Testimony of Amy Loprest and Eric Friedman
Executive Director, and Assistant Executive Director for Public Affairs
New York City Campaign Finance Board

New York City Council Committee on Governmental Operations
December 7, 2020

Good morning, Chair Cabrera and members of the Committee on Governmental Operations. My name is Amy Loprest, and I am the Executive Director of the New York City Campaign Finance Board (CFB). With me is Eric Friedman, Assistant Executive Director for Public Affairs. Thank you for the opportunity to testify today on the legislation before us and on the CFB's plans for Ranked Choice Voting (RCV) education and outreach.

In November 2019, 74 percent of New Yorkers voted yes on Ballot Question 1, bringing RCV to New York City in primary and special elections for municipal office. The New York City Charter requires the CFB to conduct a robust public education campaign to inform voters of their new election system. As you know, the CFB is already mandated by the Charter to encourage voter registration and engagement by all eligible voters, but particularly among underrepresented populations.

Currently, 19 other jurisdictions across the United States use RCV. While there is understandable concern about introducing an unfamiliar form of voting to a new audience, this is not the first time New York City has been a leader in building a stronger, more inclusive local democracy. In 1988, New York City adopted its landmark public matching funds program, becoming one of the first cities in the country to do so. When New York City successfully implements RCV next year, we will be the largest and most diverse jurisdiction in the country to implement this important reform.

In doing so, NYC can build on the positive results we've seen in those jurisdictions that have implemented RCV elections. Research shows the jurisdictions that have adopted RCV elect more diverse representatives who are more reflective of their population. In its first year implementing RCV, Minneapolis elected its first two transgender council members. Seven cities that use RCV have either achieved or surpassed gender parity in their city legislature. In cities in the San Francisco Bay Area, candidates of color won 62 percent of RCV races, compared to 38 percent before the change. In the 13 largest municipalities that use RCV, six have female mayors and four have Black, Latino, or Asian mayors.

Other studies show that RCV encourages candidates to campaign differently. Through RCV, voters will ultimately hear from more candidates, who are not only campaigning for 1st place votes, but also 2nd, 3rd, 4th, and 5th place votes. This complements the City's matching funds program, which gives opportunities to more candidates to run for office and also encourages them to reach out directly to individual voters. Notably, campaigns become more civil in elections that use RCV. A 2014 study of California RCV cities indicated that voters in RCV cities perceived less negativity in campaigns than in plurality cities. Further, RCV would eliminate the need for costly runoff elections, which could cost up to $20 million per election.

In addition, RCV gives voters more say in who represents them by allowing them to help choose the winner even if their first choice does not win. Therefore, candidates who win in RCV elections are the candidates with the broadest support among the electorate and who then have the broadest mandate to lead their constituents.

Along with our partners inside and outside of government, the CFB's voter engagement efforts during this past year were aimed at helping voters understand unfamiliar methods of voting. New York, and the rest of the country, was forced to rethink election administration entirely in order to make voting safe and accessible. Disseminating consistent and accurate information was a unique challenge in 2020, as state legislation, court decisions and executive orders changed elections on what felt like a daily basis in the early stages of the pandemic. For many voters, 2020 was their introduction to two new forms of voting: voting by mail and early voting.

In order to maximize public safety and introduce these voting methods to many voters for the first time, the CFB, along with the Board of Elections, the Mayor's Democracy NYC initiative, and other civic groups, led education and mobilization campaigns encouraging voters to vote before Election Day. These efforts resulted in 36 percent of general election voters voting early and 23 percent voting by mail, compared with 6 percent voting early and 36 percent voting absentee in the 2020 primary. CFB staff successfully provided accurate and consistent messaging to voters throughout this challenging year.

Introducing RCV to 2021 primary voters alongside these efforts to familiarize more voters with vote-by-mail and early voting, many months before RCV would be implemented, would have increased voter confusion and uncertainty during a uniquely confusing time. Our focus was on providing voters with the information they needed to participate in the November general election for president, federal, and state offices that do not use RCV. Additionally, there is a special election in Council District 12 on December 22, which will precede the implementation of RCV. We do not believe it is wise or appropriate to begin a broad-based RCV education campaign as New Yorkers are preparing to cast ballots in traditional plurality elections.

The CFB remains dedicated more than ever to giving voters the timely and accurate information they need to cast a ballot safely and effectively, including a robust educational campaign about ranked choice voting. Eric Friedman will explain our education plans and discuss the bills before the committee.

As noted, the CFB is responsible for a robust educational campaign to inform voters about RCV. We have been actively planning for the implementation of RCV throughout this year, and have previously shared an overview of our plans as part of our testimony to this committee at its September 25, 2020 hearing.

Though it is new to New York City, we have every confidence that voters will understand RCV. Indeed, voters make ranking decisions every single day. If the item they want is not available at a grocery store, they pick their next choice. Research in other cities demonstrates that simple, clear education campaigns can prepare voters to participate successfully. For instance, exit polling of

voters in Minneapolis showed more than 90 percent of voters understood RCV well their first time voting under the new system.

In addition to our long-standing voter education efforts--including the city's official Voter Guide--the CFB has been conducting successful voter engagement and get-out-the-vote initiatives ahead of special, primary, and general elections for a decade. We are confident our outreach for RCV will provide the simple, clear information all in New York City voters need to vote with confidence.

As we have for previous outreach efforts, we will rely heavily on our partnerships with community organizations who know their neighborhoods best. We've successfully registered New Americans at naturalization ceremonies with DominicanosUSA and registered students on National Voter Registration Day with CUNY Votes and Brooklyn Voters Alliance and plan to leverage these partnerships, among others, to spread the word about RCV. We will implement a 'train-the-trainer' system, so our partners have the tools to best communicate with their own audiences. Already, the Department of Youth and Community Development, Department of Education, several of the library systems, YVote, and the Citizens' Committee for Children are working with us to incorporate RCV into their training programs through the train-the-trainer approach. We'll also supply partners with a one-pager explaining the essentials of RCV translated into the officially recognized citywide languages.

Our first goal is to educate voters who will use RCV in special elections this February and March. The special election in Council District 24 scheduled for February 2nd will be the first opportunity to roll out our initial communications and outreach materials to the 85,000 registered voters in that district. We plan to mail a postcard to every household with a registered voter in Council District 24, and to all registered voters in Council Districts 11, 15, and 31 prior to special elections scheduled or anticipated in those districts. It will also direct voters to our online RCV resources, which is a core part of our outreach plan to voters.

As we did for the 2020 elections, we are preparing to publish a Frequently Asked Questions page on our website for the 2021 RCV elections. The FAQ will serve as an all-encompassing resource

to answer RCV questions and will be updated regularly over the course of 2021 in response to voter questions and comments. Like our other materials, the FAQ will be available in the federal VRA languages. Our website will also host an explainer video, an example of an RCV ballot, and visual demonstrations of how winners will be determined through RCV tabulation. These materials will all be shared on social media through organic posts and targeted paid advertising, and distributed by community partners.

For the June primary elections, our 2021 citywide Voter Guide will also include information on how to mark an RCV sample ballot. The voter guide is mailed to every household in New York City, giving us the ability to educate all 4.8 million registered voters about RCV.

Best practices from other jurisdictions show us that it is crucial to provide voters with accurate, timely, and accessible information. Our messaging will be voter-centric: easy to understand and responsive to voter needs. We are working with the Center for Civic Design (CCD), which has hands-on experience with RCV communications efforts around the country, and knowledge of best practices in design and usability. They are testing out designs for our Voter Guide and other materials based on usability studies, and they will be making recommendations that reflect the lessons learned in other jurisdictions and help us introduce RCV in the most accessible way possible.

To help us meet the specific needs of New York City voters, CCD is conducting interviews with a diverse cross-section of New Yorkers from all five boroughs, with a specific focus on under-represented populations: 100 percent of respondents are voters of color, and 84 percent speak English as a second language. A small sample of what we've heard from voters during these interviews:

> *"Because of the anticipation of ranked choice voting, I'm seeing more candidates be nice to each other and socialize with each other, and talk about their similarities and differences instead of being negative or divisive, which we can all appreciate."*

"I've totally passed on a candidate I would really have loved to stand up [for] and say, 'I want to make sure my voice is heard' by saying, 'I don't want to vote for a loser.'"

"RCV is good because if people who support different candidates...they'll hold less resentment. People hold resentment because they feel their voice wasn't heard. RCV allows people to participate better in the political world, and people can discuss their different choices and they would be more likely to learn about different candidates because they have choices."

"This is new to me, but it's just another way of voting."

While we anticipate the CCD's work will be essential to ensuring our RCV outreach will be as impactful as possible, their research suggests that New Yorkers may quickly understand the benefits and the process of ranked choice voting.

The CFB has concerns with the substance of both pieces of legislation before the committee, and we appreciate the opportunity to address them here today.

Councilmember Lander's bill aims to require the New York City Board of Elections (BOE) to report the complete ranked-choice tabulations with the unofficial results on election night. While we defer to the Board of Elections for their analysis of the practical considerations, it is important to note that the counting of absentee ballots does not start until a week after Election Day, and is not finalized until weeks later. Due to COVID-19, nearly 25% of voters voted by mail in November. If this trend continues, as is likely, the unofficial election night results will only reflect the choices of 75% of voters who cast ballots in person--increasing the likelihood that results will shift between the unofficial results and the final, certified count. We propose that the Council's focus should be on providing resources to the Board of Elections and supporting changes to state election law that will help make the process of counting absentee ballots more efficient.

As is clear from our testimony, we fully share the goal of Int. No. 1994: to educate as many New Yorkers about RCV as effectively as possible. Our staff are already carrying out most of the work this bill requires. For example, Local Law 29 agencies will be included in our education campaign, and we are currently planning to train LL 29 agency staff and provide the agencies with public education materials. As discussed in detail, we are fully incorporating RCV education content into our website and social media plans, as well as the online, print, and video Voter Guides. We are going beyond the requirements of this bill and asking our potential debate sponsors to incorporate elements of our RCV education into their plans for the CFB-sanctioned debates for citywide offices. Noting that, we have some suggestions that will align Int. No. 1994 with the planning we have underway.

First, we propose that the implementation date be moved to June 1, 2021. Having some of these items completed entirely by January 1, 2021--less than one month away--is impractical. As we mentioned earlier, most of our written and digital RCV education materials will be ready in time for the District 24 special election, but the projects that will reach the most voters will take longer to produce. However, we do propose striking the bill's sunset provision. We intend to integrate RCV education content into our regular get-out-the-vote and voter education campaigns for city primary and special elections--particularly because other elections will continue to be conducted under the traditional plurality-winner rules. As such, we do not believe it is necessary to limit the requirements in the bill only to elections in 2021 and 2023.

Second, we suggest that the bill grant more flexibility for CFB to adopt best practices based on research and observation of what has worked in other jurisdictions. For example, requiring at least two pages of the Voter Guide to be dedicated to RCV is overly prescriptive. As noted earlier, we are working with the Center for Civic Design to solicit feedback from a diverse subset of New York City voters to ensure the Voter Guide and RCV messaging will best meet their needs. It's possible that a requirement to devote two pages of the Guide solely to RCV will run counter to what we learn from CCD's usability studies. We are planning to fully incorporate RCV education into our Voter Guide, but need the flexibility to determine how best to do it based on our research and feedback from voters.

Third, we must highlight that the translation services required in this bill would require a significant amount of additional funding. Currently, we have budgeted for translation services covering the four languages required by the federal VRA: Spanish, Chinese, Korean, and Bengali. The CFB would need substantially more funding to contract with translation services providers for the six additional designated citywide languages. Like many other City agencies, the CFB has worked with OMB to make difficult but necessary cuts to our agency budget, and this is one requirement we cannot meet without additional resources.

We have passed along comments about improving both bills to Council staff, and we are happy to discuss them further as the bill moves through the legislative process.

There is no doubt that we have a tremendous undertaking ahead of us. Successful implementation of RCV will require assistance from all corners of New York City. As we've described in our testimony, the CFB has a strong, sound plan to fulfill our Charter mandate and provide New Yorkers the information they need to confidently and successfully cast a ballot.

Thank you for the opportunity to testify. We're happy to answer any questions you might have.

CFB's RCV Roadmap

October/November 2020:

◆ Training internal staff and creating materials to launch in 2021

◆ Research other RCV jurisdictions and voter education materials

◆ Work with the Center for Civic Design on best practices

◆ Learning about RCV implementation

◆ Creating a field outreach plan

◆ Identifying language training partners for VRA languages

CFB's RCV Roadmap

December 2020/January 2021:

- Launch train the trainer presentations w/ focus on outreach to Special Elections districts

- Launch toolkit for community organizations and volunteers

- Launch online Voter Guide for District 24 Special

- Release a one-pager translated into multiple languages

- Release a voter FAQ on our website for organizations to use

- Launch explainer video about why this new voting method benefits voters

TESTIMONY
presented by
Laura Wood, Senior Advisor and General Counsel, DemocracyNYC
Office of the Deputy Mayor for Strategic Policy Initiatives
Office of the Mayor of the City of New York
before the
New York City Council
Committee on Governmental Operations
on the subject of
Int 1994: Requiring a voter education campaign regarding ranked choice voting;
*Preconsidered***: Amending the New York city charter, in relation to the reporting of**
unofficial election night results for ranked choice elections;
on
Monday, December 7, 2020 at 11:30AM

Thank you Chair Cabrera and members of the Committee on Governmental Operations.

My name is Laura Wood, and I am the Senior Advisor and General Counsel to the DemocracyNYC initiative at the NYC Mayor's Office. Thank you for holding this hearing and for the opportunity to submit testimony.

The DemocracyNYC initiative aims to increase access to and engagement with our electoral system for all New York City residents. Critical to accomplishing this goal is ensuring that the will of voters is reflected in our democracy. For that reason, the Administration is ready to support implementation of ranked choice voting by the City Board of Elections for municipal elections in 2021, as was decided by the voters in 2019. However, we must also make a very intense effort to empower all voters to fully exercise this new way of voting, so that our future elected representatives are reflective of their will. When public financing of elections was introduced to New York City several decades ago, there was a significant and sustained public education and outreach effort -- ranked choice voting will require similar efforts, which thankfully are already underway.

In New York City, a ranked choice voting system could present some benefits if properly implemented. Ranked choice voting helps ensure winning candidates better reflect the preferences of a greater number of voters. This is because unlike a plurality system, a candidate must secure more than 50% of the votes in order to win. In order to achieve this in a race with more than 2 candidates, the ranked choice voting system engages voters who voted for eliminated candidates, meaning that their vote is not discarded and is counted throughout the whole process.

An additional benefit of ranked choice voting is that it would eliminate the need for runoff elections, which are costly and typically have very low voter turnout. In the 2013 Public Advocate runoff, turnout dropped by 61% -- only 6.9% of the eligible electorate cast a ballot --

and cost $50 per vote. This will be particularly important for the coming year, given the emphasis on social distancing and the fiscal impact of the COVID-19 pandemic.

The DemocracyNYC initiative is specifically charged with engaging historically disenfranchised communities, including people of color, people with disabilities, and people who are justice involved. As such, we are especially concerned with making sure these communities receive the tools and resources they need to fully participate in this new system, which, if well-implemented, can result in more opportunities for diverse candidates to run for office as well as diverse voters to cast their votes.

When looking at other cities that have ranked choice voting, research shows that there is no difference between white voters and voters of color in understanding the system.[1] In San Francisco, voters of color were more likely than white voters to rank the maximum of allowed candidates.[2] In addition, candidates were more likely to campaign on issues, build coalitions with communities and other candidates, and voters perceived less negative campaigning. Although this research is promising in that it shows ranked choice voting has the potential to empower communities of color, it also confirms that in order to achieve these results we must first do the work of a very robust education and outreach campaign.

DemocracyNYC supports reasonable measures to ensure the public is informed about the ranked choice voting system in time for next year's special elections and June primaries. As the bills primarily pertain to the Campaign Finance Board and Board of Elections, we look forward to hearing their testimony and feedback on the bills. Our interpretations of the bills are as follows:

Int 1994-2020

As mandated by the City Charter, it is the responsibility of the Campaign Finance Board to conduct voter education efforts ahead of the implementation of ranked choice voting. It is our understanding that the Campaign Finance Board, a close partner of DemocracyNYC in election outreach, has plans underway to make sure New Yorkers know about and understand this system. Those plans include the Civic Engagement Commission training interpreters on ranked choice voting in 11 languages, and working with the agencies designated under Local Law 29 to combine ranked choice voting with their established voter registration efforts.

As such, it is our recommendation that the Council consider taking a high level approach by integrating the education requirements in this bill with the existing voter registration programs under Local Law 29, and requiring agencies to cooperate with CFB in distribution of materials.

T2020-6914

With respect to tabulating and publishing ranked choice voting results, we believe it is very important to hear from the Board of Elections on what is technologically feasible. It is our understanding that compiling ranked choice voting data for citywide elections on Election night may require significant additional resources.

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[1] Todd Donovan, Caroline Tolbert, and Kellen Gracey, Self-Reported Understanding of Ranked-Choice Voting, Social Science Quarterly, (Apr. 23, 2019), at 8-9.

[2] Francis Neely, Corey Cook, and Lisel Blash, An Assessment of Ranked-Choice Voting in the San Francisco 2005 Election, (Jul. 2006), at 14.

As you know, the use of absentee ballots has increased substantially due to COVID-19, and with the likely passage of no excuse absentee voting, may soon become the norm. The Board of Elections does not begin canvassing absentee ballots until 7 days after Election Day. This, combined with the surge in absentee ballot use, means that any public tabulation of in-person votes on election night will not only be incomplete, but also may not include a significant portion of the vote, and therefore could be misleading and confusing to voters.

As such, it is our recommendation that the Council consider retaining the present option for the Board of Elections to publish first choice votes on or near Election night, to be followed by a full tabulation with each round represented once all the ballots are canvassed. Additionally, we believe that the representation of the results should be in a voter-friendly format, such as graphics, with clear illustrations on how the vote changes from round to round. This would be another opportunity to explain ranked choice voting to the public and gain their trust in the process.

* * *

DemocracyNYC is committed to ensuring all New York City voters have access to our democratic process. We look forward to discussions on the proposed legislation, the implementation of ranked choice voting, and the ways we can work together with the Council, the Campaign Finance Board, the City Board of Elections, and other stakeholders to roll out a robust public education campaign. Thank you again to Chair Cabrera and the Committee members for their time today.

Good Afternoon,
I would have preferred to have offered a real time testimony but due to a 3pm appointment was prevented from doing so.

It concerns me the communities of which I represent are not adequately educated regarding Rank Choice Voting. For example, during the time of RCV Initial education I was taking two buses to my destination three days per week and two to return. During my travels there were other buses I saw.

It was not until approximately three weeks prior to voting on the bill I saw a poster on the B11 bus. Even now I have not seen a poster on a bus in this community B41,B43,B48,B16, B49 in preparation for the upcoming elections.

Please push this back and give many of us more time to be educated and to educate.

Thank you,
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December 7, 2020

My name is Julia Forman and I'm a resident of the Dutch Kills neighborhood in Western Queens. I am submitting this testimony to add my voice to those coming together today to urge the Campaign Finance Board to ramp up their Ranked Choice Voting education work across New York City. As one of eighteen democratic candidates who has filed to run for City Council in District 26, I know that RCV is the best way for our community to elect a candidate who represents the preference of all the voters. While I, and many other candidates running across the 51 council districts, have made an effort to speak to voters and community members about RCV, the education arm of this new method cannot and should not rest solely on the candidates shoulders. Having a central place for voters to look to is critical. We need a clear, concise guide in multiple languages to share with our neighbors - and we need a source that is accessible to everyone regardless of what language you speak or your access to the internet. Especially as New Yorkers are still at home due to Covid-19, we need to ensure that RCV education can reach everyone. Written literature in multiple languages, television ads, and social media outreach must be included in a robust attempt to reach each and every voter in New York City.

I am also calling on the Board of Elections to finalize the design of the ballots that will be used in 2021. Without that information, CFB will be put in the position of educating the public without sufficient demonstrative materials. We must know what the ballot will look like so that voters can adequately prepare themselves to confidently enter the voting booth.

As a candidate I can emphatically say that I hope to see this education begin soon. I have been heartened by all the conversations I have had with my neighbors about RCV. There is a high level of excitement when voters realize that they do not have to strategically decide to support one candidate despite their preference for smaller, grassroots candidates. Our community is excited to be able to actively support multiple candidates. The neighbors I've spoken to believe that this system will be the best way to elect the most widely preferred candidate. I know that when the voters decisively voted in 2019 to enact RCV, we were taking a huge step in the direction of giving a stronger voice to our voters and look forward to partnering with CFB to start educating our voters immediately.

At the same time, I know that in this time of uncertainty, many are not aware or do not perfectly understand how RCV works. And given the 2020 election, where so many were engaged, this is the time for NYC to step up to educate everyone on RCV and enfranchise as many voters as possible. Let's build on the momentum that got RCV voted for in the city and so many out to vote in the 2020 general election. We know that education works, we saw this year. But education works best the earlier it begins. I urge you to prioritize strong and consistent voter education for RCV starting immediately and continuing until the June primary in 2021.

MEMO IN SUPPORT

Int. No. 1994 of 2020 (Ampry-Samuel)

December 4, 2020

TITLE OF BILL
A Local Law in relation to a voter education campaign regarding ranked choice voting.

SUMMARY OF PROVISIONS
Section 1 states that by November 15, 2020, the Campaign Finance Board (CFB) must launch and maintain an educational website on Ranked Choice Voting (RCV) in designated citywide languages including a video explainer, a fact sheet, and an example of a ranked choice voting ballot. RCV information must also be included on print and digital educational materials prepared by the CFB and voter assistance advisory committee. In 2021 and 2023, the CFB's voter guide must include two pages explaining particular elements of RCV, with at least one page included in voter guides following 2023.

By November 15, 2020, the CFB must distribute its educational materials in designated citywide languages to each city agency participating in voter registration efforts. The CFB must consult with agencies on how materials can be targeted to the populations that agencies serve. The materials include: (1) fact sheets on ranked choice voting, (2) promotional signs, (3) accessible language, (4) an explanatory video, and (5) explanatory graphics suitable for LinkNYC as well as websites and social media, which must direct the public to CFB's website for more information. Each agency receiving materials is to distribute them, and report the number of materials distributed to the mayor's office of operations, which must then include this information in its biannual agency-based voter registration report. The CFB is also required to establish training programs to help agencies learn how to incorporate RCV awareness into interactions with the public.

In 2021 and 2023, from January 1st until the June primaries, each participating agency and community board must identify locations where the CFB's RCV educational materials can be placed, and display digital educational materials on agency websites

with links to the CFB. These materials must be placed: (1) within physical locations, (2) on screens controlled by the agency, (3) in all print and electronic communications to the public, and (4) with educational materials distributed to agency and community board employees. The civic engagement commission must also include RCV education when training for poll site language interpreters.

Section 2 states that the law is effective for six years after enactment.

STATEMENT OF SUPPORT
Nothing is more important for the success of ranked choice voting than a robust education campaign informing voters of how to use the new system. Adopting RCV was a major step forward for democracy in New York City, but too often localities across the country have failed to educate citizens on how instant runoffs work, then seen the system overturned. In 2021, NYC will become the largest city in the nation to use ranked choice voting, and people across the United States will be reading about our first instant-runoff election. It is imperative that the new system is popular with voters.

Int. 1994 helps ensure voters are informed by requiring just the type of campaign that is necessary for Ranked Choice Voting's success. For Ranked Choice Voting to work, information about the new system must be ubiquitous, and by requiring NYC agencies to keep RCV educational posters and ads front and center, the bill will help keep voters aware of the changes. The Campaign Finance Board is already moving forward with many of the initiatives described in the legislation, but the bill's passage will codify the process for the 2023 election.

Reinvent Albany recommends that the City Council update the bill so that education begins on January 1st, instead of November 15th. Certain provisions must be brought up to date, and beginning education this year would risk confusing New Yorkers voting in the District 12 special election on December 22nd.

Reinvent Albany supports Int. No. 1994 of 2020 and urges the City Council to pass it in time for the new year.

FairVote

Successful Introduction of Ranked Choice Voting in New York City
Testimony to the Committee on Governmental Operations
By Rob Richie, President and CEO
Monday, December 7, 2020, at 11:30am, virtually via Zoom-Webinar entitled,
"Oversight - Ranked Choice Voting (RCV) Implementation in NYC"

My name is Rob Richie. I am president and CEO of FairVote, an organization that I have led for 28 years. We are a nonpartisan electoral reform think tank that has been the nation's leading resource on ranked choice voting since our founding in 1992. FairVote also has played a leading role in developing and advocating for voting changes like voter pre-registration for 16-year-olds, automatic voter registration, and the National Popular Vote reform plan of the Electoral College that have advanced in New York and many other states.

In New York City, FairVote's work over the years included partnership in the 1990's with a range of civic groups in voter education about the use of the proportional voting form of ranked choice voting (RCV) for local school board elections. That included providing information to the voting section of the Department of Justice about the use of RCV when in 1998 the DOJ reviewed a state law that would have replaced RCV to enable elections to be held on the city's old lever voting machines. The DOJ denied preclearance to this change based on how effectively voters from BIPOC communities were using RCV and how often electing candidates of choice with It – notably, this was the last time that the DOJ denied preclearance to a new law or practice in New York City, which is a good indicator of just how much hard evidence from RCV elections in New York City demonstrated that BIPOC voters were using RCV ballots effectively.

I greatly appreciate this opportunity to testify via live via video conferencing and to submit more detailed testimony in this written form about steps to prepare for the first uses of RCV as approved by 74% of New York City voters as a charter amendment in 2019. I will comment on the two pieces of legislation under consideration today to share a few points about what we have learned about implementation of RCV.

As a broad point, all evidence from a growing number of implementations of RCV suggests that New York City has sufficient time and know-how to implement RCV. It has been introduced in major cities with a BIPOC majority like Oakland, San Francisco and New Mexico's second largest city of New Mexico and in significant statewide uses in the past two years, including the State of Maine and presidential primaries and caucuses for state Democratic parties in Nevada, Kansas, Hawaii, Alaska and Wyoming. In such elections, we have found these points to be true:

- **Once you have a good ballot design, ranking ballots is easy and equitable for voters**. Sensible poll worker training and timely voter education work will make it all the better for voters. In the last three years dating back to November 2016, RCV has been used: (1) in the state of Maine for all of its congressional primary and general elections; (2) in 18 cities around the country; and (3) in the five Democratic presidential primaries and caucuses this past year. In every single one of these RCV elections, voter turnout and voter success in casting RCV ballots exceeded expectations.

  I will include two reports with this testimony:

  - 1) The first report is on the first-ever uses of RCV in Democratic Party presidential primaries; Democrats in five states used ranked choice voting in 2020 for the first time in presidential caucuses and primaries, with Alaska, Nevada and Hawaii having substantial shares of non-white voters. In Nevada, more than two in third caucus voters participated early with RCV ballots. To cast a valid ballot, voters had to use at least three of their five rankings. Fully 99.7% of these early voters cast such a valid ballot. In Alaska and Hawaii, in the middle of the pandemic, everyone voted by mail without a chance to be told their ballot wasn't valid-- yet over 99.8% of ballots had a valid first choice and a strong majority of voters ranked more than two candidates. See our report on the five states using RCV.

  - 2) A report on Maine's adoption and first use of RCV in its first election. New York City can expect similar positive results as well if implementation steps occur as they should.

- **RCV addresses specific problems – in particular, RCV has allowed voters to handle the kind of crowded fields that New York City can anticipate next year**. With RCV, voters don't need to see polls to know how to cast an effective vote – they simply need to indicate their honest preferences. Candidates don't need any special tricks – they just need to engage with voters effectively. The City won't have to hold costly runoff elections in a pandemic. All voters need to do is rank their favorite candidates 1st, their next favorite 2nd and so on. Data

shows that RCV can be particularly helpful to candidates of color. Notably, after RCV was implemented in four California Bay Area cities, the share of the 53 seats elected with RCV in those cities within a decade rose from about 40% to over 60% with little changes to the demography of these cities-- and [the biggest increase was in districts that had a white voter plurality, but a non-white majority](#).

Let me finish with three core aspects of an effective voter education campaign.

First, you will want voters to feel comfortable with indicating their preferences and to know how to fill out the ballot to reflect those preferences. There are excellent examples of "best practices" from cities and states implementing RCV. With a good ballot design, good poll worker training and these proven practices, voters will handle RCV equitably and well. Regularly we see between 99.7% and 99.9% of voters in their first use of RCV cast valid ballots and some nine in ten will choose to rank a valid backup in the elections that matter the most to them.

Second, you will want voters to feel comfortable with the RCV results. An important aspect of that comfort is effective display of the results on government websites and news websites. Best practices for doing this are well-articulated, and New York City should have all the tools to show results as well or better than any city doing so to date. A second important principle is to make public initial RCV tallies as soon as possible. The longer that only first choices are released, the more that those first choices are seen as the most important vote when in fact the most important vote is the final instant runoff tally. That is why all the Bay Area cities, for example, have moved from delaying running RCV tallies to releasing RCV tallies on election night even though as many as half of ballots still will need to be tallied in the days to follow. Doing so with ballots cast in person is very sensible once New York City can do so technically.

Third, you will want candidates and civic groups to understand what RCV means for them. When candidates, their allies and civic groups don't fully understand RCV, they can be a major source of disinformation to voters. Rank the Vote New York City is doing such engagement, and we would suggest that the cities educational efforts supplement that work to make sure that candidates know the basics – that they should ask for first choices, but also ask for backup choices and that they are making a mistake when urging voters to not rank any other candidates. Any suggestion that voters should not rank candidates in sincere order of preference is not correct.

Thank you for this opportunity to testify, and we are confident that New York City can have highly effective RCV elections in 2021.

<u>**Testimony by Michael Lambert, MBA to the NYCC Committee on Governmental Operations**</u>

<u>**re: Intro 1994-2020**</u>

Good morning Chair Cabrera and other distinguished members of the New York City Council's Committee on Governmental Operations. My name is Michael Lambert, I am a former New York City Deputy Comptroller for Public Affairs, a member of the Queens County Committee, and a Judicial Delegate representing Queens' 33rd Assembly District, an immigrant from Jamaica in the West Indes, and a fifty-plus year resident of Southeast Queens withing the confines of the 27th Council District represented by the honorable I Daneek Miller. I thank you for the opportunity to provide testimony at today's hearing regarding Intro 1994-2020. When over half a million New Yorkers voted in favor of the implementation of Ranked Choice Voting, I like many others in my community voted "no".

I voted no because I felt that the outreach efforts to educate the public about Ranked Choice Voting were short on substance in explaining to some voters who were not closely following the conversation about what this change would mean to elections in New York City. However, when the ballot proposal passed by a margin of about three to one, it became apparent that me and many others who thought like I did were in the voting minority and Ranked Choice Voting was to become the law. Given that fact, it became apparent that if my community was to keep pace, they would need expansive and equitable education to learn about what Ranked Choice Voting would mean going forward. I was not ignorant to the fact that this would need to be undertaken as safely as possible knowing that we are all living within the concerns of everyone on the planet enduring the global Covid-19 pandemic.

Today, I appear before you to express support for Intro 1994-2020 and would like to see its efforts go even further. While I remain somewhat agnostic to Ranked Choice Voting until I see the firsthand outcomes in comparison to what has been described, I know one thing is clear, without an aggressive outreach campaign to voters, and without quality education programs directed equitably to all communities, especially those communities most adversely impacted by the COVID19 pandemic, there will by default surely be disenfranchisement of voters.

If the voting history in New York City is a barometer, and a comprehensive outreach and "quality" educational program regarding Ranked Choice Voting is not undertaken, this will result in detriment to the most at risk communities in this city, that are traditionally communities like mine which are largely Black, Brown, and inclusive of many immigrants. I was taught decades ago at Linden Junior High School in Hollis Queens, that knowledge is power, and that statement rings very true today when it comes to the rights of the voting public.

The legislation calls for the creation and dissemination of materials and information related to the implementation of Ranked Choice Voting via websites, print and digital materials, videos, and other forms of training. However, having sat through a variety of Ranked Choice Voting forums, and having spoken to some who have been at the forefront of this conversation in municipalities where Ranked Choice Voting has been implemented, I can assure the committee that not all educational programs are equitable in terms of quality and teaching methods. Some have come away from some trainings feeling more confused after the trainings than before they entered. If this trend continues, the efforts to level the playing field, especially in BIPOC communities will not be successful, and the calls of disenfranchisement by a voting system that is designed to improve voter participation will fall flat.

There is discussion currently underway to delay the implementation of Ranked Choice Voting which has many in a holding pattern as they prepare for the first election where Ranked Choice Voting is scheduled to be used on February 2nd in Queens' 23rd Council District. Regardless of the outcome of these discussions, the development of high quality and equitable educational campaigns about Ranked Choice Voting efforts, especially in communities of color, need to be ramped up and not slowed down.

In conclusion, Intro 1994-2020 creates a roadmap for successful implementation of Ranked Choice Voting, but it must ensure that the educational efforts as well as the materials are culturally competent and of the highest quality allowed. Thank you.
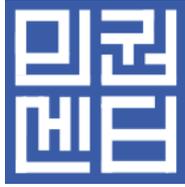
MinKwon Center
For Community Action

Thank you for organizing this hearing and providing us with the opportunity to testify on Ranked Choice Voting. My name is Sandra Choi and I represent MinKwon Center for Community Action. MinKwon Center was established in 1984 to serve, advocate, empower marginalized Asian American and immigrant communities. Since our founding, we have made a profound impact in the communities we serve through grassroots organizing, education and advocacy. We also convene Asian Pacific Americans Voting and Organizing to Increase Civic Engagement (APA Voice), a local coalition of Asian Pacific American civic organizations here in New York.

We focus on expanding the electorate and registering new voters so that our voting base reflects the immigrant diversity of our community, empowering voters with the information they need to go to the polls and advocating electoral reforms so that our democracy is more equitable and inclusive. Our work is intersectional, intergenerational and multilingual to serve the diverse communities that we represent — many who are left behind in the political process because of linguistic, economic and cultural barriers.

MinKwon supports ranked choice voting and the timely adoption of this electoral reform. We do not want to see its implementation postponed. We urge the New York City Board of Elections and Campaign Finance Board to support an inclusive, multilingual, voter education campaign which fully prepares voters for this new system.

Once Ranked Choice Voting is implemented, New York City will be the largest municipality in the country to introduce this system. Our thoughtful planning and inclusive outreach engaging underrepresented communities here at home will serve as a blueprint for our counterparts nationwide.

The 2021 local elections will be a transformative year for our city. MinKwon and our partners are committed to engaging and empowering our community members to be prepared to meet this moment.

Thank you.

12/7/2020
New York City Council Committee on Governmental Operations
Oversight – Ranked Choice Voting Implementation in NYC

Testimony of Brooklyn Borough President Eric Adams
New York City Council Committee on Governmental Operations
December 7, 2020

My name is Eric Adams, and I am the Brooklyn Borough President, representing nearly 2.6 million people who call the borough of Brooklyn home. Thank you to Committee Chair Fernando Cabrera and the members of the Council Committee on Governmental Operations for the opportunity to testify today at the hearing on Oversight of Ranked Choice Voting (RCV) in New York City Elections.

In November 2019, New York City voters adopted a new electoral system of RCV that allows voters to rank up to five candidates in order of preference, instead of casting a ballot for just one. I was proud to support this effort in the run-up to the 2019 referendum, and I remain a firm believer in RCV as a tool to empower communities and create a more fair and balanced electoral system. It has been proven to do so in Minneapolis, Maine, and elsewhere across the United States.

Let's be clear: This more fair and balanced electoral system does not just magically appear. It is the product of substantive education and outreach efforts to ensure that the public understands the system and its benefits. For example, in Minneapolis, the voters approved RCV for municipal elections in 2006. This endorsement of RCV put the city of Minneapolis on the path for implementation in November of 2009, three years after adoption of the system, with a test election in May 2009. This path also included robust voter outreach efforts, as well as reforms to how that city hand-counted the single and multiple seat offices to determine winners.

In short, the city of Minneapolis took this welcome and dramatic shift in elections seriously, inclusive of test elections and massive voter outreach efforts.

Unfortunately, and understandably, in light of a global pandemic of unprecedented proportions, this has not occurred in New York City, despite the proposed system's popularity. There have been no concerted outreach efforts to any population that has not already been intimately involved in the RCV process.

Now, just over six months out from the 2021 elections, the vast majority of the public remains unaware of this new electoral system, and neither the New York City Board of Elections (BOE) nor the New York City Campaign Finance Board (NYCCFB) have outlined a plan to educate the roughly 8 million New York City voters about RCV.

Education about this new system is particularly important when juxtaposed with recent efforts to implement a new system of early and absentee voting in New York State. While this new system was widely lauded, during the last election, we still saw uneven rates of equitable participation, as evidenced by long lines in communities of color and a dearth of resources in these same communities.

Culturally-competent voter education, which I have called for since early 2020, standing beside good government advocates, is even more important while we continue to live in a COVID-19 reality. Without a thoughtful and fully-funded voter education campaign, these inequalities will be exacerbated, and any education plan must target not only communities of color but also immigrant communities and those who speak English as a second language. We must ensure our democracy is representative of those who live within it and must doubly ensure that those communities most affected by COVID-19 have a strong and clear voice in selecting the leadership of the City in 2021, and beyond.

This education plan must also go above and beyond simple "online education" efforts and should ensure those who are not technologically savvy or who lack access to online programming, such as the estimated 1.64 million older adults in New York City, are engaged in a meaningful way. I have serious concerns that a chiefly online strategy will leave out hundreds of thousands of New Yorkers who lack the digital literacy or reliable connectivity it takes to be sufficiently engaged.

In order to advance these education measures, it is imperative that New York City invest a comparable amount of resources to what was expended for the 2020 Census in a massive voter education campaign that includes TV, radio, mailings, and direct community outreach in order to connect all voters with New York City election policies and procedures. Earlier this year, I called for a $10 million commitment to voter outreach and education related to RCV. That call has yet to be fulfilled, and the City should in fact explore an even larger investment to meet this challenge.

If we do not fully educate our population about its new electoral system, New York City will not fully benefit from the hypothesized increase in voter engagement. That prospect has yet to be proven, and I urge the BOE and NYCCFB to adopt my recommendations.

Submitted For the Record
Hearing on Ranked Choice Voting Implementation
City Council Committee on Government Operations
December 7, 2020

I am a political scientist by training who has worked in different capacities with several Charter Commissions in New York City and has studied and written about the City Charter since the adoption of charter in 1990 that completely revamped the municipal government. In 2010, I served as Research Director for a Charter Commission appointed by Mayor Michael Bloomberg.

I regret that I am unable to appear before the Committee today to offer formal testimony, but ask that you enter my statement into the record of your proceedings.

The implementation of Ranked Choice Voting (RCV) this year would be the most significant change in the City Charter since the Board of Estimate was eliminated in 1990. While one cannot reliably predict how RCV will play out in New York City over the next six months based on the experience of other cities at other points in time, there is sufficient evidence from previous empirical studies to suggest that the concerns voiced by members of the New York City Council Black, Latino and Asian Caucus, as well as others, are justified. The research evidence is mixed at best. I believe, nevertheless, there is sufficient evidence to suggest that, when first implemented in a jurisdiction, RCV can be confusing and as a result discourage participation or lead to uninformed voting among vulnerable populations, especially those who are less educated, elderly, or foreign born. These risks are exacerbated in New York City, where the lead time to implement the system is short, preparation and education of the voting population about the system is hindered by a deadly health crisis, and confidence in the performance of the Board of Elections remains low. In considering the prospects for the next round of elections, which begin in two months (with special elections) and will come into full operation during the June primary, the four letter word that continues to occupy my mind is RISK. There is indeed a RISK that people who have been historically marginalized by the political process will not be full participants in the forthcoming primaries, which could determine the final outcome of the high stakes elections that will decide who occupies three citywide offices, the borough presidencies, and the city council. Who are these people? They are the same people who are most at risk when a pandemic, a financial crisis, or any other tragedy afflicts the city. They are Black and Brown; they are under-resourced and immigrant New Yorkers. Of course, the entire process could go well as many respected and well intentioned supporters of RCV seem to imagine. We honestly don't know how it would turn out. Should the City go forward with a plan already written into the City Charter? It depends on the kind of RISK the City is willing to take. The risks are disproportionate. Is it fair to raise the question about the viability of the process under the present circumstances? I believe it certainly is. From the perspective of democratic governance, RCV is a high stakes gamble with potentially uneven consequences being taken at a historic point in time when the city and the country are in the midst of a serious conversation about racial justice and equality.

This statement reflects my opinion and not necessarily that of my colleagues, my department, or my college or university.

JOSEPH P. VITERITTI, PH.D.
Thomas Hunter Professor of Public Policy
Chair, Department of Urban Policy & Planning
Hunter College, City University of New York
695 Park Avenue - 1606 West
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TESTIMONY ON BEHALF OF VOTERS – RANK CHOICE VOTING

My name is Fay D. Hill. I am a concern senior citizen and baby boomer who has the right to vote at each election and heard about the Rank Choice Voting which I do not have a clue on this new process.

With the voter suppression of people of color all over the country, we are now facing another diversion of voting. Here we are with Ranked Choice "RCV" for Queens and the City of New York which will be implemented in 2021. Our voters are oppressed with the last election on November 3, 2020 and with what is happening in our country's democracy, free speech, free voting rights, and the right to know how to vote with this new RCV.

The voters of Southeast Queens and Far Rockaway are the most voting blocs in the country. They have been voting for centuries and they know how to vote at each election. With the upcoming of an election in February 2021 and moving forward our voters do not understand the process and they are not educated with the new RCV. Department of Election (DOE) is not ready to teach our voting population, district leaders and local advocates until December 22, 2020. This new process will disenfranchise our voting rights in Southeast Queens and the City of New York.

I am also writing on behalf of seniors and most baby boomers who vote at each election and are not educated on this new RCV process. We need to know the process right now as an election is forthcoming in February 2021 and to ask that there will be a delay of RCV process until voters are being educated.

Respectfully submitted.

Fay D. Hill
Concern Senior Citizen

To: Members of the Government Operations Committee, New York City Council

Good afternoon. My name is Aaron Fowles. I live in Chattanooga, Tennessee and am the former Program Director of Ranked Choice Tennessee, an organization that was dedicated to RCV advocacy in the Volunteer State. In that role I both advocated for specific RCV policies but also conducted voter education workshops across the state. I am currently serving as the RCV curriculum developer and instructional facilitator for Social Impact Strategies.

As a firm believer in RCV, I think it's good for any election system. By simply redesigning the ballot paper, you hand voters a greater ability to express their preference and by so doing elicit from the electorate a more precise picture of its intent. That is, at least, the optimistic outcome that leads, perhaps slowly, to more representative and responsive government.

That only happens, though, if voters know how to use the new ballot. A ballot is a tool, just like a pencil or a wrench. They are wonderful items in and of themselves, but they are worthless unless the users are trained in their use.

We've all been taught how to use a plurality-style ballot since elementary school when we were voting on what kind of pizza to get at the class pizza party or picking a prom queen. It's intuitive and simple, if somewhat limiting. Ranked ballots require a little more thought and nuance, which can be intimidating.

Traditional Ballot

Candidate	Pick One
Alpha Andy	○
Bravo Betty	○
Charlie Charlie	○
Delta David	○
Echo Erin	○
Write-in:	○

Ranked Choice Voting Ballot

Candidate	1st choice	2nd choice	3rd choice	4th choice	5th choice
Alpha Andy	○	○	○	○	○
Bravo Betty	○	○	○	○	○
Charlie Charlie	○	○	○	○	○
Delta David	○	○	○	○	○
Echo Erin	○	○	○	○	○
Write-in:	○	○	○	○	○

While it is commendable that the city council is taking on RCV education, I feel compelled to caution you. Out of experience, I have learned that there is a difference between RCV education and RCV information. Parents who have become reluctant teachers in these past few months are very aware of what I'm talking about. It is one thing to be shown a reciprocating saw and handed a booklet. It is another thing entirely to be taught to use a reciprocating saw.

I have heard that the RCV campaign in New York City followed the same basic pattern as most RCV campaigns across the country: get people excited about reform, pose RCV as a solution to a problem, then get the vote. This is--I believe--an inherently decent proposal because--I believe--RCV is an inherently good system. What this playbook leaves out, unfortunately, is a thorough education in how RCV actually works and how elections can actually be affected. The lack of good education allows misinformation to run rampant and voters to be left not only unempowered but disenfranchised.

Here is a simple example: absolutely nobody who claims to provide RCV education should tell voters that it is acceptable to rank just one candidate unless that statement is immediately followed by the warning that ranking just one candidate, or "bullet voting," is the fastest and easiest way to get your ballot exhausted and no longer included in the election: the very problem RCV is supposed to solve. And yet, this is the very message being shared by one non-profit advocacy group purporting to educate voters about RCV.

I encourage you to go beyond the language in the bill and support organizations that are already working to educate campaigns and voters instead of attempting to reinvent the wheel. Find and partner with organizations that are run by people who represent the communities most in need of education, the communities that were overlooked by the referendum campaign. Find and partner with organizations who crystalize people's understanding of RCV instead of leaving them confused and angry.

This issue is more crucial than it might seem, even if it already seems very crucial. The rules of the game have changed for New York City elections, and voters deserve to be on a level playing field.

Thank you.

Sincerely,
Aaron Fowles

Testimony of the New York Immigration Coalition
Committee on Governmental Operations
Oversight - Ranked Choice Voting (RCV) Implementation in NYC
December 8, 2020

Thank you for the opportunity to submit testimony in response to the City Council's December 7, 2020 hearing regarding the implementation of Ranked Choice Voting (RCV).

The New York Immigration Coalition (NYIC) supported the 2019 ballot referendum and remains committed to a robust outreach and education program for a voting system that has proven to increase the racial and gender composition among candidates and election winners. We share the concerns expressed by several council members about the level of outreach the city is currently able to conduct, and urge the Council to immediately allocate further resources and partner with Community-based Organizations (CBOs) to broaden and deepen this important effort.

We do not, however, agree with the calls from a few members of the Council to delay or cancel RCV, and regret that these members used a city council hearing to offer hyperbolic, evidence-free claims about the impact of RCV. We are further dismayed to hear rhetoric from these same council members that we feel is insulting to the intelligence of the voters.

74% of New York voters approved the 2019 ballot referendum to bring RCV to New York City. It would be improper for the Council to repeat the mistake it made with term limits and overturn the will of the overwhelming majority of the voters -especially when voters have not had a chance to try the election system they chose.

The 2019 general election, which included the RCV ballot question, had a turnout of 17.2%; the 2013 general election turnout was 25.2%; the 2017 general election turnout was 24%. These are not wildly different turnout results. An historically representative sample of New York City voters reviewed the RCV charter question and voted a yes. RCV is the system an informed electorate chose, and the Council should respect their decision and their intelligence.

NYIC is sensitive to concerns about voters being able to fully understand RCV -especially voters whose first language is not English- and urge the Council to immediately allocate greater

resources for outreach. However, it should be pointed out that the City is not the only entity engaging in this work. With or without city funding, CBOs, like the 200+ members who comprise the NYIC, will -and are- working in the communities we serve to provide every voter with as much information as possible.

This includes holding "train the trainer" events for our member organizations so they are equipped to speak directly with community members about RCV; convening focus groups to create properly translated materials that are culturally sensitive; and direct outreach to immigrant voters and voters of color informing them of the new RCV ballots and how to properly fill them out. NYIC is certainly not alone among CBOs in conducting a robust outreach program.

Campaigns, who have a vested interest in ensuring the voters they are speaking with know how to vote under RCV, will also, by necessity, be conducting RCV education with voters across the city. Many candidates have already joined trainings and education seminars to learn what RCV is and how to talk about it with potential voters.

The upcoming special elections sped up the timeline for RCV outreach and education, but not to an unreasonable level. San Francisco conducted a successful RCV education campaign in three months; Eastpointe, Michigan in six weeks. Especially given that CBOs have already engaged in RCV outreach and education (including the initial outreach and education work done during 2019 around the ballot referendum), this timeline is feasible. It is unfortunate some on the Council have ignored the incredible work CBOs have already undertaken.

The facts are that every study we have suggests there is no racial disparity in the understanding of RCV, that diversity among elected officials has increased under RCV, and that voters across demographic lines prefer RCV over the current system. To hear a few in the Council suggest that New Yorkers need longer to understand RCV than voters in other jurisdictions is insulting. What is most unfortunate is that the evidence-free claims made by these few council members completely overshadowed the one valid point they attempted to make: the Council must allocate more resources to the RCV outreach and education effort.

The proper thing for the Council to do is to let voters use the election system they chose one year ago. NYIC is deeply committed to ensuring diversity among our city's elected representatives. Based on the evidence from other jurisdictions in the United States and around the world, we have every reason to believe RCV will have a positive impact on our city. We have confidence that voters are smart enough to understand RCV, and believe we have enough time to properly reach voters. So let us work together to make this a success.

I am Bertha Lewis, the Founder and President of the Black Institute, an 'action tank' whose mission is to shape intellectual discourse and dialogue and impact public policy uniquely from a Black perspective. The Black Institute is a strong supporter of Ranked Choice Voting (RCV) and we oppose any attempt to override the will of the voters in New York City and put off its implementation. New York City voters want choices and they want to be able to rank their choices. RCV gives them that power.

From my decades of experience registering, engaging and educating black voters I strongly object to the comments that I have heard that Black voters will not be able to understand and use RCV. Let me say it plainly: Black voters are not stupid. It is *insulting* to say that they will not be able to understand Ranked Choice Voting. Even further, just because voters have the option to Vote by Rank Choice, doesn't mean they all will exercise it. Especially now that RCV is law, who are you to make that decision for them?

RCV doesn't disenfranchise voters – it enfranchises them. I've spent years knocking on doors, talking to ACORN members and voters, and I can tell you that voters look for different qualities from many different candidates. It can be hard to balance all of the different factors from different candidates. In fact, a number of people end up not voting in crowded races because they can't decide who to vote for among several candidates they like. Major elections in NYC are repeatedly decided by twenty or thirty percent of the vote. RCV has finally created a process by which we can increase voter turnout, require candidates to appeal to a broad cross-section of voters, and add legitimate representation to elected office. RCV empowers voters to make sense of crowded fields. It works for Black voters – just as it works for all voters. It is not just a white progressive idea, as experience in cities like Oakland, Berkeley and Minneapolis, where Black candidates have successfully run with RCV and diversified their city councils, makes clear. While it is terrific that there are so many candidates running in June, all voters – Black voters included – will be grateful to be able to use RCV to make sense of so many people running.

I don't buy the argument that we can't educate voters about RCV because of the pandemic. I think it is just an excuse that opponents of RCV are using. We not only had record high voter turn-out during a pandemic, we successfully educated hundreds of thousands of voters on how to vote absentee and where to vote early. The June primary is more than 6 months away. There is plenty of time for voters to learn to rank their vote – applying something they do every day without thinking about it - to the election. If the opposition spent as much time, effort and money on educating their constituents on RCV as they do trying to delay it, there would be no question to its feasibility. It is time to stop raising groundless fears about RCV and get to work and help educate New York City voters about Ranked Choice Voting.

Testimony to the NYC Council Committee
On
Governmental Operations
RCV Implementation in New York City

Monday, December 7, 2020

Hello, My name is Kate Doran. I serve on the Board of the League of Women Voters of New York State, and I am the Elections Specialist for the New York City League.

As a multi-issue, **non-partisan** political organization we encourage informed and active citizen participation in government, work to increase understanding of major policy issues, and influence public policy through advocacy and education.

For 100 years, voter education, and voter service, have been priorities for the League of Women Voters in New York. Accordingly we appreciate this opportunity to submit testimony.

We have several recommendations for the NYC BOE that we believe will serve voters and make for effective implementation of RCV.

1) Create a **new RCV specific Privacy Sleeve.** This privacy sleeve should feature simple, graphic instructions, prominently on the front cover. Poll workers should be introduced to this new privacy sleeve in training classes, but should not be expected on election days to explain RCV to voters.

2) Set up a tablet, or laptop, in each poll site with a video illustrating how to fill out a ballot using RCV. Information clerks can advise voters that this is available. Ballot Station, and Election District poll workers can direct voters to the video, AND point out to them the clear instructions that will be on the newly created Privacy Sleeve.

During the Hearing on Monday, December 7, Executive Director Ryan made the point repeatedly, that there should be no appearance of interference in the voting process on the part of poll workers. We at the LWVNYC have

LWV THE LEAGUE OF WOMEN
VOTERS OF THE CITY OF NEW YORK

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heard complaints over the years that poll workers have told voters, for example, "You have to vote all down the same column." This is of course, alarming. Our position is in sync with that expressed by Mr. Ryan. We support preventing poll workers from becoming active in RCV instruction, or the mechanics of the process. The 2 recommendations we have made above will allow BOE, and CFB Communications staff, together with trained graphic design professionals to control the RCV message. The instruction to poll workers in training classes must simply be to direct voters to the Privacy Sleeves, and the available video.

3) Reach out to the vendor Know-Ink to fix the screens for voters who wish to VOID Ballots. I worked at a poll site on election day in November, and learned that the electronic poll book has no clear way to indicate that the voter has been given more than one ballot. As you know, voters are entitled to a maximum of 3 ballots. And we expect a higher than usual number of VOID Ballots until the RCV process becomes familiar to voters.

4) Transparency is critical. We have an Open Meetings Law in NY State. The NYC BOE is to be commended for live streaming the Commissioners' mtgs. They have even introduced Sign Language Interpreters for hearing disabled viewers. What the BOE must do is make public their Committee Mtgs., in particular the Ballot Design Committee, and the Voter Outreach & Education Committee. Announcements should be on the Board's website, and the Committee meetings should be live streamed. Voters deserve a transparent view of how the BOE is designing the RCV ballot.

5) We understand the need to drive voters to the BOE, and CFB websites. But there are regular, active voters who do not own smartphones or computers. These folks make phone calls. What is the BOE planning to do to train their employees to answer questions about RCV?

BOE Executive Director, Ryan was asked by Chair Cabrera at the hearing about how the board will train telephone operators. Mr. Ryan responded that they "Give them scripts, and work with 311."

THE LEAGUE OF WOMEN VOTERS OF THE CITY OF NEW YORK

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The LWVNYC operates a Telephone Information Service (TIS) that fields calls from voters who regularly report receiving inaccurate information from BOE telephone operators. Sometimes this is dangerously false information. In one instance a Brooklyn voter who was sheltering in Texas, called the Brooklyn Borough Office about an Absentee Ballot. The BOE employee told the voter that she should just go to a city in Texas and vote, because everyone is moving around all over the place. Other callers to our TIS report rude operators, and being hung up on. And, many callers to our TIS tell us that BOE employees have not answered questions, but instead advised them, "Call the League of Women Voters!"

We ask that the NYC BOE make public the SCRIPT that they are giving to their telephone operators, and to Live stream any training classes provided to these telephone operators so that we at the LWVNYC can enhance the training we offer to our TIS volunteers.

Regarding Int. No. 1994 – The League is in support.

Regarding Council Member Lander's Int., which he said was being "Pre-considered for the first time today." We understand that technical issues are now under discussion, after Mr. Ryan reported that the DS-200 Scanners, not to mention Election Law, are not set up to accommodate what Council Member Lander has proposed.
We look forward to having the opportunity to review, and comment on any revised Int. that will mandate the reporting of round by round tallies of Ranked Choice Votes.

The LWVNYC will be working diligently to support all BOE & CFB outreach to voters. Informing voters is our mission! We will be pushing out RCV materials to diverse communities using all of our social media platforms, and to the full extent of our resources. Thank you for your leadership, and for holding this important hearing.

TO: New York City Council
FROM: Ranked Choice Voting Resource Center
DATE: December 7, 2020
RE: Ranked Choice Voting Results Reporting

Introduction

My name is Chris Hughes. I'm the Policy Director at the Ranked Choice Voting Resource Center (RCVRC).[1] Thank you for the opportunity to provide comment as the City Council considers important ranked-choice voting implementation questions. The RCVRC is a 501(c)(3) nonpartisan nonprofit dedicated to teaching the public – voters, elected officials, election administrators, and anyone else who may be interested – about ranked-choice voting.

This testimony discusses results production practices and provides pointers towards best practices for the production of unofficial and official election results in ranked-choice voting elections.

In the interest of full disclosure, we submitted a response to an RFP from the New York City Board of Elections offering our Universal Ranked Choice Voting Tabulator software to run the round-by-round count in New York ranked-choice voting elections as well as training and support services for the tabulation process. If we are awarded that contract we will work with the BOE to produce usable RCV results in accordance with relevant laws and policies.

Election Results Production

In any election, ballots are cast and counted in precincts and, especially this year and probably going forward, in mail ballot counting centers. Ballots are scanned through voting machines, which add up vote totals for candidates. Once counting is done (either for the day or for the whole election) vote totals are collected from voting systems. Vote totals can be printed out on results tapes which list each candidate in each contest with the total number of votes each candidate received on a given voting machine (imagine a CVS receipt but 10 times longer). For example, if voters voted for five different candidates in a mayoral race the results tape would print out each candidate's name with the total number of votes cast for that candidate on the specific machine in question listed next to that candidate's name.

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[1] Ranked Choice Voting Resource Center is an assumed business name of the Election Administration Resource Center.

Vote totals and other voting data are also included on flash drives or other forms of removable media in voting systems. Vote totals recorded on results tapes or recorded on flash drives are sent to central counting locations, either physically or electronically, once polls close or at the end of a day of counting ballots.

As discussed in the Government Operations hearing on December 2, results in New York are currently centralized by uploading vote totals from flash drives to the Board of Elections via secure electronic portals. The Board then displays those results on its election night reporting pages. According to Board of Elections testimony on Monday, the data uploaded via those portals includes only election-district-level results, as in the total number of votes cast for each candidate in an election-district.

Ranked-choice voting results production

Election-district level results in ranked-choice voting elections hold the first-choice totals for candidates - that is, the number of ballots where each candidate was ranked first. Just as in non-RCV elections, those results can be reported back to the BOE, which can combine totals and publish just first choice totals. First choice totals, however, aren't enough if no one candidate has a majority. This is where RCV differs from other voting methods and where the results reporting process in RCV branches off from other types of election.

Full ranked-choice voting results require users to have access to ballot level data that reflects how every candidate is ranked on every ballot, also known as a cast-vote record. A screenshot of a portion of a cast-vote record produced by Elections Systems and Software equipment (New York's voting system vendor) follows:

	A	B	C	D	E	F	G
	Cast Vote Record ▼	Precinct ▼	Ballot Style ▼	1st Choice Council Eastpointe ▼	Council 2nd Choice Eastpointe ▼	3rd Choice Council Eastpointe ▼	4th Choice Council Eastpointe ▼
	35054	Eastpointe, Pct 7	Eastpointe City, Precinct 7	Mary Hall-Rayford	Sarah A. Lucido	Larry Edwards	Harvey Curley
	35055	Eastpointe, Pct 7	Eastpointe City, Precinct 7	Sarah A. Lucido	Mary Hall-Rayford	Harvey Curley	Larry Edwards
	35056	Eastpointe, Pct 7	Eastpointe City, Precinct 7	Sarah A. Lucido	Harvey Curley	Mary Hall-Rayford	Larry Edwards
	35057	Eastpointe, Pct 7	Eastpointe City, Precinct 7	Larry Edwards	Mary Hall-Rayford	Harvey Curley	Sarah A. Lucido
	35058	Eastpointe, Pct 7	Eastpointe City, Precinct 7	Mary Hall-Rayford	Sarah A. Lucido	Harvey Curley	Larry Edwards
	35059	Eastpointe, Pct 7	Eastpointe City, Precinct 7	Mary Hall-Rayford	Harvey Curley	undervote	undervote
	35060	Eastpointe, Pct 7	Eastpointe City, Precinct 7	Larry Edwards	Harvey Curley	Sarah A. Lucido	undervote
	35061	Eastpointe, Pct 7	Eastpointe City, Precinct 7	overvote	undervote	undervote	undervote
0	35062	Eastpointe, Pct 7	Eastpointe City, Precinct 7	Mary Hall-Rayford	Mary Hall-Rayford	Mary Hall-Rayford	Mary Hall-Rayford
1	35063	Eastpointe, Pct 7	Eastpointe City, Precinct 7	Sarah A. Lucido	Mary Hall-Rayford	Harvey Curley	Mary Hall-Rayford
2	35064	Eastpointe, Pct 7	Eastpointe City, Precinct 7	Sarah A. Lucido	Mary Hall-Rayford	undervote	undervote
3	35065	Eastpointe, Pct 7	Eastpointe City, Precinct 7	Mary Hall-Rayford	Larry Edwards	Harvey Curley	undervote
4	35066	Eastpointe, Pct 7	Eastpointe City, Precinct 7	Mary Hall-Rayford	Sarah A. Lucido	Harvey Curley	Larry Edwards
5	35067	Eastpointe, Pct 7	Eastpointe City, Precinct 7	Mary Hall-Rayford	Sarah A. Lucido	Larry Edwards	Harvey Curley
6	35068	Eastpointe, Pct 7	Eastpointe City, Precinct 7	Mary Hall-Rayford	Harvey Curley	Sarah A. Lucido	Larry Edwards

Each row in this screenshot represents a ballot. Each column, starting with Column D, represents a ranking of a candidate. If you look at the row marked 35054, that voter ranked the candidates in this contest:

1. Mary Hall-Rayford
2. Sarah A. Lucido
3. Larry Edwards
4. Harvey Curley

Every ballot cast in any election is represented like this in ES&S cast-vote records. Any cells in the screenshot marked "undervote" had no ranking of a candidate. Any cells marked "overvote" ranked more than one candidate at that ranking.

To produce a round-by-round count using ranked-choice voting ballots, that ballot-level data must be centralized, either physically or electronically via secure servers. Once those cast-vote records are centralized the round-by-round ranked-choice voting count can proceed. Cast-vote records for a given contest are first uploaded into tabulation software. The tabulation software then runs the round-by-round count:

- First choices are added up.
- If no candidate has a majority, the candidate with the least first choices is eliminated.
- Each ballot ranking that candidate first then transfers to the next-ranked candidate on that ballot.
- These rounds of counting continue until a candidate emerges with a majority of the votes cast in a round.

Actually running that count is trivial - it takes a few seconds to a few minutes for software to count the rounds, depending on the size of the election. The bottleneck for producing any kind of election result, including in ranked-choice voting, is how quickly ballots and ballot data get reported to a central location for tabulation.

As discussed in the December 2nd, Government Operations hearing, the electronic portal used by the NYC BOE to centralize results on election night is not capable of sending/uploading ballot-level cast-vote record data. This means the Board cannot immediately produce round-by-round results in a ranked-choice voting election with its current technology. During the hearing the Board and Council Members further discussed necessary results production practices for ranked-choice voting. We are not experts in New York's current results production practices and so will highlight only that the Board will need to devise a procedure for extracting cast-vote records for use in any ranked-choice voting tabulation software used in New York.

RCV Results Reporting Timelines

As seen this fall, producing results in elections is time-consuming and results reporting timelines vary greatly across states and even within states. Those timelines are impacted by how many ballots are cast in person and those cast by mail, by the resources (human and monetary) available for elections, by the laws and processes defining how mail-in ballots in particular get counted, by laws and processes defining how to publicize results, and even how many write-in votes or provisional ballots were cast.

Early election night results can be chaotic - lots of information comes in at once and the apparent leaders will change suddenly as precincts report results. Ranked-choice voting elections are no different: different candidates will lead in first choices and different candidates will be last in first choices as more ballots come in. If round-by-round results are run, unofficial

results may show different candidates eliminated in different orders, causing different unofficial results for round-by-round counts, making for not particularly meaningful early results.

Some ranked-choice voting cities, like San Francisco, California and Santa Fe, New Mexico, run vote redistribution on election night if there is no majority winner. San Francisco updates those results daily as more ballots are counted. Counting all ballots takes some time as San Francisco has an enormous number of ballots cast by mail. Santa Fe has traditionally produced just one election-night round-by-round report and a final, certified round-by-round report after a full post-election canvass. Additionally, California and New Mexico have laws permitting early processing of mail-in ballots, which speeds up their count.

Other ranked-choice voting jurisdictions, like Maine, provide only first choice totals on election night and wait until all ballots are counted to produce round-by-round results. Maine tends to produce round-by-round results a week or 10 days after election day. Maine provides daily updates on how their ballot counting process is going, though they provide no vote totals. The Secretary of State's office only provides information on which counties remain to be counted and an expected timeline for how many more days of counting remain before all ballots will be counted.

Displaying RCV Results

Because ranked-choice voting will be new to voters in New York it is imperative that the City display ranked-choice voting results in a clear way. What follows are best practices proposed by the Center for Civic Design after a user-centered usability project researching results display practices in conjunction with FairVote and the Ranked Choice Voting Resource Center as well as some examples of how results are displayed in other ranked-choice voting jurisdictions.

The Center for Civic Design found that users best understand RCV results (and results in general) when they are presented in a straightforward narrative. Voters most want to know who won in an election. They then want to understand how votes were counted in each round of election, starting with the first round. More information is available on pages 29 through 43 of the "Principles and Guidelines" report from the study.

First, show who won:

Final results

Cheryl Davila won the City Council District 2 with 51.25% (3,451) of votes in the final round.
Davila defeated Darryl Moore, who received 48.75% (3,283) of final votes.

| Winner: **Cheryl Davila** | 50% of votes | Darryl Moore |
| **51.25%** (3,451 votes) | **to win** | 48.75% (3,283 votes) |
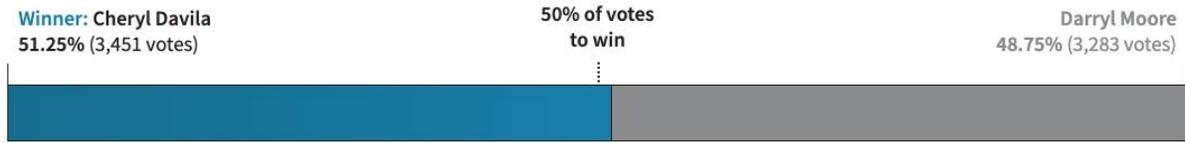
After that, describe how votes were counted in each round, with brief, plain-language
explanatory text introducing each round:

See how the ballots were counted.

There are 3 candidates running for City Council District 2. Only 1 candidate will be a winner. The winning candidate must have 1 vote more than 50% +1% of the active votes to win.
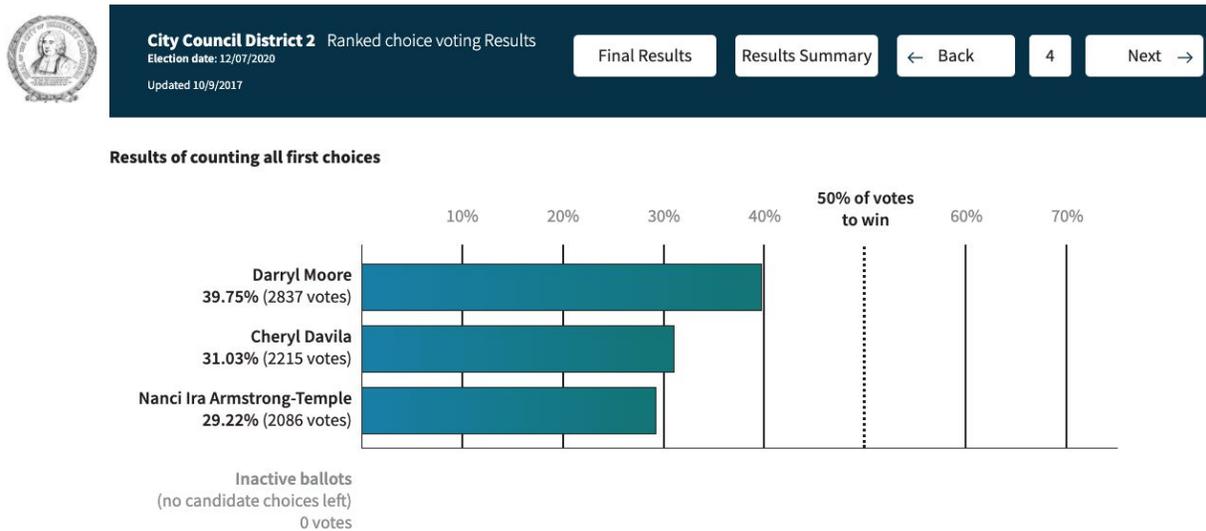As the ballots are counted:

- Any candidate who wins more than 50% +1% of the active votes is declared a winner.

- In each round, the candidates with the fewest votes is eliminated. Those ballots are then counted for the voter's next choice.

What are inactive ballots?

A ballot becomes inactive when all of the candidates the voter ranked have been eliminated, so there are no more active choices.

Then display each round of election as well as basic descriptions of each round.

Round 1 (visual):

Results of counting all first choices

| | 10% | 20% | 30% | 40% | 50% of votes to win | 60% | 70% |

Darryl Moore
39.75% (2837 votes)

Cheryl Davila
31.03% (2215 votes)

Nanci Ira Armstrong-Temple
29.22% (2086 votes)

Inactive ballots
(no candidate choices left)
0 votes

Round 2 (description):

Round 2 (visual):
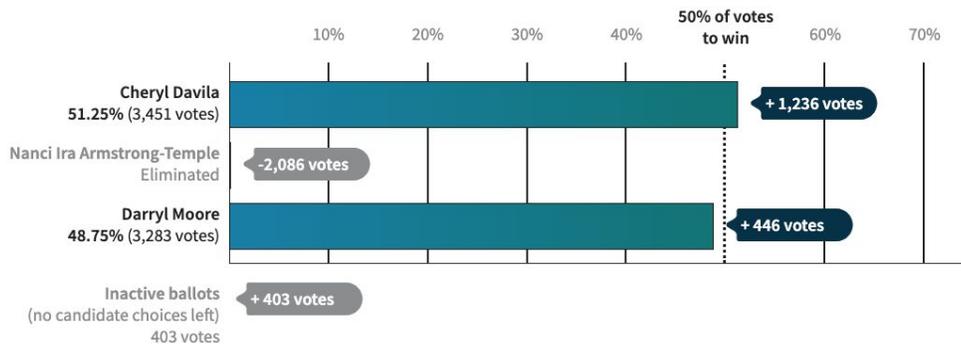
Note, also, that the results display clearly shows how many votes transferred to each remaining candidate. More example results displays are available at this link.

This specific type of results display can take many pages to go through, which may be a hassle for voters. Minneapolis took these best practices and implemented their own version of results reporting for their ranked-choice voting elections. These examples are all on a single page for a given contest. Consider the Ward 3 Council Member election results from 2017.

First, the page explains who won and that ranked-choice voting was used in the election.
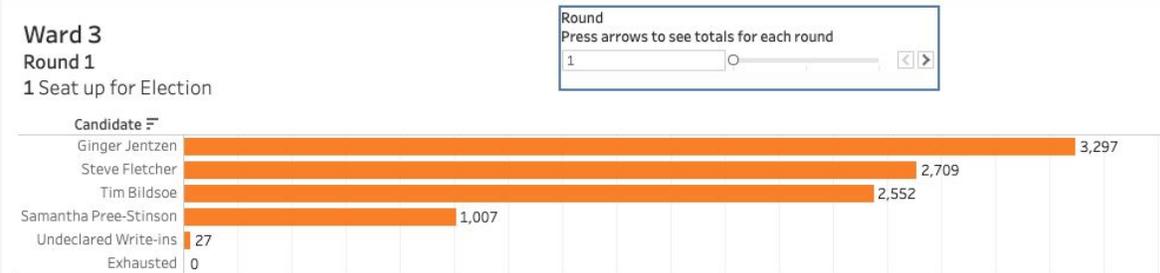
Municipal Election

Council Member Ward 3

Candidate	Final round votes	Final round percentage
Steve Fletcher	3,722	50.68%
Ginger Jentzen	1,614	40.08%

This was a ranked-choice voting (RCV) race. Voters were asked to rank up to 3 different candidates. After three rounds of tabulation, Steve Fletcher was elected.
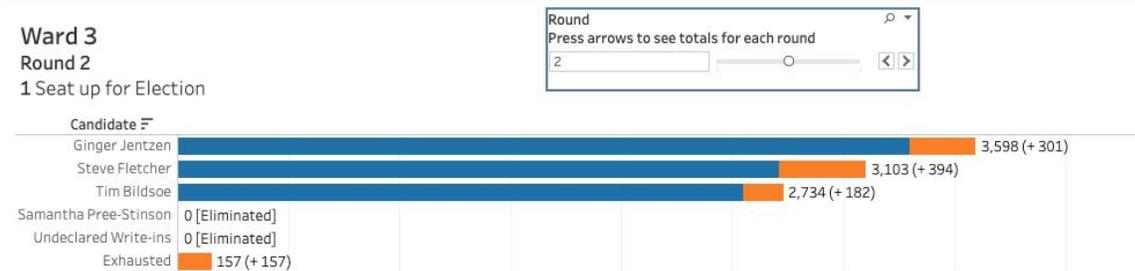
See the ranked-choice voting tabulation below for more details.

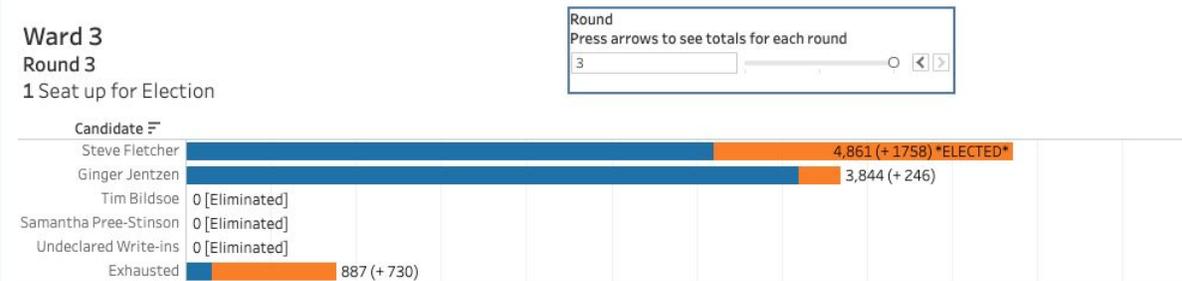Then, farther down the page, they display the results round-by-round:

Vote totals by round

Ward 3
Round 1
1 Seat up for Election

Round
Press arrows to see totals for each round
1

Candidate	
Ginger Jentzen	3,297
Steve Fletcher	2,709
Tim Bildsoe	2,552
Samantha Pree-Stinson	1,007
Undeclared Write-ins	27
Exhausted	0

Vote totals by round

Ward 3
Round 2
1 Seat up for Election

Round
Press arrows to see totals for each round
2

Candidate	
Ginger Jentzen	3,598 (+ 301)
Steve Fletcher	3,103 (+ 394)
Tim Bildsoe	2,734 (+ 182)
Samantha Pree-Stinson	0 [Eliminated]
Undeclared Write-ins	0 [Eliminated]
Exhausted	157 (+ 157)

Vote totals by round

As with the Center for Civic Design results the City of Minneapolis displays results starting with round one. They then clearly display how votes transfer to each candidate. Users can move from round-to-round by clicking the arrows in the box in the upper right corner.

More Minneapolis results are available on the City's elections website.

If New York City displays only first-choice results at first, San Francisco provides a clear example of how to do so. On its page with all election results from a given year, San Francisco includes tables for every ranked-choice election listing just first choice totals:

BOARD OF SUPERVISORS DISTRICT 1 - RCV first choice totals

Complete RCV results

	Ballots cast	Percentage
CONNIE CHAN	13,422	37.79%
MARJAN PHILHOUR	12,197	34.34%
DAVID E. LEE	6,071	17.09%
SHERMAN R. D'SILVA	1,542	4.34%
VERONICA SHINZATO	1,287	3.62%
AMANDA INOCENCIO	689	1.94%
ANDREW N. MAJALYA	306	0.86%
Write-in	0	0%
Total	35,514	100%
Under Votes	4,299	
Over Votes	96	

It is clear from this table the percentage of first choices that each candidate has. It may help users to add a sentence stating "No candidate has a majority and so ranked-choice tabulation must be run." This would make clear that these are not the final results of the ranked-choice election.

Displaying ranked-choice voting results effectively requires simple, clear displays of information. This is no different than effectively displaying election results more broadly. It is possible, and vital, to display election results in ranked-choice voting elections that ensure voters understand how votes were counted. Clear displays of information ensure that voters trust election results and remain likely to participate in future elections.

Conclusion

We recommend that the Council look closely at how many ballots it expects to have in on election night and how long it will take to count up mail-in ballots or other ballots not counted on or before election day. This will help determine how and when to produce unofficial ranked-choice voting results. We also recommend that any ranked-choice voting results prioritize providing voters with clear information about who won and how the round-by-round count proceeded. Thank you for the opportunity to submit this written testimony.

Sincerely,

Chris Hughes
Policy Director and Counsel
Ranked Choice Voting Resource Center
(440) 773-1224
chris.hughes@rcvresources.org

I am submitting this testimony to register my great disappointment with my council member, Laurie Cumbo, for attempting to derail ranked choice voting (RCV), a vastly more democratic electoral system than plurality voting that was passed by an overwhelming majority in a 2019 referendum. The advantages of RCV over plurality (or first-past-the-post/FPTP) voting are numerous. But briefly, it prevents the spoiler effect of voting for a preferred candidate who may otherwise not be considered due to strategic voting for candidates presumed to be more likely to win. RCV essentially prevents candidates with similar platforms from competing for votes, so that voters can truly select the ideological choice that most closely matches their views without fear of "splitting their vote". The system is simple, easy to explain, and has succeeded in electing more non-white candidates everywhere it has been implemented in the US. To suggest that a system that empowers voters is somehow akin to voter suppression, as CM Yeger did in the hearing, is a deeply cynical inversion of the truth.

While I share the frustration of many council members with the Board of Elections (BOE) and their shortcomings in administering past elections, it is merely opportunistic politicking to leverage that as justification for overturning the will of the NYC residents. The role of our civic leaders should be to support the implementation of RCV and educate the public as necessary, rather than use the BOE as an excuse to steamroll the democratic decision of voters.

Frankly, CM Cumbo and others arguing first for postponing RCV, and then following that up with a law suit to eliminate this electoral reform entirely, is a bad faith attempt to advantage their preferred candidates in the upcoming June 2021 primary. This primary has over 300 candidates running for mayor and 51 mostly vacant council seats, and presents itself as the perfect opportunity to eliminate the need for strategic voting and the spoiler effect. To suggest that the importance of this election necessitates that we keep the status quo, contrary to the public will, is a conservative argument against progress and electoral reform. There is in fact no credible argument in favor of FPTP voting and against RCV that is not at some level undergirded by a self-interested belief that a more democratic system will disadvantage their preferred candidates. If CM Cumbo and her allies are to succeed in overturning the will of voters, it will be a win for machine politics and a great loss for democracy in this city.

For these reasons, I urge Council to do the work necessary to effectively implement RCV. And I will be doing everything in my power to make sure that this long-awaited electoral reform will not be dismantled by self-serving politicians.

Sincerely,
William Farrell
Crown Heights, Brooklyn