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HOW WE VOTE:

An Overview and Analysis of
Alternative Methods

WHITE PAPER

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"Mathematicians agree that the voting method used in most of the United States is pretty bad, but because we can't agree on which of the better methods we should use instead, we end up stuck with the same old method." (Wiseman & Wiseman, 2016, p. 14)

Preface

Democratic governance of all shapes and sizes faces ongoing questions about the nature of the methods whereby decisions are made. Secret ballot or raised hands? Scanned votes or hand counted? Majority rule or plurality rule, or unanimity?

How we make the decisions can be as important as the decisions that are made. The legitimacy of the decisions rests on the means of making them. Tiny groups can make decisions by consensus using informal methods of “voting” that include head nods; larger groups may need raised-hand counting (or even counting of ballots) with a determination of whether the winning number is based on majority or plurality. When we try to determine how best to elect representatives at the state or national level, aggregating the vote choices of thousands—or millions—of people becomes more complicated.

In the United States, the administration of elections rests in the hands of the states, with the county or municipal election officials reporting to the state election official (usually the Secretary of State). In recent years, there have been movements to change voting methods (including eliminating the liberal usage of “early voting” or “absentee voting” and requiring same-day voting for most people), attempts to universalize voting methods throughout the country (paper vs. digital machines, what kinds of techniques are used to scan paper ballots, etc.), as well as experiments with different voting *processes*.

This overview does not deal with questions of either of the former two issues and instead focuses on questions of voting process methods that maximize the representativeness of our system. This paper is not all-inclusive; variations on all the things mentioned within have been proposed or instituted in different jurisdictions.

The Platte Institute takes no position on any of these voting processes. This paper aims to familiarize Nebraskans with the motivations and proposals for change. States have started to consider and adopt measures that would change how we vote, including Nebraska, which had two bills introduced in the 107th Legislature. LB125 and LB793 were not passed but would have permitted a change in voting methods in some municipalities. These trends make this study relevant at this time.

Preview and Philosophy

There can be little doubt that there is discontent in the United States where our elections are concerned. Regardless of political predisposition, the fact that a Google search of "elections messed up" results in over a million results suggests that the concern is widespread and cutting across partisan factions. Americans want to believe that their elections are legitimate, fair, and properly administered and—perhaps most important--that the results represent the people's will.

A September 2022 CBS News/YouGov Battleground poll surveyed 2085 adults in the United States and asked how secure or threatened they thought democracy and the rule of law in the United States was. Seventy-two percent said they thought democracy and the rule of law were either "somewhat threatened" or "very threatened." That same poll asked how seriously certain conditions threatened democracy and the rule of law. Over 60% identified four issues as "major threats": "people trying to overturn or change elections," "the potential for political violence," "the influence of money in politics," "and most people don't have a say." (CBS News YouGov, 2022)

One of the great questions of democratically elected governance revolves around the question of "how best to elect and give citizens a say?" What is the best/fairest/most accurate way to ensure that the right people get elected—or if not the right people, at least the people who best represent the will of those doing the electing? The question is not recent; political philosophers, economists, mathematicians, and others have been exploring (and arguing about) this for millennia (Szpiro, 2010).

In the United States, political scientists and mathematicians have long debated the merits of different types of voting. The current method most commonly in use in the U.S.— "plurality voting" or "first past the post"—is a system that, in our single-member district system, tends to lead us down the road to a dominant two-party system. In the late 1950s and early 1960s, a French sociologist--Maurice Duverger--posited both that and its corollary: that both proportional representation systems and runoff systems of election would result in a multi-party system. A series of articles resulted in a book on that topic (Duverger, 1964).

Voting, ultimately, is a social choice problem. "Social choice" are the rules that determine how we make collective decisions through individual choices. Election structure and methods are prime examples of social choice in modern democracies.

Kenneth Arrow is viewed as the "father" of modern social choice theory (Arrow, 1963). While a complete discussion of "Arrow's Impossibility Theorem" goes beyond the scope of this study, it does point to the difficulty that political theorists (and practitioners) have when trying to devise "fair" systems of voting.

In short, Arrow believed that no voting system would always be fair. By extension, one might assume that many voting methods could be reasonably appropriate and that the method used should be based on the values and goals of the electorate. Of course, that becomes circular logic,

as determining those values and goals is difficult to discern, except in the aggregate through some voting method.

This study will briefly examine the main currents in election method thought, primarily through the academic literature. Specifically, we will look at some of the most common options offered to plurality voting—including approval voting, ranked-choice voting (also referred to as instant runoff voting), range (or score) voting, and majority judgment.

A few caveats are in order:

1. As the epigraph suggests, while many complain about our election system, there needs to be more agreement about the best method of electing representatives, making it much more challenging to move past the status quo.
2. The Electoral College complicates some of our discussions since it is possible (with non-major party votes calculated) for the winner to receive significantly less than 50% of the popular vote (cf. Nixon in 1968; Clinton in 1992 and 1996; Bush in 2000; Trump in 2016). In two of those cases (Bush and Trump), not only did the winners receive less than 50% of the popular vote, they received less popular vote than the person who came in second, thereby winning the electoral vote without even a plurality of the vote.
3. In terms of state and local races, comparisons between states and localities are partly complicated by differences in the legal and political environments. Nebraska's legislature, for instance, is not only one house, but it is also technically non-partisan, and it's common to have two members of the same political party vying for the same seat in the General Election. Likewise, Nebraska is one of only two states (as of this writing) that aren't winner-take-all states for presidential electoral votes. Still, history over the last two decades has proven the state to be dominated by one political party, except in a few discrete areas.

Literature Review—Identifying Problems and Causes

Many have written about the need for change in the American elections system in recent years. Different authors identify the causes of the problem and offer divergent solutions to the problem (those who offer solutions). Authors don't necessarily even agree on what the problem is; however, there seems to be a growing sense that our political system and its institutions are not operating as they should.

In a recent book, Dan Eckam identifies the problem as the dominant two-party system. He believes that American democracy needs a multi-party system, which would give voters a greater

choice and be more representative of their actual interests. His solution is, in part, moving to a voting process that is either instant runoff (IRV/ranked-choice) for single-member districts or single transferable vote (STV) with newly created multi-member districts (Eckam, 2019).

Political scientists Thomas Mann and Norman Ornstein's 2012 book (updated in paperback in 2016) identify numerous problems with our system. Chief among them is today's "politics of extremism" in the two-party system. They offer several solutions, including the unlikely change of the Constitution to create more of a Westminster parliamentary system to increase accountability among a unified government and encourage coalition building. While their solutions do not ignore election processes, their focus is on using the existing methods by instituting things like open primaries, making it easier for people to register to vote, and encouraging voting through national holidays or even requirements to vote (Mann & Ornstein, 2012).

Political scientists Amy Gutman and Dennis Thompson wrote of the importance of bringing compromise back to our political system to have effective governance and laid the blame for the lack of compromise at the feet of our system of campaigns that discourages compromise. While identifying problems, they did little to locate real structural solutions (Gutmann & Thompson, 2012).

Hoover Institution Senior Fellow and Professor of Political Science at Stanford University, Morris Fiorina, points to the growing polarization of American politics in our two-party system and provides data to demonstrate that the median views of the two major parties have moved further away from each other, resulting in fewer "moderates" in either party (Fiorina, 2017).

Many of the authors mentioned above appeal to the larger population to get better citizen engagement to "fix" the problem. However, only occasionally have commentators (especially academics) pointed to mechanisms of vote choice as a potential issue to consider. As William Riker (Riker, 1988) points out, though, as he builds on Arrow's work (Arrow, 1963) on social choice, the mechanism is critical to legitimizing elections.

Social choice is not a unified theory but "a cluster of models and results concerning the aggregation of individual inputs into collective outputs" (Stanford Encyclopedia of Philosophy, 2013). It is beyond the scope of this work to describe all the intricacies of assorted social choice theories. Those interested in the theoretical side of social choice can develop a basic understanding with a bit of research. Ultimately, each of the voting methods that will be described (including the one in most common use in the U.S., plurality voting) attempts to answer the social choice questions of aggregating individual preferences into a public decision.

It may be worth discussing in detail a piece from an article that attempts to explain, via game theory, why deciding WHICH alternative method might be the best seems to elude us. The Wiseman article (Wiseman & Wiseman, 2016) models the problem with the following assumptions:

1. Voting theory experts agree that any of the alternative methods would be better than the current system.
2. They disagree on which of the alternatives is the best.
3. If the experts unanimously (or nearly so) recommended any single method, they could convince policymakers to adopt it.
4. When experts advocate different methods, policymakers lack an obvious recommendation for change, and the status quo (the plurality method) prevails.

They describe a "battle of the sexes" model from Luce and Raiffa's classic 1957 game theory book (Luce & Raiffa, 1957). In this example, a 50's stereotypical couple is trying to decide what to do with their evening. The husband would prefer a night of prizefighting with his wife coming along; the wife would choose a night at the ballet with her husband in attendance; both would mark doing their spouse's preference with them as their second choice, but neither knows that about the other. Rather than coordinating to ensure they both get their first or second option of spending time together, they both routinely choose their favorite—effectively option three, where they do their own thing by themselves. They both end up less happy because while they get to go to their favorite events, they are by themselves rather than with their spouse.

This is not unlike the problem that advocates of different theories of alternative voting find themselves in; they almost universally agree that our plurality-based, first-past-the-post system is flawed, but their favorite solutions differ, so none of them ever get to be happy absent some coordination of efforts.

Potential Solutions to the Problem

We now focus on some of the primary voting alternative proposals mentioned in the literature with some frequency. While not a comprehensive examination (and there are variations on each of these types, as well), the reader will get some sense of the scope of the differences of opinion that can be found where election methods are concerned, as well as other structural changes that could be made to our electoral system. One article points out, and it is crucial to keep in mind, that none of these methods are perfect from a public choice perspective; all are flawed, but some are less flawed than others (Levin & Nalebuff, 1995).

Approval Voting

Approval voting is probably the least complicated alternative to the simple "pick one" voting that we commonly see in single-winner races. With approval voting, voters may choose (or approve of) as many candidates as they wish. If there are seven candidates on the ballot, the voter can approve of as many or as few candidates as they want. The candidate with the most approval votes wins.

A 1978 article points to a 1970 U.S. Senate race in New York which saw three candidates on the ballot: James Buckley, a Conservative Party/Independent Alliance candidate; Richard Ottinger, the Democratic Party candidate; and Charles Goodell, a Republican/Liberal alliance candidate (note: this is one of those instances where understanding the vagaries of the state election law is essential—New York allowed for "fusion candidates" who could be nominated and on the ballot for more than one line). Goodell was the incumbent, who received 24% of the vote; Ottinger received almost 37% of the vote; and Buckley, who won in the plurality system, received just under 39% of the vote. The article suggests that it is likely that Buckley would not have won (he was defeated in 1976) under an approval voting system and that Goodell likely would have won re-election with about 59% of the vote (Brams & Fishburn, 1978).

Approval voting is simple; most election tabulation devices today would handle it since it merely totals the votes (approvals) for each candidate, and the one with the most votes, wins. Conceptually, it may also tend to pull representation toward the center. As noted previously, Fiorina pointed to the increased polarization of the two dominant parties.

Although perhaps apocryphal, Richard Nixon is said to have once suggested that the way to win the presidency was to cater to the party base (either left or right) until the party convention and then "run like hell to the middle" after the convention for the general election. He assumed that the American electorate was largely middle-of-the-road ideologically and that candidates could not afford to be seen by the masses as extreme, either to the right or the left. Whether there is a vast middle in America may be questionable. Still, it seems conceivable that adding third and fourth parties into the mix—and allowing voters to approve of them and major party candidates—might help to flesh out where voters position themselves.

Electionscience.org is a good online resource with simple explanations (in its glossary section) of multiple types of voting methods. They focus primarily, however, on advancing approval voting. Approval voting has been implemented through ballot initiatives in a few localities (including Fargo, North Dakota, and St. Louis, Missouri). Several organizations also use it for internal elections.

Ranked-choice/Instant Runoff Voting

Ranked-choice voting (aka Instant Runoff Voting—IRV) allows a virtually unlimited number of candidates, from across the political spectrum, on the ballot and then goes through a series of steps to reallocate votes of candidates who are at the bottom, deleting one candidate at a time (hence, the "instant runoff"). Ranked-choice/runoff voting is broadly seen as much more expressive than plurality voting, meaning that it allows voters to rank those candidates they like (and those that they like a little bit) higher than those they don't care much for (or those they don't like at all). It provides more information and, interestingly, is even being called for by people working on climate issues (assuming that it is the best way to encourage meaningful third-party growth) (Tickell, 2019/2020).

Apart from the third-party issue, though, some groups see voting reform as critical to issues of public health (Latner, 2019). It has been suggested that election reforms—including both Ranked-choice voting and Approval voting—are essential to let historically under-represented groups engage in the election process.

A report from the Carnegie Endowment for International Peace suggests (as was indicated with approval voting) that ranked-choice voting might have a moderating effect on both the right and the left sides of the political equation by allowing voters to express more specific preferences (Kleinfeld & Dickas, 2020).

Ranked-choice voting has been implemented in dozens of local jurisdictions and for statewide and presidential elections in both Maine and Alaska. Kansas, Nevada, and Colorado have been using ranked-choice in some presidential primaries.

Georgia and Louisiana already have runoff general elections, requiring the winning candidate to reach the 50% + 1 threshold for election. In the 2022 U.S. Senate race in Georgia, incumbent senator Democrat Raphael Warnock received 49.4% of the vote to Republican Herschel Walker's 48.5% in the General Election in November. Libertarian candidate Chase Oliver garnered 2.1% of the vote. With neither of the top candidates breaking the 50% mark, a runoff election between Warnock and Walker was held a month later, with Warnock winning.

Arguably, a few fundamental flaws when runoff elections occur a month after the General Election. First, the cost to the taxpayers of the state, who bear the burden of paying for another round of election workers and polling locations. Second (and third), a different electorate may turn out a month later considering changing context—especially as we saw in 2022 with the uncertainty regarding control of the U.S. Senate. In jurisdictions where a simple majority (not plurality) is required to win, ranked-choice/instant runoff voting (RCV/IRV) could save the taxpayers valuable time and money, even if vote counting takes longer, as was seen in Alaska for both their U.S. Senate and House races in November 2022 (Radde & Hanzhang Jin, 2022).

Fairvote.org is both a clearinghouse for information and an advocate for ranked-choice voting.

Majority Judgment and Range Voting

Two other voting methods that seemingly split the difference between Approval Voting and Ranked Choice Voting are **Majority Judgment** and **Range** (sometimes called **Score**) **Voting**.

RangeVoting.org is a website devoted primarily to promoting range voting but is open to other forms of alternative voting. The primary range voting method is that each candidate is listed and given a score by the voter—the most simplified versions would be on a scale of 1-6 or 1-10, although some have suggested an even broader range. Scores for each candidate are averaged, and the candidate with the highest average score wins. This method is like standard Olympic scoring; multiple candidates could theoretically receive the same score (although that's less likely if the range is broader).

Majority judgment voting promoted by Balinski and Laraki is similar in concept to range voting, although different in a few fundamental ways. First, they use words with common language meanings rather than numbers for scoring. For instance, each candidate could be rated as "excellent," "very good," "good," "acceptable," "poor," or "reject." Rather than using a mean score, this method bases a win on which candidates have the highest median score (Balinski & Laraki, 2010).

Most will agree that all these methods have their strengths and weaknesses. Most will probably also agree that any of them—if implemented—would allow voters to be more expressive in their preferences, potentially open the doors to more third-party involvement, and provide more assurances to the public that results reflect the will or sense of the broad voting population.

Our current system (in Nebraska and most places) of plurality voting limits the expression of preferences by the voter; a "vote for one" tells us little about how much a candidate is either liked or disliked—or how often the voters feel that they are just choosing between the lesser of two evils.

American Government 101 students have long been taught about Duverger's law to explain why our system has consisted of two dominant political parties for most of the last 150 years. The myth (as the author taught it many times) was that Duverger's law said that in a single-winner district system, where voting is accomplished through plurality voting, the voters—long schooled in the concept of majority rule—naturally move to one of only two parties to maximize the chance that there will be a winner who gets a majority of the vote cast.

While that explanation of Duverger's law may be adequate for first-year college students, it fails to consider things like strength or weakness of support, how many people may have decided not to vote because they felt unable to choose between the two options most likely to win, or how it's possible that plurality votes in single constituency districts in Great Britain's parliament can result in a House of Commons makeup that currently has thirteen parties represented, while most offices in the United States are held by either the Republican or Democratic parties.

Open Primaries

The above variations in voting would require voters to rethink *how* they vote through ranks, scores, or approval of (potentially) multiple candidates. Another option that would change the look of some ballots is the **Open Primaries** model (Open Primaries, n.d.).

Open primaries would operate the same way as Nebraska's legislative elections. Every candidate seeking the office is listed on the primary ballot. Party identification may or may not be shown next to the name (in Nebraska's limited open primaries for legislative seats, they aren't). Voters pick one from the list, and the top two (or top four) vote-getters move to the General Election ballot.

This model would allow non-partisan/independent voters to participate in primary elections and contribute to voters' choices in November. Functionally, this voting model would allow primary election voters to look at their ballot and choose one candidate for each office without ranking or determining whether they approve of any other candidates. It would also open access to the General Election candidate selection process to a growing number of unaffiliated voters.

Primaries and General Elections in Nebraska

For the last 20 years, Nebraska's primary system has been "mostly closed" or "semi-closed," meaning that only partisans can vote in that party's primaries. There have, of course, been exceptions to that rule.

For instance, in congressional races, parties have sometimes allowed non-partisan (sometimes referred to in other states as "independent") voters to vote in congressional and U.S. Senate primaries.

In Nebraska's officially non-partisan legislature (candidates run without party identification on the ballot), the primary for those offices (and many local offices) results in the top two vote-getters (or twice the number of positions available on a board) moving to the general election, regardless of their actual party affiliation. The non-partisan intention of some races can

be foiled if one of the candidates or their supporters deliberately injects party registration into the race.

Partisan primaries are how political parties choose their nominees for advancement to the general election. Until 2017, maintaining ballot access for minor parties could be tricky in Nebraska. Once they obtained ballot access through petition or receiving at least 5% of the vote in a statewide race in one of the two previous general elections, parties could register voters to be a part of their party. The 5% threshold for maintaining ballot access continued until 2017 when the law was changed to allow for the maintenance of political primary (and thus, registration) status for any party that had attained (and maintained) at least 10,000 registered voters (Nebraska, 2021).

Over the last twenty years, voters in Nebraska have had nine options for their voter registration designation. Only three—Republican, Democratic, and Nonpartisan—have been available through all those election cycles. Libertarians had ballot access from 2000-2004, then lost it for the 2006 election cycle. They petitioned back onto the ballot in 2008 and have maintained ballot access since.

The Green Party had ballot access from 2000-2008 but has since not qualified. The Nebraska Party—the state affiliate of the Constitution Party--had significant registrations from 2002-2008 but lost ballot access after the 2008 election when it failed to achieve 5% in a statewide election. See the table below for an overview of voter registration numbers for each party as of the general election in each of Nebraska's statewide/presidential election years.

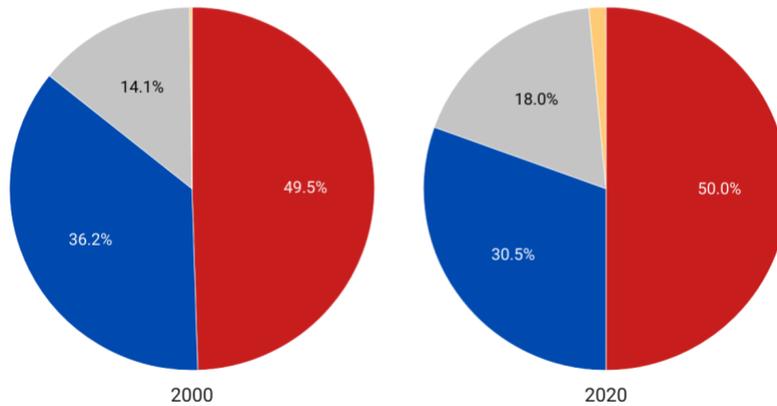
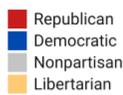
To demonstrate the changes in Nebraska's political landscape more graphically, see the figure below the table, comparing the share of the "registration pie" for each of the four registration statuses (Republican, Democratic, Nonpartisan, and Libertarian), which have numbers from both 2000 and 2020.

Party Trends

	2000G	2002G	2004G	2006G	2008G	2010G	2012G	2014G	2016G	2018G	2020G
Republican	537,605	543,935	575,778	573,016	558,308	549,011	558,145	559,364	583,021	584,061	606,822
Democratic	392,344	381,991	396,764	370,724	393,468	380,252	374,075	357,835	370,027	362,203	370,385
Libertarian	1,790	3,402	4,716		472	333	3,164	5,719	11,214	14,707	17,882
Nonpartisan	153,088	152,874	177,947	187,060	195,459	212,461	228,361	235,922	246,839	258,348	217,641
Natural Law	65										
Nebraska		1,185	4,590	7,169	8,585						
Green	325	155	398	453	1,053						
Last Party		2									
Americans Elect							126				

Created with Datawrapper

Registration Share



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The numbers above represent a truism in Nebraska politics: the Republican Party is the dominant political force, and although the Republican share of registered voters has ticked up only about half a percent, the loss in Democratic registered voters and the growth of both Non-partisan and (more recently) Libertarian voters suggest that it's unlikely that the Democratic party—arguably the most robust counterweight to Republican power—will mount a serious challenge to the Republicans in the near term.

Given general election voting patterns over the last decade, which see Republicans on statewide ballots regularly receiving 55-60% of the total vote, it would seem that many of the Non-partisan votes, anyway, lean to the Republican side. Because of the historical dominance of the Republican party in general elections, most of the multi-candidate competition for office takes place in the Republican primary.

Conclusions

As policymakers and voters consider potential vote method options, it's necessary to determine the goals of the effort to change our electoral methods. The nurturing of new parties? The better expression of voter preference? More diversity of viewpoints in our elected officials? Less polarization?

Theoretically, moving away from our current voting methods could contribute to any or all of those things. That's not guaranteed, though; none of these options is likely the magic elixir that would solve all our problems. Likewise, some methods may be more beneficial for specific goals than others.

Approval voting, for instance, might be especially helpful in encouraging third-party support because voters no longer feel the need to vote for the "lesser of two evils," and more people would be content with the winner. It would get rid of the "spoiler" effect in large part and could provide a better picture for third parties about the depth of the potential support for their views. Republicans or Democrats, for instance, who may have political views that fall within the purview of a minor party, can vote for BOTH their major party candidate and the minor party candidate. Libertarians or Greens might, for example, have some support from either of the two major parties, which does not show up in typical "vote for one" plurality elections. Suppose approval voting showed that a third party could receive "approval" from a significant portion of the population (even absent victories). In that case, their substance might be viewed differently (and the focus of major parties in trying to win their votes might be affected). This would require approval voting to be implemented in general elections and multiple candidates to be on the ballot.

Although the presidential elections have the added complication of the electoral college, the fact that five out of fourteen presidential elections have been won by a candidate who did not receive a majority of the popular vote might make a case for the broader use of alternative voting. Whether the Bush/Clinton/Perot race in 1992 or the Bush/Gore/Nader (specifically in Florida) dispute in 2000, it seems plausible that approval voting could have changed the outcomes. Approval voting would not have forced generally conservative voters to choose between Bush or Perot or generally progressive voters to choose between Gore or Nader; they could have expressed their "approval" for both and let the aggregate number of approval votes decide the victor.

Much of our focus in this study has been on ranked-choice voting because that form seems the most popular (as evidenced by implementation in states and localities around the U.S.).

Maine and Alaska have instituted ranked-choice voting in statewide general and presidential elections. Democrats have used ranked-choice voting for their presidential candidate nominating process in Alaska, Nevada, Hawaii, Kansas, and Wyoming (FairVote, 2021).

An argument might be made that—along with some structural reform that created a "national presidential primary" day—that ranked-choice voting (or theoretically any of the alternative methods) would give voters the most significant ability to express their collective preference for presidential elections nominees. In 2016, for instance, there were at least twelve Republicans in one of the presidential debates. Only five appeared on Nebraska's Republican primary ballot in May (several of those had long since withdrawn), more than two months after Super Tuesday. The current system allows earlier primary states to effectively decide whom those in late primary states can choose from.

In jurisdictions with hotly contested primaries or mainly one-party governance—there might be some benefit to using ranked-choice or approval voting in primaries. When voters vote in the general election based on partisan "cues," as political science research going back to the 1950s has suggested is the case (Campbell, Converse, Miller, & Stokes, 1960), it would seem all the more important that the winners of primary races appeal to the maximum number of voters in that party's primary. An alternative method could help assure that the candidate (and likely winner) of the general election at least had the support of most of the dominant party's primary voters.

Returning to the original problem of how best to make a social choice when there are many individual voters, we should remember that every alternative will have both strengths and weaknesses—just as the current system of (mostly) plurality voting has its strengths and weaknesses. Voting methods with minimal complexity may make it easier for voters to express *some* opinion, even if that opinion isn't as complete as it might be. That may be part of the historic hesitance in the U.S. to go beyond the "choose one" model of plurality voting.

That said, representative democracy should strive for the highest level of "representativeness" possible. Mathematicians, economists, political scientists, and citizens generally find our election system lacking. Policymakers and citizens should consider their ideals for the election process--what do we expect to get out of our elections—and then examine whether the current system provides that. If the answer is no, then a serious conversation about changing the system is in order.

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