

The Case Against Ranked Choice Voting

No electoral system is perfect. One can always find problems or vulnerabilities with how we cast ballots and count ballots. Surely, the past four years have borne witness to myriad claims of fraud, malfeasance and outright cheating in American elections. For as long as there have been elections, there have been claims of electoral abuse. But no matter how fraught our elections may or may not be, there can be no system worse, more accommodating of fraud than what Kent Thiry and his accomplices are proposing for the Colorado ballot this November.

The first thing to understand is that this is more than just ranked choice voting. There are actually three components to this massive, radical overhaul of our electoral processes in Colorado. The third component is ranked choice or instant runoff voting, but the first two are just as radical. The first is a dramatic change to how candidates access the ballot.

Currently, candidates for major parties (Republican and Democrat) can access the ballot by way of a petition, signed by a prescribed number of voters from the candidates' party. The other way is through caucus and assembly where delegates from the candidates' party gather and decide whom to advance to the primary election. Kent Thiry's proposals would end caucus and assembly in Colorado and require all candidates to circulate petitions in order to be placed on a ballot.

The second component is the ballot onto which those candidates will petition. But first, an explanation of "primary election" is in order. A primary election is a nominating process for a political party. In Colorado, only major parties (Republican and Democrat) hold primary elections (as per state law). The purpose of these primary elections is to reduce the field of candidates in either party down to one for any particular office as that party's nominee in the general election. These elections are supposed to be how a party decides who their nominee for an office is. The primary nominees from each party then go on to compete against each other in the general election where all voters get to cast a ballot to decide who will hold that office. Kent Thiry's proposal would eliminate the party primary and require all candidates to petition onto an "all party" or "jungle" primary ballot. This means that minor party and unaffiliated candidates will be forced to compete against major party candidates to decide who makes it onto the general ballot. Currently, minor party and unaffiliated candidates do not participate in primary elections: They either gather signatures or are nominated by their parties to the general election ballot. This is why your general election ballot has several candidates on it—the minor parties are able to get their candidates on the general ballot in a basically evenly matched race (only one candidate per party).

Kent Thiry will change all of this with the "jungle primary" which will almost certainly destroy the minor parties as they will not be able to compete against a large field of Republicans and Democrats. The same will hold true for unaffiliated candidates. The jungle primary really isn't much of a primary at all: It's more of a general election that is designed to have a runoff. Every

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single candidate who gathers enough signatures will be on that ballot and the top four vote-getters will advance to the general election, regardless of party affiliation. This is almost sure to result in a general election with only one party represented. It is very plausible to imagine a race for Governor, US Senate, District Attorney, or any other office with four candidates from the same party. It is almost sure to completely eclipse all but one party.

The final component is the actual ranked choice voting. Among the four candidates who make the general election ballot, all voters must cast a vote for all four candidates in their order of preference. There are (or should be) constitutional problems with this since voters are being compelled to vote a certain way. If a voter does not cast a vote for all four, that ballot will be thrown out (spoiled): You must cast a vote for all four or you will be disenfranchised.

The way the votes are calculated is very complicated and ultimately not able to be audited or recounted. Not that there will ever be a recount because one of the candidates will be given a majority.

It is necessary to talk about the meaning of “majority.” It is common to say that the winner in an election received a majority of the votes. This is not necessarily true unless there were only two candidates. American elections are almost always decided by a plurality of votes – the candidate who got the most votes wins. That might or might not be a majority. In a four-way race, it is doubtful that any one candidate will receive 50%+1 of the votes. It is entirely likely that one candidate will get more than the rest, but not have a majority. In order to facilitate a majority, there would need to be a runoff...in Kent Thiry’s proposal, that would be an instant runoff created by ranked choice voting.

A ranked choice voting election requires that one candidate receive a majority in order to win. After the initial tally, if no candidate received a majority of votes, the lowest vote getter is eliminated and his/her votes are assigned to another candidate based on how voters ranked their choices. This process of eliminating and reassigning votes continues until one candidate gets a majority. You’ll never see how this was accomplished; you’ll just be told who won. It is impossible to recount or audit because of the complexities of how the votes are distributed. In almost every scenario, the candidate who initially got the most votes won’t come out as the winner. It’s usually number two or number three.

No system is perfect or free from flaws and errors. But this system is designed to eliminate voter input by creating a process that is so complicated only a few will be able to administer it and questioning it will be impossible. This process removes the vote further from the electorate (the people) and places it in the hands of government servants who will determine the outcomes based on some inscrutable algorithm that they probably won’t understand themselves. But know this: In over 100 years of American experience, 85% of the jurisdictions that implemented ranked choice voting ultimately repealed it because it caused more problems than it solved. Our elections can certainly be improved, but ranked choice voting is going from the frying pan into the fire.