administration is conducted by humans who make mistakes.

- Mistakes are a normal part of election administration and that is why we have several layers of safeguards in place.

- RCV does not delay results reporting. RCV contests can be tabulated in minutes using software designed to run the round-by-round count. (RCTab, open-source, free software that works with most US voting system data).

- Exhausted ballots are most often the intent of the voter. The voter chose not to rank additional candidates.

- Ranked-choice voting is easy to understand. We rank things in our everyday life.

## NEW YORK CITY IMPLEMENTATION CASE STUDY

In June 2021, New York City held a city-wide primary using ranked-choice voting for the first time. Almost one million people voted using RCV, with post-election polling **showing** broad voter satisfaction: 77% of respondents wanted to continue to use RCV, 83% ranked at least two candidates in the primary, and an impressive 95% reported finding the RCV ballot simple to complete.

During tabulation, the NYC Board of Elections revealed **an error was made** during the release of preliminary results for the Democratic mayoral primary. A staffer failed to clear practice dummy ballots from the system before tabulating the election results. The dummy ballots were included in the unofficial results, **raising a variety of concerns** around election security, the RCV process, and the city's ability to implement the new system. It was a classic **example of human error** in the routine administration of elections. The results released by the Board of Elections were preliminary, unofficial results and did not in any way represent the complete or final results, **which were released in full thereafter**. This situation quickly became a communications crisis for the local campaign and national partners. In such a high-profile race, this mishap, completely unrelated to RCV, became part of the national conversation about RCV in a **negative way**.

The response from the main coalition on the ground, including Rank the Vote NYC and Common Cause NY, embodied many of the best practices we've outlined here. They didn't have a knee-jerk reaction to the crisis. They waited to get the facts on the issue before making any official comment or speaking with the media. Once they learned the issue was human error and not with the RCV tabulation process, they held meetings to coordinate with local and national partners, amplifying a simple and clear message: human errors happen, accurate results take time, and RCV was not at fault. They didn't feed the flames of opposition messaging, instead they stayed on message about the successes of the reform: voters liked ranking, found it simple to use, and wanted to use it again. All of this was backed by **exit polling**. While it wasn't a perfect implementation, the campaign's coordinated and clear response helped **instill confidence** in the new system.

**Check out their twitter feed** for a great historical record of their response

**How does RCV work?**

- In a ranked-choice voting election, voters are able to rank candidates in order of choice - 1st choice, 2nd choice, and so on. When the votes are counted, if a candidate has a majority of 1st choices, they win like in a plurality contest. If no candidate receives a majority of 1st choices, the candidate with the fewest votes is eliminated, and voters who ranked that candidate 1st have their vote instantly go to their 2nd choice. This process continues until a candidate is elected with a majority. Ranked choice voting is consistent with the one-person, one-vote principle.

**Do voters understand RCV?**

- RCV is intuitive and easy to use. Voters in jurisdictions that have adopted RCV consistently reported high levels of comfort with and understanding of the system. We rank our preferences all the time in daily life. It's just as easy to do in the voting booth.

- **95%** of voters surveyed in the New York City's 2021 primary election found the ballot "simple to complete". These results were consistent across every ethnic group. 78% said they understood RCV "extremely" or "very well".

- In a 2014 study, **84 percent** of surveyed voters in four California cities using RCV said they understood the system somewhat or very well. Voters in those cities also reported a sense that campaigns were more civil and less negative.

- In Maine, more than **74 percent** of respondents to an exit poll conducted after the 2018 general election found ranking their choices to be very or somewhat easy.

- Santa Fe voters overwhelmingly reported they were not confused by their ballot after their first RCV election. **More than 67%** of respondents said the ballot was not at all confusing and 17.2% that responded "not too confusing."

- A report done by Minneapolis city staff showed that over **92%** of respondents said voting in an RCV election was "simple."

**How does RCV affect the representation of women and minorities?**

- RCV makes it easier for **women** and **minorities** to run and win elections.

  » For example, the **NYC** primary elections helped create a diverse city council with women accounting for 60% of the members, many of them women of color.

  » In **Alaska**, Mary Peltola won the special election and general election and is the first Alaska Native and first woman to represent the state.

**Will RCV delay election results?**

  » The time it takes to tabulate RCV elections depends on the specific process used. In some cases, tabulation takes minutes. In others it can take longer. In either case, it is worth taking time to get our elections right.

  » With or without RCV, many factors affect how long it takes to report election results, including late-arriving ballots from absentee voters, local variations in processing time,

and the closeness of the election. In New York City, RCV tabulation is nearly instantaneous, but results from the 2021 election were delayed for reasons unrelated to RCV. The delay occurred because of an error in the Logic & Accuracy testing portion of the election cycle. In Alaska, on the other hand, a statutory requirement that mail ballots can be received up to 15 days after the election (if postmarked by the election) has been interpreted to delay RCV tabulation until after that deadline has passed.

See **Appendix C** for an example explainer of this from the Alaska campaign!

» Experience and process improvements can vastly reduce the time it takes to tabulate an RCV election. Minneapolis' first RCV election took 15 days. In 2020, it took **less than two hours**.

## Does RCV create more opportunities for fraud or error?

- Voter fraud is incredibly rare in elections, and there is no increase in fraud in areas that use RCV. By giving voters more choice and more power in the ballot box, RCV reinforces faith in our electoral system.

  » Ballot fraud and error of all types are rare, as low as **between 0.0003% and 0.0025%** across all types of incident in 2020.

- The Heritage Foundation's election fraud database shows **16 criminal convictions** for election fraud in 2020. For comparison, that's less than half the number of Americans **attacked by sharks** that year.

  » A **2020 study** comparing different ballot types showed that RCV and other alternative voting systems were less likely to produce votes that could not be counted towards the final result than traditional ballots. It also showed a smaller difference in the error rate by race and gender.

  » A **2016 study** of 26 cities showed that RCV and traditional/plurality ballots produce similar numbers of ballot errors such as over & undervotes.

  » 95% of voters **surveyed** in the New York City's 2021 primary elections found the ballot "simple to complete." These results were consistent across every ethnic group. 78% said they understood Ranked Choice Voting "extremely" or "very well."

## Recommendation and Conclusion

A post-win communications strategy is important for:

- Continuing to grow support for RCV

- Encouraging supporters to show up at hearings and participate in the notice and comment process

- Mobilizing opposition to attempts to repeal or undermine the law

- Educating the public about RCV and assisting in voter education efforts

- Promoting RCV's outcomes and successes to show the reform was worth it

- Understanding of what is business as usual and what changes are related to RCV

- Reassuring voters of the safety and security of our elections.

Once RCV is enacted, it is important to develop the next stage of communications related to implementation. Advocates and election administrators should collaborate on sharing information to educate voters. A communications plan covering all the phases of the election cycle will help ensure a successful implementation. Take advantage of all the resources available, including websites, videos, social media, and the press. A communications plan may have many goals, including educating voters, sharing election deadlines and polling locations, and addressing potential rumors. Effective communication helps ensure voters trust their local election officials and anyone involved in RCV implementation. A good communications plan that emphasizes transparency, voter education, and crisis response is the key to building a foundation for success in the first implementation and all subsequent implementations.

# TECHNICAL IMPLEMENTATION

**1**

**2**

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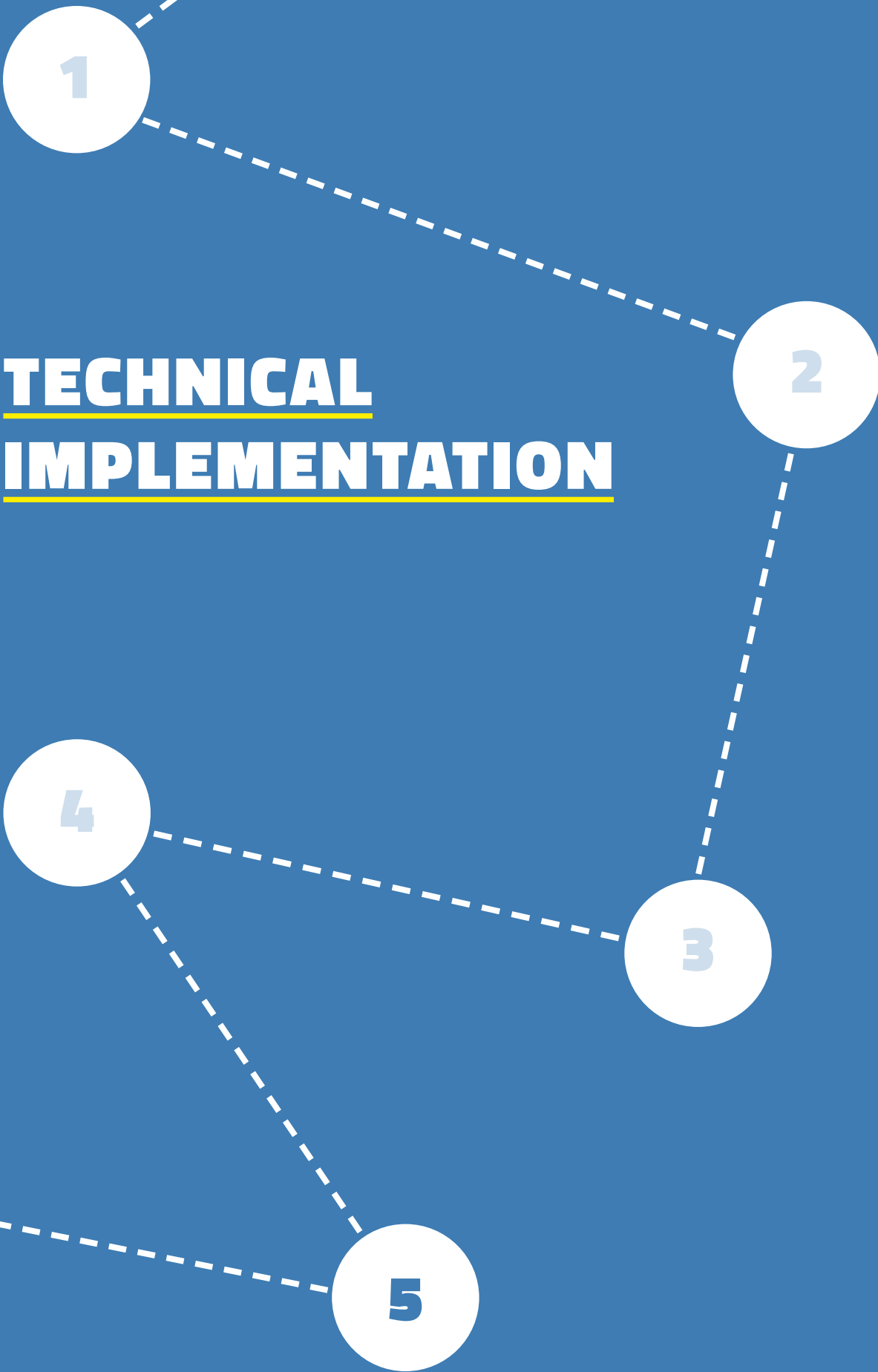
Getting ranked choice voting (RCV) up and running after its adoption is a vital part of a successful RCV campaign. Successful implementations enable two things: 1) that RCV will continue to be used in a jurisdiction and 2) that RCV adoption can grow beyond a given jurisdiction.

Implementing RCV requires a number of changes to election administration practices and tends to highlight some additional nuts and bolts of election administration not typically visible to the public. This document aims to identify the implementation questions that most impact RCV's feasibility and public perception of any RCV implementation, with a particular focus on first-time RCV implementations. This version of the document is geared towards RCV advocates, who should use the guide to answer major implementation and public perception questions about RCV. An administrator-focused version, with more discussion of behind-the-scenes RCV administration topics, is forthcoming. Definitions and discussions of relevant terms are included to help advocates understand the jargon-heavy world of election administration.

It is impossible to pre-emptively answer every RCV implementation question that will arise in the course of an implementation. Effective RCV implementation means anticipating the most important parts of implementation and being resourceful enough to solve problems as they arise. This guide is written with a focus on the most important parts of RCV implementation and provides links to resources that should help answer questions as they arise. We suggest reading it through once to understand the major implementation tasks that will arise and then continuing to refer to the guide as implementation progresses. This guide should enable you to have more productive conversations with both election administrators and policymakers about how to effectively implement RCV, both right after adoption and as implementation proceeds.

RCV advocates should familiarize themselves with the resources available to election administrators: this document, as well as the additional memos, reports, webinars, assessments, and other materials referred to throughout. Advocates should aim to develop a strong, collaborative relationship with the election administrators tasked with implementing RCV after a successful RCV campaign. This is easier said than done, and suggestions for building those sorts of strategic relationships are covered in the "How to talk to Election Administrators" section of this **guide.** Provided you are able to build an effective relationship with the relevant administrator(s), you will be able to direct them to the numerous resources available to aid in the technical implementation of RCV.

Ultimately, technical RCV implementation is out of the hands of advocates, but you can establish a point person from the campaign to provide support and guidance to administrators by:

1.  Building a relationship with administrators before, during, and after your campaign so that administrators have a local trusted source of info on RCV best practices;

2.  Providing them resources like this and the more detailed materials referred to in this document;

3.  Directing them to the Ranked Choice Voting Resource Center (RCVRC) when you are unsure of the answer to a question;

4.  Defending administrators when necessary and politically feasible; and,

5. Encouraging administrators to improve their practices when possible.

The section has six topic areas: relationships and timeline, education and training, voting systems, designing RCV ballots, counting and tabulation, and post-election processes. Voter education is not discussed here, despite its major role in election administration, as it has its own section in this guide. Each section briefly introduces the topic at hand and raises important questions to resolve in an RCV implementation. Technical implementation hurdles will vary by jurisdiction and circumstances, but the following list of questions and considerations should provide advocates with an understanding of the typical public-facing implementation decisions to be made.
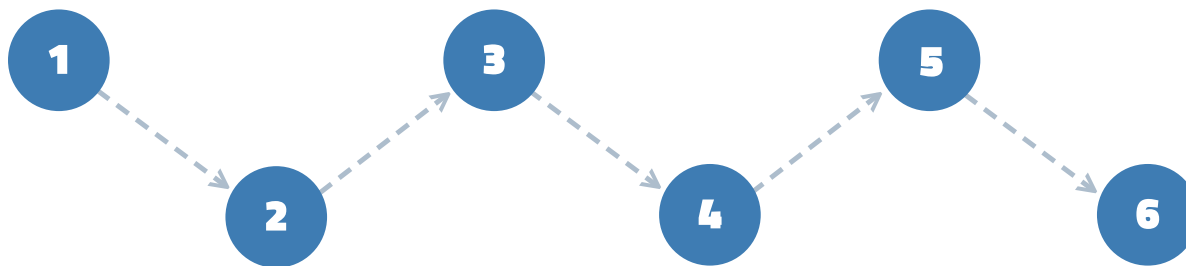
## 1. Relationships and Timeline

Who **runs elections** in your jurisdiction?

Successfully navigating the elections bureaucracy is a fundamental component of an effective ranked choice voting (RCV) implementation. Advocates should identify their jurisdiction's election officials (at the city or county level, and sometimes both) and state election officials and build strategic relationships with those administrators. These officials would likely be clerks at the city/county level and secretaries of state at the state level. Many states place additional authority in a board/division of elections or spread responsibility across both offices. For more information about election officials, read these two reports from *Bolts Magazine*:

- **Who Runs Our Elections? | Bolts**

- **Who Counts Our Elections? | Bolts**

- Local administrators and election administration experts who have looked at these reports have mentioned that they appear to miss some relevant elections offices. Use these as a jumping off point but double check that you have the contact information for all state and local election officials when reaching out.

Local election officials (who may be city or county officials) have the primary responsibility for running elections in a given jurisdiction, whether electing local officials or federal officials. States tend to play more of an oversight role — they are not typically involved in the day-to-day administration of elections but can maintain sway over whether RCV or other reforms can be implemented locally. This level of influence varies by state, however, so local advocates should be sure to understand their local conditions when working on an implementation.

How much **time** do you have to implement RCV?

In practice, most RCV laws tend to leave a 1-2 year timeline between adoption and implementation. Shorter implementation timelines, such as those for the special election held in Alaska in 2022, may mean the first implementation is rushed but local activist engagement remains high. Longer implementation timelines mean administrators ideally can implement many/all best practices but local activist energy may wane. Understanding the tradeoffs in implementation timelines will help advocates and election administrators develop an effective and realistic implementation plan.

Does the RCV law adopted have a specified date when elections must begin using RCV?

- This may be tied to a calendar date (for example: all elections after January 1, 2021) or a specific election (the November 2023 general election)

Do any regulations need to be drafted to supplement the statute? If so, when do they need to take effect?

- See Legal Defense for more information on regulatory processes.

We suggest reviewing local election calendars to understand when RCV implementation can realistically begin. Some jurisdictions have elections frequently (every six months or less). Grabbing time in between elections to do the work necessary to build an implementation requires knowing when administrators will have the bandwidth to engage on RCV implementation questions.

## 2. Education and Training

Election administrators go through regular education and training to keep on top of any changes to election policy in their jurisdiction. Training opportunities are a valuable time to introduce new topics, such as RCV, to election administrators.

How are election administrators educated on RCV?

- Normalizing RCV for full-time election administrators and seasonal poll workers will ease any transition to RCV. Administrators and poll workers attend training sessions both during election season and in-between elections. Ensuring they receive accurate and clear RCV information at those sessions is an important part of normalizing RCV for these stakeholders and will help them answer voter questions about RCV. Advocates should consider attending these conferences if they are open to the public. Advocates can also help organize educational or training sessions for election administrators to normalize RCV for election administrators. The Ranked Choice Voting Resource Center (RCVRC) and other national organizations are available to organize, lead, and provide input on training sessions.

- Here are some valuable levers to consider to ensure the normalization of RCV for administrators and poll workers:

- » Host RCV workshops at state or local election administrator conferences.

- » Host RCV workshops with state and local elections offices.

- Poll workers frequently get asked questions about how RCV works. To ensure that poll workers can assist voters with RCV, administrators will also need to consider how to train their poll workers on RCV. The best topics to touch on when training poll workers are:

  - » How RCV works;

  - » How to mark an RCV contest;

  - » How RCV results get counted; and

  - » When to expect RCV results.

- An example workshop is linked to in the resources section below. Feel free to reach out to RCVRC and they can share other slide decks produced for workshops and trainings.

## WASHINGTON STATE WORKSHOPS AND RELATIONSHIP BUILDING

Seattle became the first place in Washington State to adopt RCV in November 2022, but election administrators in Washington State have already participated in a number of workshops on RCV. Over the last few years, local advocates at FairVote Washington have coordinated with county clerks and national experts to host workshops on RCV. These presentations covered various RCV topics: an introduction to RCV, ballot design, tabulation details, RCV capabilities in voting systems, and first-hand experiences from RCV jurisdictions. Workshops were held at the Washington State Association of County Auditors (WSACA) conference, during regularly scheduled meetings of the WSACA group, and through the King County (Seattle) Auditor's Office.

Advocates and national experts also regularly attend the WSACA conference to build relationships with election administrators across the state. These relationships create opportunities to hold these sorts of workshops, which lower election administrator resistance to RCV and ensure future RCV implementations follow best practices.

Voting systems are the combination of hardware (scanners, direct-recording electronic units (DREs), ballot marking devices (BMDs)) and software used to conduct an election. Election administrators use voting systems to design ballots, set up the rules of an election, cast ballots, capture ballots, count election results, and produce results. Voting systems are a fundamental component of running elections in the United States. The ability of those systems to run an RCV election depends on the age of the equipment in use, the software installed on the voting equipment, and the vendor providing the equipment. Ensuring your jurisdiction has or can get RCV-capable voting systems is fundamental to implementing RCV.

What do you need to do to have **RCV-capable voting systems**?

- To answer the following questions, see the RCVRC's **RCV Maps report** for your state.

  » Are the jurisdiction's **voting systems**, the hardware and software used to conduct elections and count ballots, capable of running RCV elections? RCV Capability can be broken into three components:

  » Can the voting system design **RCV ballots**?

    ⇨ If the answer to this question is no, your jurisdiction will need to update its voting systems to run RCV elections.

  » Can the voting system conduct the RCV **round-by-round count**?

    ⇨ If the answer to this question is no, your jurisdiction will need to use **RCTab**, a spreadsheet-assisted manual process (as in Minneapolis), or hand count their RCV elections (possible in smaller elections).

  » Can the voting system create **cast vote record (CVR) data**?

    ⇨ If the answer to this question is no, your jurisdiction will need to update its voting systems to allow for the creation of CVR data to run RCV elections.

  » Voting systems may need software updates to gain RCV capability. Are any **updates** necessary to gain RCV capability in your voting systems?

  » How will voters with disabilities mark the RCV ballot? Voting system vendors have to provide accessible systems, such as ES&S's AutoMARK or Dominion's ImageCast X. Those systems, though, have been criticized for poorly implementing necessary accessibility features. Advocates should be sure to work with the disability community to ensure voters with disabilities have equitable access to the tools they need to effectively cast a ranked choice voting ballot.

- If your jurisdiction needs to make any upgrades to gain RCV capability, it is likely those upgrades will come at a cost. Software upgrades will generally be cheaper and less complex. Hardware upgrades will be far more expensive and complex to deploy. See the Political Defense section for a discussion of how to navigate the appropriations (money allocation) process for any of these upgrades.

Election officials will also need to manage some other aspects of the voting system process, such as voting system certification, any voting system updates or upgrades, and changes to the Logic & Accuracy (L&A) process. These aspects of voting system management can be costly and complex. These will be discussed in greater detail in the forthcoming Administrator Edition of this document.

## NEW YORK CITY VOTING SYSTEMS CASE STUDY

New York State requires certification of voting systems, the software and hardware used to run elections, before they can be used in any election in the State. New York State has one of the most stringent testing and certification regimes in the country. Certification typically takes months once a vendor submits a system for certification to the State. Once the State certifies a voting system, distribution of those voting systems is coordinated through the state. Counties, however, are responsible for the day-to-day use and deployment of voting systems.

New York City uses Election Systems and Software (ES&S) voting systems to run its elections. ES&S systems can design RCV paper ballots, can scan and record data from RCV ballots, and can export ballot-level data known as a cast-vote record (CVR). ES&S election software is used to design RCV ballots and program voting systems to scan RCV ballots. The ES&S DS200 scans and counts all ballots. Voters can use AutoMARK ballot marking devices to mark ballots which are then scanned through DS200s.

NYC used the Ranked Choice Voting Resource Center's RCTab software to run its round-by-round count. RCTab was tested and certified by New York State in spring 2021 before its use in NYC's June 2021 RCV elections. It will be used in future RCV elections as well. To produce round-by-round results, election administrators exported ballot-level data known as CVRs from ES&S equipment and processed it through RCTab according to NYC's RCV counting rules. Any RCV implementation requires access to this ballot-level CVR data to produce round-by-round results.

All voting systems were subject to pre-election L&A testing. New York conducted L&A testing on the DS200 ballot scanners and the RCTab counting software to ensure ballots were captured accurately and that the round-by-round count was correct.

### 4. Designing RCV Ballots

Designing and laying out ballots is a crucial yet challenging part of running a successful election. Ballot design must consider the type of each contest, the total number of contests, and the number of candidates in each contest while simultaneously providing voters with clear and concise instructions in any given election and complying with state laws regulating ballot design. RCV needs additional consideration in the ballot design process. RCV contests require both more space on a ballot than non-RCV contests and specific instructions for voters to read. In addition, states may have particular ballot design requirements that election administrators need to comport RCV to when designing their ballots. Voting systems also vary in the types of RCV ballots they can design. This section identifies the major questions that will come up when discussing RCV ballot design.

These questions are in the weeds, but many of them come up in standard RCV discussions. While advocates cannot be expected to provide certain answers to any of these questions, having real-world

examples always eases these sorts of conversations. Advocates should have relevant example RCV ballots at hand where possible. **This folder includes a number of real-world RCV ballots.** Advocates can also take a look at the ballot design reports in the Resources section to learn more about different RCV ballot design options.

## BALLOT DESIGN LAWS AND RANKED CHOICE VOTING

States have varying laws regulating the design and layout of ballots. Understanding how RCV contests interact with those requirements is fundamental to designing ballots with RCV contests. Many of the following questions should also be considered before adoption when drafting any law. Negating potential conflicts before implementation will make implementation itself easier.

- Are there any **ballot design requirements** in law (that need updating or need to be complied with)?
  - » **Candidate order** requirements?
  - » **Contest order** requirements?
  - » Ballot instructions?
    - **RCV-specific** instructions?
    - Instructions that **conflict with effective RCV instructions**?
    - For mail-in ballots, can existing empty space be used for the instructions rather than adding another page?
  - » A minimum number of rankings?
  - » Other? (*e.g.*, font size and style requirements, write-in requirements, fusion ballot requirements, ballot formatting requirements like requiring organization by columns or rows, etc.)

How will **RCV ballots** look in your jurisdiction?

- What sort of **RCV ballots** can your voting system design?
  - » **Grid-style ballots**?
  - » **Column-style ballots**?
  - » How do **accessible RCV Ballots** look?
  - » Will or should there be a ranking limit?
  - » Can your system place RCV and non-RCV contests on the same side of the ballot? Or will RCV ballots need to be on their own side of the ballot?
  - » See **RCV Maps** to answer these questions and find relevant example ballots.
  - » Does your jurisdiction use standalone ballot design software/tools? If so, you will need to research their RCV capabilities (or work with the RCVRC to investigate those questions) - software updates may be necessary to add RCV capability, which can be a lengthy process.
    - ⇢ Does your jurisdiction work with another entity, such as the State or County, to design

or program ballots? What software/tools do they use?

- » Have you sent your administrator the **Center for Civic Design (CCD) best practices**?

- » Do you need to provide ballots in **multiple languages**?

  - ⌙ If so, are there **example ballots** in those languages from other RCV jurisdictions?

  - ⌙ Or will your jurisdiction need to rely on an election materials translation/creation committee?

    - ▪ Your jurisdiction may already have procedures in place for creating in-language election materials. This is an opportunity for advocates to collaborate with election administrators by identifying community members who could serve on translation boards.

- » Will RCV require you to go to an **additional ballot card**? If so, does your jurisdiction have experience with **multi-card or multi-page ballots**?

  - ⌙ This is a big point of concern for many election administrators as adding an additional page to a ballot means:

    1. Greater printing costs

    2. More paper to track

    3. The potential for voters to forget to return a piece of a ballot

    4. Scanning challenges at polling places.

  - ⌙ Being able to point to similar jurisdictions using multi-card ballots will help administrators understand how they can run multi-card ballots in their own jurisdictions.

## NEW YORK CITY RCV BALLOT DESIGN CASE STUDY

Election administrators at the New York City Board of Elections (BOE) designed ballots with a mix of ranked choice and non-ranked choice contests for their 2021 Primary. RCV contests were presented in a five-ranking grid, as required by NYC's RCV Charter Amendment.[1] The charter also required extensive instructions for how to mark the RCV ballot.[2] The image below shows the RCV contest in the Democratic Primary for the Third City Council District.

RCV contests in New York City appeared on the first two pages of the ballot. Other contests, not held using RCV, appeared on later pages of the ballot separate from RCV. See, for example, this NYC ballot.

Voters had the opportunity to cast ballots on an accessible ballot marking device known as the ES&S AutoMARK. Ballot-marking devices allow voters to cast a ballot using a touch screen. AutoMARKs permit voters with disabilities to mark a ballot if their disability makes marking a ballot by hand challenging or impossible.[3]

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[1] New York City Charter Review Commission. *Final Report of the 2019 New York City Charter Revision Commission*, (July 24, 2019), **https://static1.squarespace.com/static/5bfc4cecfcf7fde7d3719c06/t/5d38b344e1a74300019fb400/1563996998970/DraftFinalReport.pdf**

[2] New York City Charter Chapter 46. Section 1057-g (d)(3) **https://codelibrary.amlegal.com/codes/newyorkcity/latest/**

[3] Disability Rights New York, *HOW TO USE AN AUTOMARK BALLOT MARKING DEVICE (BMD)*, (October 2018), **https://www.dropbox.com/s/em83py3iloislpj/Voting%20Machine%20-%20AutoMark.pdf?dl=0 NYCcharter/0-0-0-3079**

New York City provided ballots in five languages: English, Spanish, Traditional Chinese, Korean, and Bengali. See Voting Rights Act Amendments of 2006, Determinations Under Section 203 81 Fed. Reg. 87532, 87536 (Dec. 5, 2016) (determinations applied for June 2021 primary); see also Voting Rights Act Amendments of 2006, Determinations Under Section 203 86 Fed. Reg. 69611, 69615 (Dec. 8, 2021) (most recent Sec. 203 determinations). Ballots had as many as three languages included — the example below includes English, Spanish, and Traditional Chinese. Results including these ballots are typically available immediately on election night.



New York City RCV Ballot Example

## 5. Counting and Tabulation

Producing election results is a high-pressure part of the election process. Voters, candidates, and press all clamor for results to come out quickly on election night, but those election night results are increasingly provisional. While results have never actually been final on election night (election administrators certify final, official election results anywhere from a few days to a month after Election Day regardless of the voting method used), the parallel rise of vote-by-mail processes and politically motivated attacks on the election process has brought into sharp relief the difference between election night results and final, certified results. RCV also tends to highlight this difference. A new election results process, combined with the requirement to centralize greater amounts of data from across an election jurisdiction, means the public may be more sensitive to the pre-existing complexities of the counting process that RCV can highlight. These pressures make it important to provide RCV results in a transparent, understandable way. The questions in this section walk through the major steps of the ballot counting process to help advocates understand the ballot counting timeline and to analyze the most effective way to produce RCV results.

How and when is each ballot **counted and/or adjudicated**?

- Once all ballots are cast, election administrators need to ensure that every eligible ballot is counted accurately and that counting concludes before any certification deadlines. Administrators may also need to adjudicate, or closely review, some ballots, such as those with write-ins, ballots with marking errors, or ballots that are somehow unscannable (such as ballots with water damage or paper tears). The most relevant part of this set of questions for RCV advocates is the overall ballot counting timeline: when are which ballots getting counted, and how will that impact when election administrators produce RCV round-by-round results? Other relevant questions are reproduced briefly at the end of this section, with more details in forthcoming Administrator Edition.

- What is the **ballot counting timeline** for each of the following types of ballots? How will that interact with the results reporting timeline (as discussed in the next section), if at all?

  » Vote-by-mail ballots

     ⤳ Ballots cast by mail. Also known as absentee ballots. Vote-by-mail ballots are growing in popularity. Some jurisdictions have laws that delay when election administrators can begin reviewing vote-by-mail ballots for eligibility (whether voters have accurately filled out vote-by-mail envelopes) which can cause delays in counting large numbers of vote-by-mail ballots. Deadlines for when vote-by-mail ballots must arrive also vary by jurisdiction. Some require ballots to arrive by Election Day, while others allow ballots postmarked by Election Day to arrive up to 15 days after Election Day itself. This impacts ballot counting timelines for any election, including RCV. Jurisdictions with more strict ballot receipt deadlines may have 99% of mail ballots counted by the close of Election Day.

  » Early voting ballots

     ⤳ Ballots cast at voting centers or elections offices before Election Day. Also known as in-person absentee ballots. Results including these ballots are typically available imme-diately on election night.

  » Election Day ballots

     ⤳ Ballots cast at polling places or vote centers on Election Day. Results from these ballots are typically available rapidly on election night. There will always be some precincts or vote centers that are slow to report results, however, because they hand count ballots or because they experience issues reporting results data.

  » Provisional ballots

     ⤳ Ballots cast by voters who may or may not be eligible to vote. These ballots require review of an affidavit or other attestation from a voter to check whether they were actually eligible to cast a ballot before the ballot itself can be counted. Provisional ballots are counted towards the end of ballot counting to ensure that no voters accidentally voted twice or were otherwise somehow ineligible.

  » UOCAVA/military overseas ballots

     ⤳ Ballots cast by voters in the military or voters who live overseas. These ballots typically follow the same counting timelines as vote-by-mail ballots but tend to arrive later in the counting process due to the time it takes to send ballots from overseas. Some jurisdictions are also beginning to use internet-based portals for ballot delivery and ballot casting. These portals are not built with RCV in mind, which means they will need to be updated with RCV capability if and when a jurisdiction adopts RCV.

  » Other ballots

     ⤳ Ballots that were somehow unscannable or otherwise unreadable. Election administra-tors may remake these ballots, using rigorous accountability processes, in order to scan in and count these ballots.

  » Ballot Curing

     ⤳ If voters make a mistake when filling out paperwork submitted alongside a vote-by-mail, early voting, or provisional ballot, some jurisdictions give voters the opportunity to cure those mistakes.

VOTE-BY-MAIL
BALLOTS

EARLY VOTING
BALLOTS

ELECTION DAY
BALLOTS

PROVISIONAL
BALLOTS

UOCAVA/MILITARY
OVERSEAS
BALLOTS

ELECTION DAY

OTHER
BALLOTS
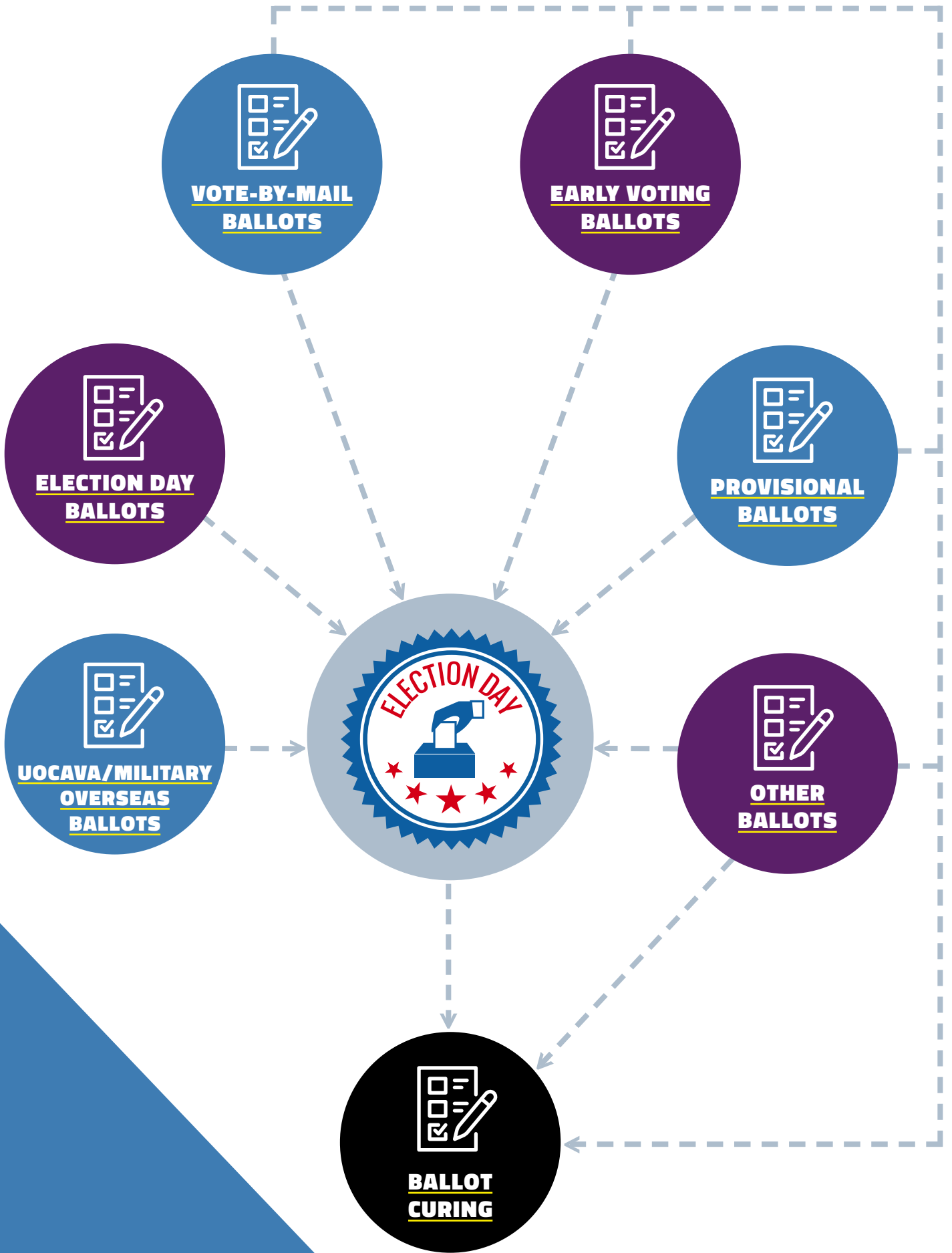
BALLOT
CURING

# SAN FRANCISCO CASE STUDY

## RESULT CENTRALIZATION

To produce round-by-round RCV results, election administrators need to centralize data from ballots cast in an election. Voters in San Francisco cast ballots in two primary ways: by mail before Election Day or in a precinct on Election Day. Ballots cast by mail are all processed and counted in a central counting location. Ballots cast in a precinct are counted in those precincts. As the election proceeds, ballot data from all ballots needs to be centralized. In San Francisco, this occurs in two parallel processes:

Mail-in ballots are continually processed and tabulated before, during, and after Election Day, until all mail ballots are counted. Mail-in ballots are accepted up to seven days after Election Day, so long as they are postmarked by Election Day. These ballots are centrally counted, and at the close of counting each day, data is exported from voting systems.

Ballots are scanned in at precincts on Election Day. Once precincts close on Election Day, election staff bring precinct ballot data/flash drives to San Francisco's election data collection center. These drives contain all ranking data for a contest, which is then processed by Dominion's election management software to produce round-by-round results.

All ballot data is handled following local chain of custody procedures to ensure the trustworthiness of all election data. https://sfelections.sfgov.org/observe-election-process. After data is centralized, it is uploaded to San Francisco's elections database. Round-by-round results are produced using that data according to the Department of Elections' results reporting schedule, discussed in the next section.

## RESULT REPORTING

The Department of Elections releases the first set of round-by-round results, which only include vote-by-mail ballots processed before Election Day, at 8:45 PM on Election Night. The Department updates results with the first ballots it has processed at around 9:45 PM and 10:45 PM. RCV counting software from Dominion Voting Systems, which provides all election equipment in San Francisco, is used to produce preliminary and official results round-by-round RCV results in San Francisco.

## AFTER ELECTION DAY

San Francisco reports updated round-by-round results as votes are counted each day. The Department of Elections releases updated results every day around 4:00 PM. On days when the Department does not count votes, it puts out a press release explaining that no votes were counted that day.

With each release of updated results, the San Francisco Department of Elections uploads updated results to its website in multiple formats and using multiple cuts of the data.[4] For every race, whether it used RCV or not, the Department uploads:[5]

- a summary (in PDF, Excel, and XML) reporting first choices for each candidate;[6]

- a Statement of the Vote (PDF and Excel) reporting first choices for each candidate by precinct, separately reporting votes cast in person and by mail;[7] and

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[4] City and County of San Francisco: November 3, 2020, Consolidated General Election: District and Neighborhood Statement of the Vote, San Francisco Dep't Elections (Dec. 1, 2020, 9:37 AM), https://www.sfelections.org/results/20201103/data/20201201/20201201_dsov.pdf [https://perma.cc/ HN6U-DHEM].

[5] Id.

[6] City and County of San Francisco: November 3, 2020, Consolidated General Election: Final Summary Report, San Francisco Dep't Elections (Dec. 1, 2020, 8:54 AM), https://www.sfelections.org/results/20201103/data/20201201/summary.pdf [https://perma.cc/EM6V-RMUD].

[7] City and County of San Francisco: November 3, 2020, Consolidated General Election: Statement of the Vote, San Francisco Dep't Elections (Dec. 1, 2020, 9:20 AM), https://www.sfelections.org/results/20201103/data/20201201/20201201_sov.pdf [https://perma.cc/ZLU4-QLNR].

- a District and Neighborhood Statement of the Vote (PDF and Excel), reporting first choices for each candidate by neighborhood.8

- Cast vote record (CVR) data (JSON), raw ballot-level vote data.

The Department also uploads two sets of results for each race that used RCV:

- A Short Report of results; and

- A Detailed Report of round-by-round results (both PDF and Excel)

Both documents report, for each candidate in each round, the number and share of votes that the candidate received, whether the candidate was eliminated or won the race, and how many votes each remaining candidate received from the candidate eliminated in that round.

**How are ballot errors handled?**

- In addition to the basic requirements for accurately counting markings on ballots, RCV requires defining how to handle a few types of ballot errors possible on an RCV ballot. Most RCV laws will cover these considerations. Some RCV laws may require the adoption of additional regulations, which should cover these details. Answers to these questions also depend on the capability of the voting systems available to a jurisdiction. The RCV Specifications document, linked in the Resources section, discusses these considerations in detail.

  » How do you handle **skipped rankings**?

  » How do you handle **overvotes**?

  » How do you handle **repeat rankings**?

Additional questions and tasks for election administrators include developing RCV voter intent guides, making necessary changes to write-in adjudication processes and ballot duplication standards, determining when to adjudicate any RCV ballots, and handling any precinct-count requirements in law. More information on these questions will be available in the Administrator Edition of this document.

**How will you produce RCV results?**

- **What information will administrators have directly out of their voting systems?**

  » When voting ends for the day, voting systems in precincts and at scanning centers print out results tapes. In RCV elections, those tapes include first choice data (tapes may also include aggregate data from later rankings). Poll workers can then report that information back to city or county clerks, who can then post that first choice data online.

  » Voting systems also record ranking data on secured flash drives. The data from those flash drives need to be centralized to city clerks, county clerks, or state officials in order to produce round-by-round RCV results.

- **How do you centralize ballot data for tabulation?**

  » RCV requires that cast vote record (CVR) data be centralized from polling locations to a central counting location. CVR data is necessary to run the round-by-round count in an RCV election. Will CVR centralization be done **physically** or **digitally**?

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8 City and County of San Francisco: November 3, 2020, Consolidated General Election: District and Neighborhood Statement of the Vote, San Francisco Dep't Elections (Dec. 1, 2020, 9:37 AM), https://www.sfelections.org/results/20201103/data/20201201/20201201_dsov.pdf [https://perma.cc/HN6U-DHEM].

» This information is relevant to advocates as it will impact 1) results reporting timelines and 2) potential communications challenges (explaining or defending the security of different centralization practices).

» More information on these processes will be made available in the Technical Implementation Guide: Administrator Edition.

- Advocates should also have a basic understanding of city, county, and/or state CVR handling procedures. More information will be available in the Administrator Edition.

## MAINE TECHNICAL IMPLEMENTATION CASE STUDY

### COUNTING PROCEDURES & BALLOT CENTRALIZATION

Voting machines in Maine must be certified and tested according to the rules established by the Secretary of State, Attorney General, and state statute. In Maine, 310 cities and towns have RCV-ready equipment through ES&S. The ballots in the remaining 188 hand-count municipalities are centralized in Augusta, where they can be scanned.

On Election Night, Maine produces unofficial first-choice results based on the totals from the voting systems and hand-count jurisdictions. First choices are recorded in the same manner as plurality elections. Each jurisdiction prepares an election return for the Secretary of State based on the number of districts they have. Absentee ballots must be _delivered_ by the time polls close, and they are included in the election returns once they have been processed by the local jurisdiction. Official results require cast vote records (CVRs) and hand-count ballots to be centralized via a private courier to Augusta. The Secretary of State chooses a location in Augusta to store the election materials and run the ballots through high-speed scanners. To ensure the ballots are not tampered with, the State has specific requirements in **Me. Stat. tit. 21-A, § 698**.

If no candidate earns a majority in the first round, the Secretary of State's office is responsible for supervising the round-by-round count. Once all of the hand-count ballots have been scanned and any manual entries for ballots that the machines were unable to read were added, the electronic CVR is uploaded to and processed by the round-by-round results software and the winner(s) are reported. To ensure the ranked choice voting (RCV) counting process is conducted smoothly, Maine has outlined detailed regulations for every process of the counting process. Additional information is available in the Rule Chapters for the Department of the Secretary of State in Chapter 535.

### RESULTS REPORTING

So far, the Maine Secretary of State's office has finished scanning in all ballots between 7–9 days after election day. Once every ballot is counted, the Secretary of State produces round-by-round results, which takes a few minutes using the round-by-round counting software. A final canvass of all results is completed by the Sec. of State's office to produce certified results. Statute requires the Sec. of State to send a certified copy of election results to the Governor within 20 days, which must be signed within a reasonable time. Additionally, the complete digital CVR is made available on the Department's website as soon as possible after the count is complete.

## UTAH COUNTY TECHNICAL IMPLEMENTATION CASE STUDY

In 2018, the Utah legislature passed H.B. 35, the Municipal Alternative Voting Methods Pilot Project, which allows municipalities to adopt RCV using single-winner RCV and block-preferential voting (BPV) for multi-winner elections.[9] In 2019, Payson City and Vineyard City, which are located in Utah County, used RCV in their city elections. In 2021, Elk Ridge, Genola, Lehi, Springville, Vineyard, and Woodland Hills used RCV for their elections.

### RESULTS CENTRALIZATION

Ultimately, all ballots are centralized to a single location in the county for processing. Utah uses a universal vote-by-mail system that allows voters to complete their ballots at home and mail it back (as long as it is postmarked the day before the election) or deliver it to a ballot drop box. Utah County processes and counts ballots up to two weeks after Election Day. Ballots cast in person are delivered to the central counting location in a secure container with a statement of disposition.[10] Ballots processed at the counting center are counted using an optical scanner. If a ballot has an issue, such as an overvote or has an unclear marking, then the County Board of Canvassers will resolve the issue.

### RESULTS REPORTING

Utah counties expect to release preliminary results at 8:00 PM on Election Day. In Utah County, RCV results are posted on the County Election Division's website using the RCV visualization tool RCVis. com for each jurisdiction using RCV. Viewers can automatically see each round of the program and how votes transfer between rounds. Additionally, the Utah County Elections Division uses Twitter and Facebook accounts to share election updates. Counties are required to submit their canvas results five days before the state board of canvassers meets. For regularly scheduled general elections, the Board of Canvassers must meet on the "fourth Monday of November, at noon."[11]

**How and when will results be tabulated?**

- In addition to the basic requirements for accurately counting markings on ballots, RCV includes a number of additional counting details that must be determined before running an RCV election. Most RCV laws will cover these considerations. Some RCV laws may require the adoption of additional regulations, which should cover these details. Answers to these questions also depend on the capability of the voting systems available to a jurisdiction. These considerations are discussed at length in the Legal Defense section of this implementation guide. The RCV Specifications document, linked in the Resources section, discusses these considerations in even greater detail.

  » Proportional RCV Details

    ↪ What are your **surplus transfer rules**?

      - Will you conduct **fractional** or **whole ballot transfer**?

        » How many **decimals** are in fractional transfers?

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[9] Block-preferential voting conducts sequential single-winner RCV tabulations to fill each seat up for election. By including all ballots at full strength in each cycle, it tends to reward majorities and to punish minorities.
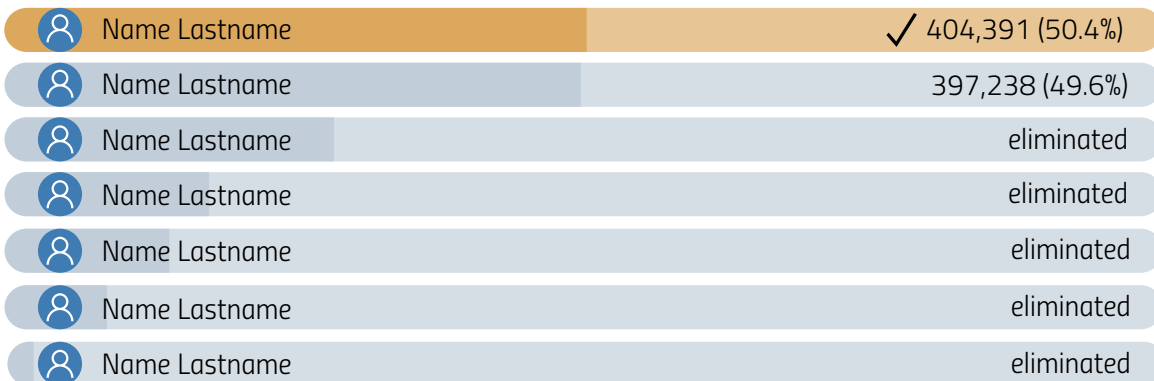
[10] Utah Admin. Code r. 623-2-4(E); Utah Code § 20A-4-103.

[11] https://law.justia.com/codes/utah/2019/title-20a/chapter-4/part-3/section-306/

- Will surpluses transfer **simultaneously** or **sequentially**?
  - » Are you using **batch elimination**?
- » Single-winner RCV details
  - Are you using **batch elimination**?
  - Are you using a **static** or **dynamic threshold**?
  - Are you stopping at a **majority** or **continuing down to two**?
- » Tie-breaking procedures:
  - How will your jurisdiction handle ties between candidates who need to be eliminated?
  - How will your jurisdiction handle ties between candidates who have enough votes to win in a single-winner contest?
  - How will your jurisdiction handle ties between candidates who have to transfer surplus votes in a proportional RCV election?
- » These questions are typically answered in tandem with the ballot error rules mentioned in the Counting section above.

RCV uses a round-by-round count of ballots to eliminate the candidates with the least support and to ensure that the candidate with majority support wins. In any election, RCV or not, one thing remains the same: the public — voters, candidates, parties, and the media — will have an intense interest in learning the results. Because RCV uses a different method to identify who won, the process for releasing results in RCV races can be especially important to minimize confusion, to convey results in a way that gives people the information they need, and to ensure the outcome is understood and trusted. Election administrators should clearly define both their unofficial and official results reporting plans well in advance of any election to ensure buy-in from stakeholders in any given RCV election. Advocates will need to understand this timeline in order to explain it and defend it (as necessary) to candidates, the press, and the public. Publicizing the timeline well in advance of the election inoculates some concerns, but can also serve as a reference point for potential questions or concerns after the election. The software used to produce round-by-round results can produce that data in seconds or minutes.

FairVote and the Ranked Choice Voting Resource Center (RCVRC) produced best practices for releasing RCV results, **available at this link**. This section is organized around the recommendations in that report. A **more detailed report** from the Equal Democracy Project and RCVRC describes RCV results reporting practices across the U.S.

| | | |
|---|---|---|
| 👤 Name Lastname | | ✓ 404,391 (50.4%) |
| 👤 Name Lastname | | 397,238 (49.6%) |
| 👤 Name Lastname | | eliminated |
| 👤 Name Lastname | | eliminated |
| 👤 Name Lastname | | eliminated |
| 👤 Name Lastname | | eliminated |
| 👤 Name Lastname | | eliminated |

- **What is your jurisdiction's unofficial results reporting timeline?**

    » Is it set in law or defined by practice?

- The major question facing election administrators producing unofficial RCV results is what level of information to provide before all ballots have been counted. Some jurisdictions provide just first-choice data while ballots are being counted, while others produce round-by-round results starting on election night and updated thereafter. RCVRC recommends producing round-by-round results early to help socialize RCV and to provide transparency in the ballot counting process. Provided that administrators are using voting systems to count ballots, once administrators have CVR data in hand, tabulating an RCV contest will take seconds or minutes.

    » Will administrators release **first-choice results** on election night and update them as ballots are counted?

        ⇨ How often will administrators update first-choice results?

    » Will administrators release **round-by-round** results on election night and update them as ballots are counted?

        ⇨ If so, how frequently will administrators release them? Daily, every other day, less frequently?

    » How will administrators communicate their **results reporting timeline** to candidates, the press, and the public?

        ⇨ Providing this timeline early, through press releases and other public statements, and regularly reinforcing it with candidates, the press, and the public will help set expectations.

        ⇨ Is that timeline impacted by pre-existing ballot counting or ballot receipt timelines set out in law?

            - Pointing to statutory timelines can be a useful way to communicate information and deflect blame away from RCV for any delays in results.

    » When will administrators release **official results**?

        ⇨ This will be defined by law.

    » How do administrators plan to display results?

        ⇨ Posting the basic results report the jurisdiction's voting system produces?

            - This is not suggested, as typical results reports are not sufficient for teaching voters how RCV elections are counted.

        ⇨ Using a tool like **RCVis.com**?

        ⇨ A tool **built in-house**?

        ⇨ See the Center for Civic Design's (CCD) and FairVote's  best practices, linked to in the Resources section, for guidance on how best to display RCV results.

    » How will administrators **disseminate** RCV results?

        ⇨ Using their typical results publication practices?

        ⇨ Using additional results publication practices?

» Will administrators provide **additional data** to the public?

⌐ Will administrators publish CVRs? Will they provide a guide to that data? How quickly will they be published?

⌐ Will administrators publish **ballot images**? Will they provide a guide to that data?

- Additional administrator-specific questions covering further transparency practices, ballot reconciliation practices, and any additional results reporting requirements will be discussed in the Administrator Edition of this document.

## 6. Post-Election: Audits and Recounts

**How do you address audits and recounts?**

- Audits and recounts are post-election processes conducted to check the reported results of the election. Both are highly technical processes. Advocates need to know what resources are available to administrators if and when their jurisdiction needs to implement these processes for RCV. Additional information will be provided in the Administrator Edition of this guide. Resources include:

  » **RCVRC Recounts Report + Executive Summary**

  » **RCVRC Audits Report + Executive Summary**

  » **RCVRC Audits Webinar**

## NEW YORK CITY RECOUNTS CASE STUDY

New York City held two RCV recounts under New York State recount law, which requires a recount when the margin of election is equal to or smaller than 0.5% of all ballots cast in a contest. The City Board of Elections (BOE) developed detailed RCV recount procedures based on the hand count procedures used in Winter 2021. Each recount was a full round-by-round recount of the entire RCV contest. Recounts were announced the week before they began. Members of the public were allowed to observe the process. Challenged ballots were handled using the same process NYC uses for non-RCV recounts, with a multi-step review process. After the recounts were completed, the NYC BOE certified the final results in a public meeting.

# MINNEAPOLIS AUDITS & RECOUNTS CASE STUDY

## AUDITS

After an election, audits play an important role in testing for and identifying any potential problems with voting equipment, counting errors, or tampering. While the Minneapolis Charter specifically states that "Post-election review is not required for a hand count election," it does have policies and procedures in place for sample audits. For single-winner elections, such as City Council, two precincts are selected by lot, and officials hand count the ballots for one or two city council seats. For multi-winner seats, either the Park Board or Board of Estimate and Taxation contests are chosen by lot, and two precincts for the selected race are counted. Election judges review the ballots using the same procedures as the original count. If at least one precinct falls outside of the applicable threshold defined in Minnesota Statutes, Section 204C.36, which is currently 0.25%, the chief election official must select an additional two precincts by lot. If the additional review reveals differences outside the acceptable threshold, all remaining precincts for that office are reviewed.

## RECOUNTS

In 2017 and 2021, close election results for city council seats resulted in recounts. The first recount occurred in 2017 when Abdi Warsame won in the first round with 50.17% of the vote. Mohamud Noor, the runner-up, requested a discretionary recount with the hope that Warsame's total would drop below 50% and allow for subsequent rounds in the RCV election. Because the election was decided in the first round, recount procedures were similar to those for a plurality election. After counting three precincts, Noor withdrew his request, and the original result stood.

In the 2021 election, Yusra Arab lost by 19 votes to Robin Wonsley Worlobah in the third and final round of counting. This election fell within the state's threshold (0.25%) for a publicly-funded recount. In the end, only a few votes were changed, and the results were confirmed.

During the recounts, teams of election workers counted ballots with the opportunity for the public and the campaigns to observe. If the campaigns challenged the determination of a ballot, it was set aside for final review by the canvassing board. Additionally, staff tracked the results with a spreadsheet and provided routine updates. After City staff completed the hand count in the 2021 race, the canvassing board held a public meeting to adjudicate the disputed ballots and certify the results. The updated results and challenged ballot totals were updated on the city's website.

First and foremost, remember that election administrators are people just like you. Their work is important, detailed, governed by processes and laws, and often time-sensitive.  Moreover, election administrators increasingly face troubling harassment and threats from the  public over their decisions and actions.

General relationship-building strategies you use in your everyday life also apply to civil servants. Be courteous, respectful, and open to learning processes and procedures. Remember that the election officials are the experts on how to administer elections in their jurisdiction. An established relationship with administrators will help you advocate for effective RCV implementation, especially if they know you personally and have seen your work ethic.

Let's start by defining the work of election officials.

Election administration is the day-to-day work required to run elections in the United States. The people tasked with administering elections are known as election administrators. Each state has an official designated as Chief Election Officer (CEO). In most states, the state-level election administrator is the Secretary of State or the Lieutenant Governor. However, some states have a State Elections Director or other official/commission overseeing elections. At the local level, elections are administered by county/city clerks or county/city elections directors. Often there are appointed Boards of Elections to oversee the work of the election officials. In other cases, jurisdictions assign some election duties, such as voter registration, to other local offices. We refer to them generically as local election officials (LEOs). While the offices vary across jurisdictions, the functions of administering elections are pretty much the same.

In each state, local election administrators create the process within the bounds of state law. Depending on the state, administering elections can be highly decentralized, with LEOs acting mostly independently of the state and of one another (Wisconsin). Alternatively, it can be highly centralized, with LEOs working in close coordination with or at the direction of the state (Maryland). Some states

**Election administration tasks include:**

Registering voters

Certifying candidates and issues for the ballot

Designing ballots

Certifying voting systems for use in elections

Programming voting systems for upcoming elections

Administering campaign finance reporting systems

Sending out absentee ballots

Testing voting systems before elections (known as Logic & Accuracy testing)

Training poll workers

Finding polling places

Processing and counting ballots

Canvassing and certifying election results

Conducting post-election audits

Conducting recounts

And more!

have specific functions that are highly centralized at the state level, including ballot design, while leaving other functions entirely up to the locality (like certifying candidates for election).

Depending on the state, election administrators may have other hats to wear as well. In addition to running elections, many also register deeds, issue marriage certificates, collect documents, and coordinate City Council meetings, among other tasks. Clerks are often elected officials who hire staff to oversee each of the functions of the Clerk's office. The Election Director may be a hired staff position. Relationships between hired staff and Clerks are varied.

The federal government is minimally involved in election administration. The **Election Assistance Commission (EAC)** is the federal agency tasked with overseeing election administration in the United States. It serves as a central location for election administration documents and best practices from the states, and also sets voluntary voting systems standards under their Voluntary Voting System Guidelines (VVSG). Some states require their voting systems to meet EAC certification standards, but most do not.

The EAC is intentionally weak and purposefully designed to have little to no control over the work of state and local administrators. However, over the past few years, clearinghouse functions, data collection from the Election Administration and Voting Surveys (EAVS), and the state voter registration systems have shaped election administration.

## Tips for Building Strong Relationships:

- At best, election administrators across the country are facing extreme criticism and harassment. At worst, they're facing threats. Election administration is a thankless job. Be respectful and empathetic of their experience in the current climate.

- Understand the administrative structure in your state and local jurisdiction. Be intentional about learning about timing, procedures, and policies that local offices have no control over (state laws, local ordinances and procedures, federal laws). The better informed you are as an advocate, the better you can understand the election process.

- Volunteer to work the polls at an official election. This action fills a specific need for election offices, helps build relationships, and allows you to better understand internal processes.

- Timing is everything. The two to three months prior to an election are filled with many duties. Don't wait to ask questions or make suggestions with just weeks until an election.

- Always ask for a meeting rather than just showing up expecting to talk to an administrator. Ask to schedule the time you need to explain your position. You'll get a more focused administrator if they can pick the time and place.

- Provide solutions over complaints. Rather than focusing on negative things, be prepared to offer solutions and ways that you or your organization can help.



Establish a relationship with election administrators as early as possible.

- Do your research and get to know your administrator. Are they data-driven? Be prepared with actual data or case studies. Are they hands-on? Send them **RCTab** or **RCVis**. Do they seem wary or reluctant? Ask them why. Respect their answer. There's a difference between no and not right now.

- Prepare for your meeting with an administrator. Agendas, notes, explainers, and other documents allow administrators to have something in hand to refer to after the meeting.

- Recognize that many administrators view their job as impartial and will not necessarily offer enthusiastic support for any particular policy regardless of how they feel about it.

- Understand that negative comments or feelings about RCV may simply be unanswered questions or fear of change. Ask questions that help you discern their primary concerns and listen. If you don't understand their viewpoint, ask questions that are open ended. For instance: Tell me more about X. What has been your experience with Y?

- Document conversations by taking minutes or notes on questions answered or ideas discussed. Share notes with administrators in a timely manner. Provide proposals and ideas in writing as well as discussing them with election administrators.

- Be transparent. Give administrators the complete picture of what to expect, good or bad. They already know you love and want to implement RCV. Be honest with them about how they may or may not need to change in order to have a successful implementation.

- Be aware that there are organizations and coalitions who meet regularly with municipal and county clerks. For instance, in Wisconsin, the Voting Rights Coalition has a subcommittee that meets regularly with clerks. It is helpful to work directly with those organizations and coalitions. It is easier to develop a relationship if you are connected to someone else trustworthy in the minds of the clerks.

Express understanding. Change is difficult and the details in an election office are many.

- Get to know your election administrator(s) early.

- Work as a poll worker in your jurisdiction to understand your voters and the on-the-ground experience of election administration.

- Review local election calendars to understand when RCV implementation can realistically begin. Some jurisdictions have elections frequently (every six months or less). Grabbing time in between elections to do the work necessary to build an implementation requires knowing when administrators will have the bandwidth to engage on RCV implementation questions.

- Set up training sessions with administrators early and often to reduce resistance to the method.

- There are always a few local clerks who hold a lot of sway with their fellow clerks - make sure you get to know them and engage them and address their concerns as necessary.

- Ensure you have RCV-capable voting systems and/or understand the costs necessary to get RCV-capable voting systems. Note: All new voting systems are RCV capable.

- Point administrators towards RCV ballot design best practices. If possible, bring in the Center for Civic Design (CCD) to consult on ballot design.

  » Ensure your RCV legislation anticipates and potential changes to current ballot design laws.

- Understand your typical ballot counting timeline - this will inform how your admin approaches producing round-by-round RCV results.

  » Understand how centralized or decentralized ballot counting is in your jurisdiction - the more centralized, the easier it will be for your admin to produce round-by-round results early.

  » It is also important to understand the method of centralization

- Encourage your admin to use clear RCV results displays like **RCVis.com**.

  » Have a plan in place to produce parallel results displays if your admin is going to provide bare-bones RCV results.

- Be ready to provide your admin with assistance on audits and recounts.

  » Audits - start planning ahead early if you're looking at risk-limiting audits (RLAs), as work will need to be done to stand them up in a jurisdiction.

- Communicate expectations and timelines using plain language.

- Schedule a post-election meeting with election administrators to collect feedback on what went well and discuss potential changes for the future.

- Survey voters post-election to learn what worked well and what could be improved. Moving beyond anecdotal data can help advance best practices.

## INTRODUCTION

- **Bolts Mag - Who Runs Our Elections?**

- **Bolts Mag - Who Counts Our Elections?**

## EDUCATION AND TRAINING

- **2018 WSACA Training**

  » RCVRC has held additional trainings since this but recordings are not publicly available. Trainings still follow this general format, however.

- Tip: look up information about your state election official conferences.

## VOTING SYSTEMS

- **RCV Maps**

  » **RCV Voting System Capability Report**

    - **2018 Symposium: Sessions 6–9 talk through vendor RCV capability at that time**

- **RCTab**

  » **Webinar**

  » **Github**

- Voting System Certification

  » **EAC Guide**

  » **NCSL Guide**

- **Election Accessibility**

## BALLOTS AND LANGUAGE JUSTICE

- **FV + RCVRC Ballot Design report**

- **CCD reports**

- Language Access/Language Justice Messaging Reports:

  » **Examining Chinese, Korean, Bengali, And Arab Voters' Attitudes And Effective Messaging On Ranked Choice Voting And Elections**

  » **Examining Effective Voter Mobilization Messaging For New York City's Arab, Bengali, Chinese, And Korean Voters**

  » **Spanish Speaking Communities' Attitudes Towards RCV**

  » **Webinar**

- Example ballots. These are links to various real-world RCV ballots. Ballots are labeled by various different design factors:

  » Voting system vendor

  » Grid or column style RCV marking

  » Whether they include just RCV contests or both RCV and non-RCV contests

  » Whether they include multiple languages

  » Whether they went to multiple ballot cards.

- **Alaska 2022** Dominion, Grid, RCV + non-RCV Contests

- **San Francisco 2019** Dominion, Grid, RCV + non-RCV, multi-language, multi-card

- **Minneapolis 2021** ES&S, Column, RCV + non-RCV

- **NYC 2021** ES&S, Grid, RCV + non-RCV, multi-language, multi-card

- **Portland 2022** ES&S, Grid, RCV + non-RCV

- **RCV Ballots Folder**

## COUNTING AND TABULATION

- Tabulation

  » Example voter intent Guides

    ⇨ **Non-RCV Voter Intent Guide**

    ⇨ **Minneapolis RCV Voter Intent Guide**

    ⇨ **NYC RCV Manual Canvass Guide (Voter Intent Guide starts on page 9)**

- » **RCV Specifications** (2023)
- » **FairVote RCV Model Statute** (2022)
- Centralization
  - » **Alaska Ballot Chain of Custody Explainer** (2022)
  - » **RCV Tabulation and Results Reporting Fact Sheet** (2023)
- Results
  - » **Reporting the Results of Ranked Choice Voting Elections** (2022)
  - » **Results Best Practices** (2022)
  - » **How to Display RCV Election Results** (2022)
  - » **RCVis**
  - » **Precinct-Level Results in RCV** (2023)
  - » Official RCV Results Documents
    - ◦ **NYC Mayoral Certified Results**
    - ◦ **Alaska 2022 Results Page**
  - » CVR Publication
    - ◦ Dominion CVR Examples
      - ▪ **Alaska 2022 Results Page**
      - ▪ **San Francisco 2022 Detailed Results** (CVR data available at bottom of page)
      - ▪ **Dominion CVR File Format Information**
  - » ES&S CVR Examples
    - ▪ **NYC 2021 Results Page** (CVR data available halfway down page)
    - ▪ **Minneapolis 2021 Results Page** (CVR data available at bottom of page)
    - ▪ **ES&S CVR File Format Information**
    - ◦ **CVR Practices Study**
  - » Ballot image publication examples
    - ◦ **San Francisco Ballot Image tool**
        - ◦ **San Francisco Ballot Image tool guide**
- Canvass and Certification
  - » **NCSL Canvass, Certification, and Contested Election Deadlines**
  - » **Bolts Mag - Who Counts Our Elections?**

**POST-ELECTION: AUDITS AND RECOUNTS**

- Recounts
  - » **Recounts Report + Exec Summary** (2022)
- Audits
  - » **Audits Report + Exec Summary** (2022)
  - » **Audits of RCV Webinar** (2018)

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# GLOSSARY

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|---|---|
| **ADJUDICATION** | The process of reviewing a **ballot card** that has been used to cast a vote in order to determine the voter's intent when that intent is not immediately clear during tabulation. |
| **AMICUS CURIAE** | Friend of the court. An amicus curiae is someone who is not directly involved in a lawsuit, usually an expert or someone with special experience with or understanding of the issues before the court who files a brief addressing those issues. A brief filed by an amicus curiae is called an amicus brief. |
| **AUDIT** | A process used to confirm the reliability and accuracy of election results or procedures. An audit can test the reliability of election procedures and voting equipment or confirm the accuracy of election results within a degree of statistical certainty. |
| **BALLOT CARD** | The physical document on which a voter's choices in an election are recorded. Also called a ballot. |
| **BALLOT IMAGES** | Scanned images of ballots as cast by voters and captured by voting systems. |
| **BALLOT MEASURE** | A question presented to the voters at an election, often asking them whether a particular law should be adopted. Some states and local jurisdictions allow voters, rather than the legislature, to pass a **statute**, **ordinance**, or **constitutional** or **charter amendment** directly. |
| **BATCH ELIMINATION** | A procedure that can be used in **ranked choice voting** elections in which all candidates whose support is so low that it is mathematically impossible for them to be elected are eliminated all at once in a single round rather than one at a time in successive rounds. |
| **CANDIDATE ORDER** | The order in which candidates appear on a ballot. |
| **CAST-VOTE RECORD** | A digital record of the selections a voter made in an election as interpreted by a **voting system**. |
| **CENTRALIZATION** | The process of collecting all election results in a single location in order to produce final, certified results. |
| **CERTIFICATION** | 1. In the context of election results, certification means the process by which results are evaluated for accuracy and conformance with legal requirements and authenticated by the authority responsible for overseeing elections. Certified results are typically considered the **official results** that are used to designate winning candidates or determine the success of **ballot measures**.<br><br>2. In the context of **voting systems**, certification means the process by which a voting system is tested to determine whether it complies with legal requirements and can be used for a jurisdiction's elections. |

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| **CHARTER AMENDMENT** | A provision added to a local government charter. |
| **CITIZEN INITIATIVE** | A **ballot measure** that was introduced by members of the public and was placed onto the ballot without legislative involvement, typically by gathering signatures. |
| **CONTEST ORDER** | The order in which candidate contests and ballot questions appear on a ballot. |
| **CONSTITUTIONAL AMENDMENT** | A provision added to a constitution. |
| **COUNTING CENTER** | A location used by election officials to count votes. |
| **DYNAMIC THRESHOLD** | In a **ranked choice voting** election, a **threshold for election** for which the total number of votes needed to be elected can change in each round as a result of the number of votes remaining in the race changing as rounds progress. |
| **EARLY VOTING BALLOTS** | Ballots cast at voting centers or elections offices before election day. Also known as in-person absentee ballots. |
| **ELECTION ADMINISTRATOR** | The public official or officials tasked with performing the day-to-day tasks necessary to hold an election. Also referred to as election officials. |
| **ELECTION DAY BALLOTS** | Ballots cast at polling places or vote centers on election day. |
| **ELECTION MANAGEMENT SOFTWARE (EMS)** | The suite of software tools included with voting systems used by election administrators to design ballots, program voting equipment, and conduct other election tasks. |
| **FIRST CHOICE RESULTS** | In a **ranked choice voting** election, the number of votes each candidate received as a voter's first choice. First choice results are often the first set of unofficial results released by election officials to inform the public where each candidate stands before the **round-by-round count** begins. |
| **FRACTIONAL BALLOT TRANSFER** | A method of transferring surplus votes in a multi-winner **ranked choice voting** election conducted using a proportional method. Under the fractional ballot transfer method, when a candidate receives votes in excess of the **threshold of election** and tabulation is not complete because there are still open seats to fill, the **surplus votes** cast for that candidate are transferred to each ballot's next-highest ranked candidate. |
| **HOME RULE** | The ability of a local government to pass laws. A local government with strong home rule is able to pass laws affecting most of its operations. A local government with weak home rule must primarily follow laws passed by the state legislature. |

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| **INTERVENTION** | When a party who was not originally involved in a lawsuit voluntarily becomes a part of that lawsuit because it has a stake in the outcome. |
| **LOGIC AND ACCURACY TESTING** | Pre-election procedures used by election administrators to validate the behavior of voting equipment by casting a known set of test ballots and confirming the results. |
| **LEGISLATIVE REFERRAL** | A **ballot measure** that was introduced and placed onto the ballot by a legislature. |
| **MAJORITY** | More than half. |
| **MULTI-CARD BALLOT** | A ballot that must be printed on more than one piece of paper. Also known as a multi-page ballot. |
| **NOTICE AND COMMENT** | An administrative process in which the public can review and submit feedback to a proposed regulation or rule. |
| **OFFICIAL RESULTS** | Election results that election officials have reported and certified as being the final vote totals. |
| **ORDINANCE** | A law passed by a local governing body, such as a city or county council. |
| **OTHER BALLOTS** | Ballots that were somehow unscannable or otherwise unreadable. Election administrators may remake these ballots, using rigorous accountability processes, in order to scan in and count these ballots. |
| **OVERVOTE** | A ballot error where a voter has voted for more candidates than allowed. In a ranked choice voting election, an overvote is caused by a voter giving more than one candidate the same ranking. Can be used to describe the error itself or a ballot containing the error. |
| **POLL WORKERS** | Seasonal elections staff hired by election administrators to run polling places. |
| **PROVISIONAL BALLOTS** | Ballots cast by voters who may or may not be eligible to vote. Sometimes called affidavit ballots. These ballots require review of an affidavit or other attestation from a voter to check whether they were actually eligible to cast a ballot before the ballot itself can be counted. |
| **RANKED CHOICE VOTING** | A voting method in which voters rank the candidates in order of preference and is tabulated in rounds in which candidates are eliminated, and votes are transferred to voters' next preferred candidate until a candidate or candidates are elected. |
| **RANKED CHOICE VOTING BALLOT** | A **ballot card** that can be used to vote in an election conducted by **ranked choice voting**. A ranked choice voting ballot allows a voter to assign a numerical ranking to each candidate. |

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| **RECOUNT** | Repeat tabulation of votes cast in an election that is used to determine the accuracy of an initial count. |
| **REGULATION** | A rule or order with the force of law issued by an administrative agency. |
| **REPEAT RANKING** | When a voter assigns more than one ranking to the same candidate. Also known as a duplicate ranking. |
| **ROUND** | In a **ranked choice voting** election, a particular stage of tabulation in which votes are counted that ends with candidates being either elected or defeated and votes for such candidates transferring to other candidates, as necessary. |
| **ROUND-BY-ROUND COUNT** | In a **ranked choice voting** election, results showing the candidate vote totals and other relevant information at each **round** of counting. |
| **RULE** | An established standard or procedure created by an administrative agency that governs its internal functioning and processes. Often synonymous with **regulation**. |
| **SELF-EXECUTING** | A law that does not need any additional legislative or executive action in order to go into effect. |
| **SEQUENTIAL SURPLUS TRANSFER** | In a multi-winner **ranked choice voting** election conducted using a proportional method, a method that transfers all **surplus votes** one candidate at a time in successive rounds if more than one candidate has surplus votes. |
| **SKIPPED RANKING** | In a **ranked choice voting** election, a ranking that a voter has not assigned to any candidate that is followed by a ranking the voter has assigned to a candidate. |
| **SIMULTANEOUS SURPLUS TRANSFER** | In a multi-winner **ranked choice voting** election conducted using a proportional method, a method that transfers all **surplus votes** at once in a single round if more than one candidate has surplus votes. |
| **STATEMENT OF VOTES CAST (SOVC)** | A report showing all election results by precinct and race. |
| **STATIC THRESHOLD** | In a **ranked choice voting election**, a threshold for election for which the total number of votes needed to be elected remains the same in each round, even if the number of remaining votes changes as the rounds progress. |
| **STATUTE** | A law passed by a state legislature or Congress. |
| **TRANSFER VALUE** | The portion of a vote for an elected candidate that is transferred to a voter's next choice under the **fractional ballot transfer method**. |
| **SURPLUS VOTES** | In an election conducted by a proportional, multi-winner form of **ranked choice voting**, votes that a candidate receives that are over the **threshold of election**. |

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| **TABULATION** | The process of counting votes in an election. |
| **THRESHOLD OF ELECTION** | In a **ranked choice voting** election, the amount of votes a candidate must reach or exceed in order to be elected. This amount can be expressed as a percentage or as an absolute number of votes. |
| **UNDERVOTE** | A ballot where a voter votes for fewer than the maximum number of candidates allowed or does not vote in a contest at all. In a **ranked choice voting** election, a ballot on which a voter does not rank every candidate or ranks fewer candidates than allowed. |
| **UOCAVA/ MILITARY OVER-SEAS BALLOTS** | Ballots cast by voters in the military or voters who are U.S. citizens and live overseas. Policies for casting and counting military/overseas ballots vary widely. UOCAVA stands for [Uniformed and Overseas Citizens Absentee Voting Act](). |
| **VETO REFERENDUM** | A **ballot measure** that allows the voters to decide whether to keep or reject a law passed by the legislature. |
| **VOTE-BY-MAIL BALLOTS** | Ballots cast by mail. Also known as absentee ballots. Jurisdiction policies for vote-by-mail ballots vary widely. |
| **VOTER INTENT GUIDELINES** | Written definitions and visual examples of marked ballots used when **adjudicating** ballots to determine how mismarked ballots or ambiguous ballots should be counted. |
| **VOTING EQUIPMENT** | Hardware such as ballot scanners or ballot marking devices used to conduct an election. Also known as **voting machines**. Sometimes used interchangeably with the term voting system. |
| **VOTING SYSTEM** | The whole set of **voting equipment** (including hardware, firmware, and software), materials, and documentation used to mark ballots or otherwise cast votes, count votes, calculate and report results, generate reports and records, and perform other tasks relating to the election and its procedures. Sometimes used interchangeably with **voting equipment**. |
| **VOTING SYSTEM UPDATES** | Changes to voting systems to add capabilities such as **ranked-choice voting** ballot design and **round-by-round counting**. Depending on state law and the scope of any changes, updated **voting systems** may need to go through **certification** before they can be used for election. |
| **WHOLE BALLOT TRANSFER** | A method of transferring **surplus votes** in a multi-winner **ranked choice voting** election conducted using a proportional method. Under the whole ballot transfer method, the **surplus votes** cast for a candidate over the **threshold of election** are transferred by randomly selecting a number of ballots counting as votes for that candidate equal to the number of **surplus votes** that candidate has in excess of the **threshold for election** and transferring them to each ballot's next-ranked candidate. |

Sources consulted: [VVSG 2.0](), Black's Law Dictionary 8th ed., [FairVote Glossary,]() [FairVote Model RCV Statute,]() [Logic and Accuracy Testing: A Fifty-State Review]()

# APPENDICES

**Communications**



**Hey Fellow Alaskan -**

**New Polling Released!**
We are thrilled to announce that **92% of Alaskans report that they received instructions on how to rank their choices, 79% of Alaskans reported Ranked Choice Voting (RCV) is "simple," and 60% say Alaska's state and local elections were more competitive compared to previous years.**

Want more information about these exciting numbers? Patinkin Research Strategies compiled this memo with more specifics on the polling.

Thanks to the hard work and dedication of the Alaska Division of Elections, Get Out the Native Vote, Tu Voz Importa, Alaska Federation of Natives, Alaska Municipal League, Alaska AARP, Polynesian Association of Alaska, Alaska Center, Voter Hub, AKPIRG, and many more for all their efforts to prepare Alaskan voters who had more choice and more voice in their new Election System.

### 7-Day Count (November 15)

Today, November 15, The Division of Elections will release additional results from eligible Early, Absentee, and Questioned ballots. They have been updating the Combined Ballot Report daily with the number of outstanding ballots that they have determined for Full Count, Partial Count, or Rejection.

Updated results will be available by close of business on November 15 on the Division of Elections website.

### 10-Day Count (November 18)

Division of Elections will release additional results from eligible Early, Absentee, and Questioned ballots. Additionally, this is the deadline to receive all absentee ballots mailed within the U.S. and U.S. Territories of Puerto Rico, Guam, Virgin Islands, and America Samoa that were postmarked on or before Election Day (AS 15.20.081(e)).

### 15-Day Count (November 23)

Division of Elections will release additional results from eligible Early, Absentee, and Questioned ballots. Additionally, this is the deadline to receive all absentee ballots mailed from overseas voters that were postmarked on or before Election Day (AS 15.20.81(h)).

### Tabulation (November 23)

Division of Elections identifies the races where no candidate received 50%+1 of the vote and those races will move to tabulation at 4pm.

KTOO will provide live Gavel Alaska special coverage of the RCV tabulation on November 23 starting at 4pm AKST. It will be broadcast live on KTOO 360TV (available via broadcast, cable, satellite, ARCS tv services across AK, and can be streamed live on http://ktoo.org/tv

Onward and upward,

The Alaskans for Better Elections Team