



March 28, 2022

Honorable Assemblymember Isaac G. Bryan
Chair
Assembly Elections Committee
1020 N Street, Room 365
Sacramento, CA 95814

Re: AB 2808 (O'Donnell) – Ranked Choice Voting Ban – OPPOSE

Dear Chair Bryan,

On behalf of the organizations listed above, we are writing to express our **strong opposition to AB 2808 (O'Donnell)**, which would prohibit the use of ranked choice voting (RCV) in California state and local elections, including in numerous charter cities where RCV has been successfully used for over a decade.

Especially at a time when voting rights are under attack nationally, California should not pass legislation prohibiting a voting reform that can deliver better representation and more fair electoral outcomes, especially for communities of color, women, and other marginalized groups.

RCV has a strong track record, both in cities across California and nationally, of producing more democratically representative results, increasing voter turnout, and promoting more diverse elected representation. In fact, just last session California's Legislature overwhelmingly passed SB 212 (Allen, 2019) to allow all local governments to use RCV if they chose to do so.

RCV ensures election outcomes better reflect voter preferences. Under RCV, voters can rank the candidates on their ballots in order of preference: first choice, second choice, and so on. In single-seat elections (e.g., mayor), RCV makes certain that candidates are elected with majority support in a single election, without the need for a costly runoff election. If a candidate receives a majority of votes in the first tally, that candidate is elected. If no candidate has a majority in the first tally, the candidate with the fewest number of votes is defeated, and ballots for that candidate are counted for those voters' next choice. This continues until a candidate has a majority and wins. In multi-seat elections (e.g., a council elected at-large), RCV similarly ensures candidates who meet a certain threshold of voter support based on the number of available seats will be elected. Multi-seat RCV enables groups of voters to elect winners in proportion to their share of the votes cast.

RCV has many benefits over other voting methods:

More Representative Results: RCV produces far more representative results than plurality-winner elections, the most common local voting method. In single-seat plurality-winner elections, candidates can be elected with as little as 25% of the vote if the majority splits its support between two or more similar candidates. This “spoiler effect” can lead to unrepresentative candidates being elected, which can undermine voter confidence in elections and government. A 2016 study by California Common Cause found that vote-splitting was prevalent: in city single-seat elections involving three or more candidates, the winner received less than majority support 42% of the time.¹ By contrast, RCV solves vote-splitting by looking at voters' second and third choices to ensure that the winning candidate is elected with majority support.

Higher Voter Turnout and No Runoff Elections: RCV also has strong benefits over runoff election systems, which are used by some large cities and all counties, including far higher voter turnout. Runoff jurisdictions typically hold their elections with the statewide primary so a runoff election, if needed, can be held with the statewide general election. However, this means most elections are decided during the primary, when turnout is much lower and less demographically representative. As reported by the Public Policy Institute of California, “primary electorates have included fewer young people, Latinos, and Asian Americans than the general electorate in the fall.”² Because RCV requires only one election to select a majority winner, jurisdictions adopting this system have moved their elections to November, leading to more voters electing their local officials. For example, in 2020, eligible voter turnout was more than 30 percentage points higher in the general election than the primary election.³

More Diverse Representation: In the four Bay Area cities that have used RCV for over a decade – San Francisco, Oakland, Berkeley, and San Leandro – RCV has led to greater representation for women and people of color. For example, three out of four mayors of these cities are women, and two are people of color. A 2021 study of Bay Area elections found that women had won 56% of RCV elections between 2010 and 2019. Moreover, women's representation on city councils was 10 percentage points higher in cities with RCV compared with Bay Area cities that did not use RCV.⁴ Studies have found similar success for candidates of

¹ Nicolas Heidorn, *Municipal Democracy Index*, California Common Cause (2016).

² Eric McGhee, *Voter Turnout in Primary Elections*, PPIC (May 2014).

³ California Secretary of State, *Historical Voter Registration and Participation Statistics*, available at: www.sos.ca.gov/elections/statistics.

⁴ Cynthia Terrell, *Election Reform and Women's Representation: Ranked Choice Voting in the U.S.*, *Journal of Politics and Governance*, Vol. 9 (2021).

color in RCV elections. A 2019 analysis of Bay Area cities by FairVote found that candidates of color had won 62% of elections since the adoption of RCV, compared with only 38% prior to RCV's introduction.⁵

In fact, RCV has specifically been used to counter racial discrimination. In jurisdictions with racially polarized voting, plurality voting methods to elect multiple candidates at-large are well known to exclude minority voters from access to representation. In many cases, where minority communities are geographically concentrated and can be drawn into a district, transitioning to district-based elections is the best way to empower that community. However, where minority communities are geographically dispersed, majority-minority or minority opportunity districts may not be possible. In these situations, multi-seat RCV, which ensures proportional representation, may provide better opportunities for these groups to elect a candidate that represents their community. Multi-seat RCV was recently used by the U.S. Department of Justice as part of a federal Voting Rights Act settlement to protect the voting power of minority groups in Eastpointe, Michigan, and has been adopted as part of a civil rights lawsuit settlement in Palm Desert, CA.

AB 2808 threatens to roll back these hard-fought gains: AB 2808 would lock local governments into using less representative voting systems. The bill would lead to lower and less-representative voter turnout in jurisdictions that are forced to revert to a two-round runoff. Additionally, it would eliminate a powerful voting rights remedy in multi-seat RCV.

Finally, AB 2808 would undemocratically override the will of local electorates that have already adopted RCV. In every California city except for Palm Desert, which adopted RCV as part of a civil rights settlement, RCV was adopted with the voters' approval of a city council-referred charter amendment, in each case by overwhelming margins. For example, in 2020, 61% of Eureka voters and 73% of Albany voters passed measures to use RCV. Moreover, exit polling in California cities that have used RCV shows that voters support RCV and strongly prefer this election method to the one it replaced.⁶ AB 2808 would force jurisdictions, some of which have used RCV for almost two decades, to revert back to a voting system rejected by supermajorities of their voters.

For all these reasons, we strongly oppose AB 2808 and respectfully request that you vote against the bill when it comes before the Assembly Elections Committee. As noted above, this bill would expressly go against the recent overwhelming passage of SB 212 (Allen, 2019), which would have allowed all local governments in California to use RCV. We believe SB 212 was the right approach and urge the Legislature not to back away from its commitment to a stronger and more inclusive democracy.

Should you have any questions, please feel free to reach out to Guy Cammilleri with the California RCV Coalition at guy.cammilleri@calrcv.org.

⁵ FairVote, *Ranked Choice Voting and Racial Minority Voting Rights: An Analysis of Representation of People of Color in the Bay Area* (Nov. 2019).

⁶ For example, an exit poll conducted after the first San Francisco RCV election found that “over three times as many voters prefer RCV (55%) than prefer the former runoff system (17%).” Francis Neely et al, *Assessment of Ranked-Choice Voting in San Francisco 2005 Election*, Public Research Institute (2006).

Sincerely,

/s/Dora Rose
Deputy Director
League of Women Voters of California

/s/Ruth Dawson
Legislative Attorney
ACLU California Action

/s/Evan Minton
California State Policy & Programmatic Manager
Voices for Progress

/s/Joshua Graham Lynn
Co-Founder & CEO
RepresentUs

/s/Guy Cammilleri
Director
CalRCV Coalition

/s/Rob Richie
President
FairVote Action

/s/Trent Lange
President
California Clean Money Campaign

/s/Steve Chessin
President
Californians for Electoral Reform

/s/Tyler Fisher
Senior Director
Unite America

/s/S. Chad Peace
Legal Advisor
Independent Voter Project

/s/Nathan Lockwood
Executive Director
Rank the Vote

/s/Chris Lamar
Senior Legal Counsel
Campaign Legal Center

/s/Kimi Lee
Executive Director
Bay Rising

CC:
Honorable Members of the Assembly Elections Committee
Honorable Assemblymember Patrick O'Donnell