

May 31, 2006

Dear Council Person,

We are the Ann Arbor Fair Vote Coalition who are presenting you with this packet of information about Instant Run-off Voting (IRV). We are an organization whose members are working to improve our democracy by raising awareness of election reforms such as IRV, which will increase participation and fairness in campaigning and voting.

Enclosed you will find a collection of articles which reflect the experiences of other communities in the US which have decided to institute IRV, as well as some comments on the history of IRV in Ann Arbor . We have also included some suggested resources for getting more information.

We hope that you will find this booklet informative and that you will consider an amendment to the city charter to include Instant Run-off Voting, and place it on the November 2006 ballot. We are prepared to continue and expand upon the public education we have been doing, as indicated by the roughly 1500 petition signatures collected to date and the supportive organizations and officials listed elsewhere in this information.

Sincerely,

Ann Arbor Fair Vote Coalition

May 2006

### **Local People & Organizations in Favor of, or Endorsing IRV:**

Alma Wheeler-Smith  
Larry Kestenbaum  
Susan Wright  
Doug Cowherd  
American Assoc. of Univ. Women,  
Ann Arbor branch  
Arbor Brewing Company  
Encore Recordings  
Interfaith Council for Peace & Justice  
PIRGIM  
Veterans for Peace, Washtenaw County  
Chapter  
Michigan Election Reform Coalition  
Green Party of Washtenaw County  
Libertarian Party of Washtenaw Cty.  
Peace & Social Concerns Committee,  
Ann Arbor Friends Meeting  
Jack Lessenberry  
Oakland Press  
Ferndale Democratic Party

And over 1500 Ann Arborites who have  
signed our petitions

### **Some Organizations Using IRV:**

American Political Science Association  
Utah Republican Party  
Democratic National Committee  
Many college student governments

### **IRV Voted into Law:**

San Francisco, CA  
Berkeley, CA  
Burlington, VT  
Ferndale, MI  
Louisiana & Arkansas  
(for overseas military voters)  
Cambridge, MA (version for multiple at-  
large winners)  
Australia  
New Zealand  
Ireland  
London, UK  
more

### **Some National People and Organizations in Favor of, or who have Endorsed IRV:**

Center for Voting and Democracy  
League of Women Voters - CA & VT  
Common Cause  
Triangle Foundation  
USA Today  
Alliance for Democracy  
Senator John McCain  
Howard Dean  
Congressman Dennis Kucinich  
Congressman Jesse Jackson, Jr.

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### **Various additional notes, quotes, and emails**

# Proposed Ann Arbor City Charter Amendment

May 30, 2006

This amendment would introduce nonpartisan Instant Runoff Voting (IRV) for odd-year city elections, saving the city money by doing away with the primary in those years. Even-year primary and general elections, for the mayoralty and council seats elected in even years, would remain the same.

**Eliminate odd-year primary.** This proposal would eliminate the odd-year city primary election. Though city primaries have usually been unnecessary in the past, expected greater intraparty competition for council seats is likely to result in citywide or near-citywide primaries in future years. A citywide primary would cost at least \$50,000. These primaries are scheduled in August when much of the city's population is away and less likely to participate. And since odd year primaries do not have the added draw of a gubernatorial or presidential race, voter turnout is traditionally very low. Elimination of primaries in these years would therefore save the city approximately \$50,000.

**Elections to fill vacancies.** The amendment would also provide for November elections to fill vacancies which occur in the first year of a term. Elections to fill vacancies would be done the same way as all other seats in that election: IRV in odd years, partisan primary and election in even years.

This is analogous to the process for filling county commissioner vacancies, where an election is triggered only by vacancies occurring in the first year of a two-year term. However, it's also limited in the same way as elections to fill school board vacancies, where partial terms come up for election only at the same time as regular terms, so no special elections are necessary.

**Voting Method.** Currently, city elections are conducted using Accuvote optical scan ballots and tabulators. These tabulators are not technically capable of accumulating the many combinations which would be required in an IRV election.

The best workaround would be to structure the optical scan ballots to allow voters to rank their choices, and use the tabulators only to determine the "first choice" totals. If no candidate has a majority of the "first choice" votes, then a hand count would be conducted to determine the winner. An occasional hand count, perhaps in one or two wards, would be a pretty reasonable task in an odd-year election.

This amendment would never require IRV to be used in a high turnout presidential or gubernatorial election. Of course, that could be reconsidered in the future (via another charter amendment) when better voting technology becomes available.

**Partisanship.** The IRV election would be nonpartisan, because otherwise a political party could object that candidates claiming their party label were not nominated by a party primary or caucus.

**Drop petition notice and publication requirement.** The amendment removes the legally unsustainable requirement that candidates provide the city clerk with their name and address prior to circulating petitions. In practice, otherwise valid petitions could hardly be rejected based on the candidate's failure to notify the city clerk in advance. The amendment also removes the requirement that the city clerk take out an advertisement in the paper about the petition deadline.

**Conform deadline.** The amendment conforms the nominating petition deadline to 4:00 pm on the twelfth Tuesday before the election, as already provided in statute (but not in the current charter) and already followed by the city.

The twelfth Tuesday before the August primary, in mid-May, would continue to be the petition deadline in even numbered years. In odd numbered years, the new deadline would be the twelfth Tuesday before the November city election, that is, in mid-August.

# PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF ANN ARBOR, MICHIGAN

Current charter language (where not retained in entirety) in *italics*; new or re-enacted language in **bold**.

SECTION 12.14 (filling vacancies): Subsection (a) now reads:

*If a vacancy occurs in an elective office, the Council shall, within thirty days thereafter, fill the vacancy for the balance of the unexpired term thereof: Provided, That, if the vacancy occurs on the Council within forty days prior to a regular city election, it shall not be filled until after the next organization of the Council.*

Proposed new version of Section 12.14 (a):

**If a vacancy occurs in an elective office, the Council shall, within thirty days thereafter, fill the vacancy until a successor is elected and qualified.**

**If the vacancy occurs during the first year of a two-year term, during the year preceding the even-year general election, but at least 90 days before the general primary election, then candidates for the vacancy will be nominated at the primary, and a successor elected to the balance of the term in the general election, in the same manner as regular terms of city offices elected in even numbered years.**

**If the vacancy occurs during the first year of a two-year term, during the year preceding the odd-year city election, but at least 90 days before the odd-year city election, then a successor will be elected to the balance of the term at that time, using nonpartisan instant runoff voting as provided in Section 13 of this Charter.**

SECTION 13.4 (Primary Elections): Subsection (a) now reads:

*A City primary election shall be held on February 15, 1993, on August 3, 1993, and in succeeding years on the first Tuesday following the first Monday in August of each year. If, upon expiration of the time for filing nomination petitions for any elective office, it appears that petitions have been filed for no more than one candidate for the office from each political party nominating candidates therefor, no primary election shall be held with respect to the office. The candidates receiving the highest number of votes of their respective parties at any city primary election shall be declared the nominees for election to the respective offices for which they are candidates. As to any office with respect to which no primary is necessary, persons named in*

*petitions as candidates for election to the office shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular election under the party heading set forth in the nomination petitions for the candidates.*

Proposed new version of Section 13.4 (a):

**A City primary election shall be held on the first Tuesday following the first Monday in August of each even-numbered year. If, upon expiration of the time for filing nomination petitions for any elective office to be elected in an even numbered year, it appears that petitions have been filed for no more than one candidate for the office from each political party nominating candidates therefor, no primary election shall be held with respect to the office. The candidates receiving the highest number of votes of their respective parties at any city primary election shall be declared the nominees for election to the respective offices for which they are candidates. As to any office elected in an even numbered year city election for which no primary is necessary, persons named in petitions as candidates for election to the office shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular election under the party heading set forth in the nomination petitions for the candidates.**

Section 13.8 (Nominating Petitions): Subsection (b) is as follows:

*Official petition forms, substantially similar to those required by law for state and county officers, shall be prepared and furnished by the Clerk. Before the Clerk furnishes petition forms to any person, the Clerk shall enter thereon, in ink or by typewriter, the name of the person in whose behalf the petition is to be circulated and the name of the office for which the person is a candidate. No petition form which has been altered with respect to such entries shall be received by the Clerk for filing. Nomination petitions for the purpose of filling a vacancy shall so state. Petitions shall be filed with the Clerk not later than 5:00 p.m., on the seventh Monday prior to the date of the regular City primary election. The Clerk shall publish notice of the last day, time, and place for filing nomination petitions at least one week but not more than three weeks before that date.*

Proposed new version of 13.8 (b):

**Official petition forms, substantially similar to those required by law for state and county officers, shall be prepared and furnished by the Clerk. Nomination petitions for the purpose of filling a vacancy shall so state. Petitions shall be filed with the Clerk not later than 4:00 p.m., on the twelfth Tuesday prior to the regular primary election, for offices elected or vacancies filled in even numbered years, or 4:00 p.m., on the twelfth**

**Tuesday prior to the city election, for offices elected or vacancies filled in odd numbered years.**

SECTION 13.11 (Form of Ballot): Subsection (a) is to consist of what was the full text of Section 13.11, otherwise unchanged:

**(a) Except as specified elsewhere in this paragraph, the form of the ballot used in any City primary or election and the printing and numbering thereof shall conform, as nearly as may be, with the requirements of the general election laws of the State.**

Subsections (b) and (c) and (d) are to be added to 13.11:

**(b) The election of all city officials in the odd-year general election (not primary) shall be done using a nonpartisan ranked-choice, or "instant runoff" ballot. The ballot shall allow voters to rank a number of choices in order of preference equal to the total number of candidates for each office; provided, however, if the voting system, vote tabulation system, or similar or related equipment used by the City cannot feasibly accommodate choices equal to the total number of candidates running for each office, then the City Clerk may limit the number of choices a voter may rank to no fewer than three candidates or the total number of candidates plus one write-in candidate. The ballot shall in no way interfere with a voter's ability to cast a vote for a write-in candidate for each office. Ballots approved under this section shall be simple and easy to understand. If feasible, ballots shall be designed such that voters may mark their first choices in the same manner as that for offices not elected by instant runoff voting.**

**(c) Sample ballots illustrating voting procedures shall be posted in or near the voting booth, and shall be included in the instruction packet of absentee ballots.**

**Directions provided to voters shall conform substantially to the following specifications, although subject to modification based on ballot design and voting machine: "Vote for candidates by indicating your first-choice candidate, your second-choice candidate, and so on. Indicate your first choice by marking the number "1" beside a candidate's name, your second choice by marking the number "2" by that candidate's name, your third choice by marking the number "3," and so on, for as many choices as you wish. You are free to rank only one candidate, but ranking additional candidates cannot help defeat your first-choice candidate. Do not mark the same number beside more than one candidate. Do not skip numbers."**

**(d) The City Clerk shall conduct a voter education campaign designed to reach at least 90 percent of Ann Arbor registered voters and familiarize them with Instant Runoff Voting a minimum of 30 days prior to the first election that will use this ranked-choice voting method.**

SECTION 13.12 (Canvass of Votes): What had been Section 13.12 concerned the make-up and duties of the Board of Canvassers, but in 1968 it was superseded in total by Michigan Election Law 168.30a through 168.30c. Thus, the following is totally new language for Section 13.12:

**(a) Canvass of votes in the general election shall be by "Instant Runoff Voting," as described in the following paragraphs of this Section. This allows voters to rank their choices, making it possible to determine a candidate with majority support even when there are more than two candidates for an office and no candidate receives a majority of first choice votes. This replaces the plurality system , which does not require or attempt to determine a majority winner in such cases.**

**(b) Definitions. In this Section**

**(1) a candidate shall be deemed "continuing" if the candidate has not been eliminated;**

**(2) a ballot shall be deemed "continuing" if it is not exhausted; and**

**(3) a ballot shall be deemed "exhausted," and not counted in further stages of the tabulation, if all of the choices have been eliminated or there are no more choices indicated on the ballot. If a ranked-choice ballot gives equal rank to two or more candidates, the ballot shall be declared exhausted when such multiple rankings are reached. If a voter casts a ranked-choice ballot but skips a rank, the voter's vote shall be transferred to that voter's next ranked choice.**

**(4) "Majority" is the number of "continuing" ballots for a given office divided by two, plus one, with any fractional remainder discarded. This shall be the number of votes necessary to elect the winner of each office. This number shall be recomputed at the end of every round of vote counting.**

**(c) Each elector who votes for any candidate for elected city office shall have one vote for each office that he/she is voting for.**

(d) The Board of Canvassers shall, after rejecting any votes for city office that are invalid, count the first preference votes for each candidate for each city office. If any candidate receives a majority of the first choices, that candidate shall be declared elected. If no candidate receives a majority of first choices, the candidate who received the fewest first choices shall be eliminated, and each vote cast for that candidate shall be transferred to the highest-ranked continuing candidate on each ballot so affected. If, after this transfer of votes, any candidate has a majority of the votes from the continuing ballots, that candidate shall be declared elected. In every round of counting, each ballot is counted as one vote for that ballot's highest-ranked continuing candidate. This process of eliminating candidates with the fewest votes and transferring the votes for them to the highest-ranked continuing candidate on each affected ballot shall be repeated until a candidate receives a majority of the votes from the continuing ballots. The elimination of candidates in each round shall also be subject to the provisions of paragraphs (e ) and (f) of this section.

(e) If the total number of votes of the two or more candidates credited with the lowest number of votes in any round of vote counting is less than the number of votes credited to the candidate with the next highest number of votes, those candidates with the lowest number of votes shall be eliminated simultaneously and their votes transferred to the highest-ranked continuing candidate on each ballot in a single counting operation.

(f) If, when eliminating the lowest-ranked candidate in a round, two or more candidates are tied for the least number of votes and they cannot be eliminated simultaneously per the provisions of paragraph (e) of this section, the Board of Canvassers shall determine by lot between such candidates which candidate shall be eliminated.

(g) If, when only two candidates for a given office remain, each is credited with the same number of votes, the Board of Canvassers shall determine by lot between such candidates which candidate shall be elected, in accordance with the provisions of this Chapter.

(h) The Board of Canvassers shall record the number of votes credited to each candidate at the end of every round of counting. Such record shall also include

(1) the number of exhausted ballots excluded from the calculation of the majority, and

(2) the number of votes necessary to form a majority to be elected.

**(i) Any voting system, vote tabulation system, or similar or related equipment acquired by the City shall have the capability to accommodate this system of Instant Runoff Voting using ranked-choice ballots.**

**(j) Instant Runoff Voting shall be used in the odd-year city election in November 2007 and all subsequent odd-year city elections.**

## **1. A new way of voting would give more choice**

by Ryan O'Donnell

<http://www.philly.com/mld/inquirer/news/editorial/14155036.htm>

Wed, Mar. 22, 2006, Philadelphia Inquirer

Kate Michelman's decision not to run for Senate is a modern measure of our democratic health, not just in Pennsylvania, but nationwide. In a statement, she told us that "obligations to my mother, my husband, and my children preclude my being able to make this fight as a candidate."

If you believe that one, raise your hand.

Followers of politics in one of the key battlegrounds in the 2006 midterm elections suspect a different motive. Running as an independent would risk Michelman siphoning votes from Bob Casey and causing what to her and Democrats would be the worst-case scenario: the reelection of Republican Rick Santorum.

Michelman, a former president of NARAL Pro-Choice America, wasn't in it for herself. On the contrary, she planned to run to represent those people who felt unrepresented, maybe even betrayed, by the Democratic candidate. Now the danger is that a crucial voice may not find expression in the campaign, and abortion, an issue of great concern to many Pennsylvanians, could fall through the cracks.

But the problem is not peculiar to 2006. The word spoiler is a part of our national vocabulary. The idea that one candidate could ruin it for the closest ideological competitor has gripped the country since Ross Perot hurt George H.W. Bush in 1992 and Ralph Nader hurt Al Gore in 2000. Nationally, it happens frequently, among all parties, candidates of all leanings, and, as Pennsylvania just confirmed, independents as well.

When democracy can't accommodate more than two choices, we have a problem. Even if the prospect of spoiling doesn't deter candidates from entering a race, the anxiety is transferred to the voters. Should they vote for the candidate they favor, even if they think that candidate will almost certainly lose? There's no right answer when the majority can split its vote and elect neither of its preferred candidates. And, of course, candidates winning with less than a majority of the vote is a problem in itself.

None of this would have been an issue if instant runoff voting (IRV) were Pennsylvania's voting method. With IRV, instead of

marking an "X" next to one candidate, voters rank them in order of choice. The counting uses voter rankings to simulate a series of runoff elections to determine a winner with a majority of the vote. That means that if voters' first choice were eliminated in the first round, their second choices would still count. No spoilers.

Burlington, Vt., made national headlines recently by using IRV in its mayoral election. The new system met with overwhelming popularity, and the electorate understood it well; 99.9 percent of voters cast valid ballots. The press eyed the race closely because of the potential for reform statewide, and the election was labeled "flawless." If mayors can be elected successfully with IRV, surely senators can.

People who care about their concerns being on the table need to think about the way our democracy accommodates them. Getting rid of the spoiler effect and embracing a majority voting system like IRV should appeal to people all across the political spectrum because there will always be times when they feel their concerns are not going to be addressed by two candidates.

Michelman's decision not to seek a Senate seat reflects more than the political dynamics of the day - it spotlights a grave democratic problem. Fortunately, there is a commonsense solution.

(Ryan is communications director at FairVote, a nonpartisan election-reform group in Washington.)

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## **2. New Idea? Require Election Winners to Get a Majority of the Vote**

by Craig Harvey

Ann Arbor "Agenda" magazine, April 2001

That's what runoff elections provide, and Instant Runoff Voting (IRV) is even better (quicker, easier, and less expensive). Ann Arbor used to have it. But now we, like most areas of the U.S., use a rather unrepresentative method of counting votes that allows winning an election with only a plurality of the vote (i.e., less than a majority in a multi-party election).

What is Instant Runoff Voting (IRV) ?

**Ann Arbor used to have IRV for the mayoral election, but now we allow winning city elections with less than a majority of the vote.**

Instant runoff voting (IRV) is an election reform that is rapidly gaining attention throughout the United States. Major efforts to replace existing plurality election laws with this more democratic alternative are underway in Alaska, New Mexico, Vermont, Washington, California, and elsewhere. Instant Runoff Voting allows for better voter choice and participation by accommodating multiple candidates in single seat races, while assuring that a "spoiler"-effect will not result in undemocratic outcomes. Instant runoff voting allows all voters to vote for their favorite candidate without fear of helping elect their least favorite candidate, and it ensures that the winner enjoys true support from a majority of the voters. Plurality voting, used in most American elections, does not meet these basic requirements for a fair election system that promotes wide participation.

IRV allows voters to rank candidates as their first choice, second choice, third, fourth and so on. If a candidate does not receive a clear majority of votes on the first count, a series of runoff counts are conducted, using each voter's top choices indicated on the ballot. The candidate who received the fewest first place ballots is eliminated. The ballots are then retabulated, with each counting as a vote for the top-ranked candidate listed on the ballot that is still in contention. Voters who chose the now-eliminated candidate have their vote transferred to their second choice candidate -- just as if they were voting in a traditional two-round runoff election. This process continues until one candidate achieves more than fifty percent of the vote.

[article included a graphic showing what an IRV ballot might have looked like for the 2000 presidential election.]

IRV has been in successful use for decades in Australia and is used to elect the President of the Republic of Ireland and, most recently, the mayor of London, England.

Around the U.S. more than 21 cities, including Kalamazoo, have used full-choice ballots in the 20th Century (and one, Cambridge, Massachusetts, still does). They quit only because political machine bosses hate voting systems that give voters more choices. The full-choice ballots that have been used in these cities are the same type of ballot that is used with IRV.

Further, the American Political Science Association, which includes the psephologists (voting experts) uses IRV to elect its officers.

But it is true that there are no current, U.S. public election

**Since this article was written, IRV has been used in city elections in San Francisco and Burlington, Vermont.**

**And in Ferndale, MI over 75% of voters approved use of IRV.**

examples of IRV -- although the choice voting system used in Cambridge, Massachusetts is not to be sneezed at... they use choice voting (multi-winner form of IRV) and have happily done so since 1943, resisting several repeal efforts driven by the parties who want 100% of the power for far less than 100% of the votes.

Thanks to the recent presidential election fiasco in Florida, many states, including Michigan, are seriously looking at election reforms such as standardizing voting machines and ballots. Any such decision must take into consideration the need for voting machines and ballots that can handle voters marking 1st, 2nd, 3rd, etc. choices. Whether or not IRV is put into use statewide, this would at least allow municipalities the option of using much fairer voting systems such as Instant Runoff Voting for single winner offices like Mayor, or choice voting for multi-winner offices like school or library boards.

#### Ann Arbor Makes History:

The most recent use of IRV for a governmental election in the U.S. was in Ann Arbor, Michigan in 1975. The presence in Ann Arbor of a strong third party, the Human Rights Party, created a lively three-way election. Republican Mayor James Stephenson was up for reelection in April 1975. In the previous election he had won with only 47% of the vote.

There were concerns about the Human Rights Party splintering the vote and giving Stephenson yet another win with less than a majority of the votes. So, in 1974 the Human Rights Party led a successful local petition drive and managed to place the following question on the November 1974 Ann Arbor ballot:

"Shall the City Charter be amended to provide that the Mayor shall be elected by a majority of voters, by permitting each voter to designate a first preference and subsequent preferences; so that if no candidate receives a majority of first preferences, then the candidate with the fewest such votes is eliminated and second preferences of the voters for that candidate are counted instead, the process being repeated until one candidate receives a majority of valid votes?"

This won the approval of about 52% of the voters. Voting was mostly along partisan lines (Democrats for/Republicans against).

In March of 1975, prior to the April city election, there was a public hearing and a city-wide mailing to educate voters on how the system would work.

**The 1975 mayoral election in Ann Arbor had some problems, and is a bad memory for some Ann Arbor voters. It took a month to determine the winner. There were many reasons for this, but use of IRV was by far the least of the problems.**

**Unfortunately, the whole experience made it possible for detractors to get rid of IRV a year later, thus throwing out the baby with the bath water.**

In the April 1975 election the use of Instant Runoff Voting led to the election of the first ever African-American Mayor (Democrat Al Wheeler). This occurred because of the strength of second-choice votes transferred from the Human Rights Party candidate. In the first preferences the tally showed:

Democrats 40%, Republicans 49%, Human Rights Party 11%

But since most of the HRP voters chose Wheeler (Dem) as their second choice, he won the final tally by 121 votes.

This success at having a mayor who best represented the wishes of the majority of voters prompted an effort by Republicans to eliminate the system. An initial legal challenge failed as the courts upheld the IRV law. But the Republicans led a further repeal effort, and in a low turnout special election in April 1976 the use of IRV in Ann Arbor was killed. It was one of the only Ann Arbor elections where more Republicans than Democrats went to the polls -- maybe specifically to kill this more fair form of voting.

The time has come for Ann Arbor to reclaim its heritage as a city capable of dealing fairly with multiple parties in elections, and to lead the way for other municipalities around Michigan to learn what it is like to really vote one's preferences.

More information:

Web: [www.fairvote.org](http://www.fairvote.org) [www.instantrunoff.com](http://www.instantrunoff.com)

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### **3. Improve on Red vs. Blue: Winner-take-all systems leave out too many voters**

by William Raspberry

October 18, 2004 Washington Post

...One of the more interesting electoral reforms is underway in San Francisco, where voters next month will select their top choice for a seat on the city's Board of Supervisors -- but also have a chance to mark their second and third choices.

If you think this doesn't sound like much, you ought to talk to Rob Richie, executive director of the Center for Voting and Democracy and my frequent guide on voting systems. Three things about the rank-voting system appeal to Richie.

First, it increases the likelihood that any particular voter will have helped to elect a candidate to office, a fact that Richie believes might help to reduce voter apathy. Second, it makes it possible for a voter to support a dark-horse candidate -- say, a third-party hopeful -- without helping his least favorite candidate in the process. Say John McCain is on the ballot and he is your first choice. Under the present system, a vote for McCain would be a vote taken away from your second favorite, Bush, and in effect a vote for John Kerry. Under a rank-order system, either your first choice wins or your vote goes to your second choice. But what really excites Richie about the system is that it tends to drive candidates and campaigns toward coalition- building and civility. "The present system leads candidates to sharpen, even exaggerate, their differences with their challengers," he says. "The result is a sort of polarization that marginalizes moderates of both parties. But the candidate who thinks he may need your second-choice vote to win will tend to reach out to -- or at least not antagonize -- voters whose first choice is someone else."

The people simply aren't as polarized as the system paints them. Florida wound up being a red state, though virtually half of its voters were blue. The truth is, with a small handful of exceptions, the states are various shades of purple...

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#### **4. San Francisco's innovation in democracy - instant runoff**

by Steven Hill and Rob Richie

<http://www.csmonitor.com/2005/0224/p09s02-coop.html>

02/24/2005 Christian Science Monitor

(SAN FRANCISCO AND WASHINGTON) Problems with American elections run deeper than shoddy voting equipment and inadequate election administration. For instance, there is the problem of our top leaders winning with less than a majority of the popular vote.

The last two California governors, including Arnold Schwarzenegger, won their elections without support from a popular majority. In Massachusetts, the Democratic primary for governor was won by a candidate with a mere third of the vote. Since 1990, most states have had governors who won elections with less than 50 percent of the popular vote. And of course, Bill

Clinton and George W. Bush both won their initial presidential elections with less than a majority of the popular vote.

And then there's the problem of filling vacancies through special elections. With the death of longtime Congressman Bob Matsui, California must now hold a special election in May. Special elections are notorious for low voter turnout, and by law if no candidate wins a majority in a congressional special election, a runoff election is required to fill the vacancy, an additional expense for taxpayers. The city of Oakland, Calif., will also soon hold a special election to fill a vacancy on its city council. But they don't use a runoff, and in their last special election, the winner had 33 percent of the vote. In Massachusetts, three special elections soon will be used to fill vacancies, including the seat of former Speaker of the state House Thomas Finneran.

Fortunately there's a solution to both problems of winning without a majority or needing a runoff election to ensure a majority winner. It's called instant runoff voting. IRV elects a majority winner in one election by simulating a series of traditional runoffs. Voters rank candidates in order of choice: first, second, third, and so on. If no candidate wins a majority of first choices, voter rankings are used to determine which candidate has support from a popular majority. If your first choice gets eliminated from the "instant runoff," your vote counts for your second-ranked candidate - the one you'd support if forced to come back to the polls.

In last November's election, San Francisco used instant runoff voting for local races. Two exit polls showed that city voters liked their new system and found it easy to use, including the city's many non-English speaking minorities. Previously, San Francisco decided majority winners in December runoffs. Citywide runoffs cost on average about \$3 million, and voter turnout plummeted by as much as 40 percent in recent years. Candidates also had to raise more money for the runoff, and independent expenditures tended to soar.

But with IRV, San Francisco taxpayers are saving millions of dollars. The city also is electing winners when voter turnout is at its peak in November, and reducing the costs of campaigns. Other cities or states electing leaders in multiple elections (including a primary-general election cycle) could see similar gains by adopting IRV.

The use of IRV has national implications as well. Think back to the 2000 presidential election. If the nearly 100,000 Ralph Nader voters in Florida could have ranked a second candidate as their runoff choice, many probably would have chosen Al Gore and

boosted him to the presidency. Similarly, Republicans could have responded to Ross Perot's candidacies in 1992 and 1996 by trying to get second choices from Perot voters, enhancing their chances against Bill Clinton.

IRV is the fairest way to deal with the spoiler controversy that produces non-majority winners. It allows independent and third-party candidates to run and raise important issues that major-party candidates have decided to avoid in this era of poll-tested sound bites and bland appeals to swing voters. Voters are free to cast their ballots knowing that, even if their first choice can't win, their vote can go to a front-runner as their second or third choice.

IRV also offers something for those tired of polarized politics and mudslinging campaigns. It discourages negative campaigns because winners may need to attract the second or third rankings from the supporters of rival candidates. In San Francisco's IRV elections, we saw a noticeable rise in positive, issue-based campaigning and coalition-building in many races. In fact, a New York Times article was headlined: "New Runoff System in San Francisco Has the Rival Candidates Cooperating."

Legislative bills for instant runoffs were introduced in 22 states in the past two years, with states poised for real action in 2005.

The topic has drawn bipartisan support from Republicans such as Sen. John McCain of Arizona and Democrats such as Howard Dean, the new chairman of the Democratic National Party and former Vermont governor. Ballot measures supporting IRV passed by 2-to-1 margins in all three cities where it was on the ballot in 2004: Ferndale, Mich.; Burlington, Vt.; and Berkeley, Calif. Places like Australia and Ireland already have been using instant runoffs for decades to elect their highest offices.

California often has started national trends, from hula hoops to property-tax revolts. Instant runoff voting could be next - an upgrading of our democratic methods that better accommodates the reality of American politics today.

\* Steven Hill is Irvine Senior Fellow with the New American Foundation and author of 'Fixing Elections: The Failure of America's Winner Take All Politics.' Rob Richie is executive director of FairVote, the Center for Voting and Democracy.

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## **5. New Runoff System in San Francisco Has the Rival Candidates Cooperating**

by Dean E. Murphy

(Today's half-page New York Times article leaves some critiques unanswered, but all in all provides powerful testimony to the impact of IRV. Here is an excerpt from the article -- the full article is available at [www.fairvote.org](http://www.fairvote.org))

September 30, 2004, New York Times

SAN FRANCISCO, Sept. 29 - Eugene C. Wong is running for an office that typically does not draw the national spotlight. Yet Mr. Wong and the 64 others seeking seats on the County Board of Supervisors here are being closely watched by advocates for election reform around the country.

In Mr. Wong's case, the reason was evident on Wednesday, at one of his first big fund-raisers in the third district, an ethnically mixed area that straddles North Beach and Chinatown. The evening was unconventional, to say the least, with Mr. Wong sharing top billing with two principal rivals in the race, Sal Busalacchi and Brian Murphy O'Flynn.

"We are going to have more joint fund-raisers," Mr. Wong said. "I am not opposed to saying that if I don't win, then I hope one of these other guys wins."

The cooperation is in response to a new election system, instant-runoff voting. The system, which voters approved in 2002 and is having its first run, is viewed by critics of winner-take-all elections as the start of a long-overdue overhaul of the way Americans choose elected officials.

Under this system, voters can choose three candidates for each office, ranking them in order of preference. If no candidate wins more than 50 percent of the first-choice votes, the lowest-placing finishers are eliminated, and the second and, if necessary, third choices on those ballots are counted until someone garners a majority.

The system removes the need for a separate runoff election, saving money and, if the recent past is a guide, increasing the number of voters who have a say in choosing the winner. Under the old system, turnout usually dropped significantly in runoffs.

"People are hungry for change," said Lani Guinier, a professor of law at Harvard who has written about alternative election systems and is among those closely watching the San Francisco example.

"There is a simmering dissatisfaction with not only what happened in Florida in 2000," Professor Guinier said, "but with some of the responses that the election officials, Congress and others have implemented, and a sense that if the voters and citizens want to participate in our democracy, the voters and citizens have to take the initiative."...

San Francisco is the sole major jurisdiction to incorporate what advocates of instant-runoff voting consider three essential components for its success, ranked-choice ballots, a single election and the requirement that each winner receive a majority of the votes cast.

"San Francisco is being seen as a very good test," said Robert Richie, executive director of the Center for Voting and Democracy, an organization in Takoma Park, Md., that advocates changes in election laws.

The center, founded by a former independent presidential candidate, John B. Anderson, was a leading force behind the 2002 ballot measure here.

Mr. Richie and other supporters of a broader push for instant runoffs see past San Francisco to places like Florida. If Florida had the system for the 2000 election, proponents say, there is little doubt that Al Gore would have won the state instead of George W. Bush. Most of the people who voted for Ralph Nader, the logic goes, would have listed a Democrat as their second choice.

"I am not going to hide the fact that if you look at it, there is analysis to show it could help the Democrats," said Thomas D. Bull, a Democratic state representative in Maine who sponsored a measure there in the spring to instruct the secretary of state to study instant runoffs.

A tally kept by the Center for Voting and Democracy shows that Maine is among 22 states that have explored the idea in recent years.

"There are also examples of where it might have helped the Republicans," Mr. Bull added. "If you look at the Libertarians and along that line, there are conservative third-party candidates siphoning off Republican votes."...

An early effect has been to introduce a new civility among the candidates, something many San Franciscans have wholeheartedly embraced. Because the winner in each district might be determined by voters' second and third choices, candidates have quickly learned that it is best to be on friendly terms so as not to alienate their opponents' supporters.

"Even if you come in second among the first-choice votes, you still have a shot at winning, so long as you can reach out to be the No. 2 choice to the rest of the people," said Mr. Wong, an immigration lawyer.

In District 5, Supervisor Matt Gonzalez, a big backer of instant runoffs in 2002, is not seeking re-election, creating the biggest free-for-all of the season. Many of the 22 candidates vying for his post participate in a so-called Candidates Collaborative, meeting publicly every few weeks to discuss district problems. The setting is decidedly congenial.

One candidate, Michael O'Connor, a nightclub owner, said the consensus among most candidates was that opting out of the collaborative would be political suicide in the new get-along environment. Last month, Mr. O'Connor also held a joint fundraiser with a rival, Robert Haaland.

"The way I see how it works," Mr. O'Connor said, "win or lose, you may as well get along with people."

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## **6. For Voters, Choice Is as Easy as 1, 2, 3**

by Kimberly Edds

The Washington Post ran an excellent news story about instant runoff voting in San Francisco and a strong commentary from its syndicated columnist William Raspberry that talked in part about IRV in San Francisco. Here are links to the stories and excerpts.

<http://www.sf-rcv.org/articles/washpost.htm>

Washington Post, October 12, 2004

When voters here go to the polls in November to select their top choice for a seat on the city's Board of Supervisors, they also get to pick their second choice -- and even their third.

Here, a winning candidate has to receive at least 50 percent of the vote for the Board of Supervisors, which is the local city council. In the past, if nobody did, there was a runoff election.

But this year, San Francisco has become the largest city in the nation to adopt a form of voting that proponents say is a little like walking into an ice cream shop to order a chocolate cone only to discover the shop is all out -- no problem, just order your next favorite flavor, and if that's out, your third... . "With runoffs, you have two different electorates going to the polls," said Steven Hill, with the Center on Voting and Democracy, which has been pushing ranked-choice voting in municipalities across the country. "This way you elect the strongest candidate who has the majority of the vote and you're getting it over with in one race. It's just common sense."...

[http://fairvote.org/op\\_ed/washpost101804.htm](http://fairvote.org/op_ed/washpost101804.htm)

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## 7. IRV system deemed a success

by Lauren Ober

Published March 9th 2006 in Burlington Free Press

It appears Burlington's new instant runoff voting system was a success.

The experiment in voting was new this year after a 2005 change in the city charter. The Burlington mayoral race was the first political contest to make use of the new system.

State officials and independent observers hailed the new system, citing its cost-saving benefits and its user-friendly approach to voting. Secretary of State Deb Markowitz, whose office was keeping close tabs on the instant runoff system for possible use in statewide elections, praised the new process.

"It looks like it went very well. Voters knew what they were going in for," Markowitz said. "It was a great experiment."

Markowitz said her office hadn't fielded any complaints about the new system and from the information reported back to her, everything seemed to work well. Markowitz suggested that the Burlington race could be used as a jumping-off point for a move to a statewide instant runoff system.

**State officials and independent observers hailed the new system, citing its cost-saving benefits and its user-friendly approach to voting.**

"It's a good place to start the conversation," Markowitz said.

City councilor Joan Shannon, D-Ward 5, who sat on the charter change committee in 2005 and helped make instant runoff voting a reality, said she was pleased with the runoff system in Tuesday's election. From the wards she observed, all seemed to be working seamlessly.

"I think generally the public received it well. People certainly got it. They didn't feel confused and they voted accordingly," Shannon said.

With the old voting system, because none of the candidates received 40 percent of the vote, a runoff would have been necessary, which Shannon says would have cost the city a lot of money.

Under the new system, voters ranked the candidates by preference. Because no candidate won a majority when the votes were first counted, the candidates with the lowest number of votes -- in this case, Republican Kevin Curley and independents Louie The Cowman Beaudin and Loyal Ploof -- were eliminated. The second choices of those who voted for the eliminated candidates then went to the remaining two contenders -- Progressive Bob Kiss and Democrat Hinda Miller. It took only one round for Kiss to gain a majority of the votes.

Shannon contends the system eliminates the "spoiler candidate effect." In the 2000 presidential election, Green Party candidate Ralph Nader was accused of being a spoiler candidate when he ran against Al Gore and now-President George W. Bush.

Beneficiaries of the spoiler effect might not like the new system, but it's a fairer method, Shannon said.

Not everyone is as convinced of the instant runoff system's efficacy. Anthony Gierzynski, an associate professor of political science at the University of Vermont, offered concerns about the complexity of the ballot and how that might exclude some voters from the democratic process.

Gierzynski's students conducted exit polls of about 1,000 Burlington voters. The results won't be ready until next week, but Gierzynski says he did get the sense the new ballots were problematic to some voters. He'll examine the data his students collected to see if there were any differences in understanding the new system across education levels and the various city wards.

**The system eliminates the "spoiler candidate effect."**

**Beneficiaries of the spoiler effect might not like the new system, but it's a fairer method.**

"Some people felt they had to rank all five candidates. There was some confusion and those were the people who didn't like it," he said.

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## **8. Successful public election joins Diebold, free software in Burlington, Vt.**

by Jay Lyman April 4th 2006 in NewsForge

Can running free software with an old Diebold voting machine yield valid, verifiable election results and save a city millions by avoiding a runoff election? It did for Burlington, Vermont.

The Northeast city last month combined a proprietary Diebold AccuVote machine and freely available ChoicePlus Pro code to produce publicly available election results. An instant runoff voting (IRV) program allowed city voters to pick a mayor in one trip to the ballot box, without the expensive runoff election often required in local, multi-candidate races where no candidate gets a majority on the first ballot.

There are some catches when it comes to calling the ChoicePlus software free or open source. First of all, the software is not licensed by an OSI-approved or other open source license, concedes Steve Willett, who is now the only person behind Voting Solutions. However, Willett owns the copyright on the software, and provides it free of charge for anyone to download and use.

The reason ChoicePlus Pro is not licensed as open source software is that it contains a key library that is a Borland proprietary technology. Willett is authorized under his license with Borland to distribute the ChoicePlus Pro software with the library, he says, but he would prefer an open source replacement. "It's our intention that it be a completely open source project."

Today ChoicePlus runs only on Windows, officially, but Willett said he has successfully, albeit awkwardly, installed it on Linux and Mac operating systems. "We would like to move to Linux," he says.

The code -- developed on JBuilder and now delivered as a Windows installation executable -- has been the basis for city council and school board elections in Cambridge, Mass., New York City, and most recently, Burlington, which is the newest of "a small number of clients," according to Willett. He and two

partners, one of whom wrote the ChoicePlus Pro code, decided last September to make their software freely viewable and available for anyone. The response, however, was disappointing, Willett says.

"The issue is there is no driving force." Willett says the software is ahead of its market, and stresses ChoicePlus -- also used by foreign governments, the Academy Awards, and the high-IQ group Mensa -- is limited in the kind of elections it can provide.

"All we are is a back end tallying machine," he says. "But for those who need it, it's critical."

Willett no longer charges customers such as Cambridge -- which paid \$15,000 plus per-use fees -- for the software, but he does charge for consulting and code modification, he says.

#### Success in Vermont

Voting consultants say the use of an older Diebold system -- not necessarily desirable, but nonetheless applicable to voting districts across the country -- combined with a more transparent tallying method is a major step forward.

"The first half is proprietary," says Elections Solutions consultant Caleb Kleppner. "The second half is transparent."

Kleppner explains that unlike Cambridge, Burlington went ahead and posted the actual ballot images. He says while ballots may have been cast with a closed Diebold system, the transparent tallying allowed for a verifiable result that could be compared to paper ballots, which have long been collected in the city's elections.

"You can look at the data and manually compare it," he says. "Here's the data. Here's the outcome. You can check for yourself to see the validity."

Kleppner also stressed that the availability of the code, which was also posted by Burlington, bolstered public trust in the election.

"With all this proprietary software, no member of the public can look at the code," he says. "They can't check that that was the code that was actually on the machine."

However, the cost-savings of the instant runoff voting and the

**In Burlington the transparent tallying allowed for a verifiable result that could be compared to paper ballots, which have long been collected in the city's elections. (as is done in Ann Arbor)**

**The availability of the computer code, which was also posted by Burlington, bolstered public trust in the election.**

transparency afforded by the use of ChoicePlus Pro makes the Burlington election a promising precedent, Kleppner says, adding that government support and vendor lock-in are still challenges.

"There's growing interest in IRV, and there's clearly lots of interest in getting open source software in election systems, or at least public review."

Fair Vote spokesperson Ryan O'Donnell, whose organization promotes fair voting and higher turnout, hails the Burlington IRV election as a solution to both the spoiler effect, when the vote is fragmented by many choices, and the expense of a second runoff election in which turnout typically plummets.

"The challenge with the machines is you have to have a machine that accommodates this method of voting," he O'Donnell says. "We needed to be able to count votes with these rankings taken into account."

While other voting jurisdictions might consider the somewhat odd combination of Diebold machines and ChoicePlus tallying that was viewed as successful, Willett says the Borland library, used for a pop-up triggered in the event of a tie, must be rewritten for the solution to be completely open source. "It's a matter of finding time to go in and replace that library," he says.

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## **Additional Notes, Quotes, and Emails**

### **Optical Scanners (summer 2005)**

In terms of simple/inexpensive implementation of IRV, I learned of a nice interim solution that they may end up using in Burlington, Vermont when they have their first IRV election next Spring:

Have the ranked voting on the ballots, BUT have the optical scanner just read and tally the first choices. If someone gets a majority, then you're all done just like it is now. If no majority, then do a "hand recount" to do all the IRV tallying. This lets you use existing machines with no added cost for IRV software/firmware (let that addition wait until the price gets within your budget). Cambridge, Massachusetts did hand tallying of ranked votes for decades before going electronic in the mid 1990's.

Craig Harvey Ann Arbor Fair Vote Coalition

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**California League of Women Voters support IRV**

From the summer 2004 issue of "Voice for Democracy" (the newsletter of Californians for Electoral Reform)

The League of Women Voters of California now have a position supporting Instant Runoff Voting in California for executive offices at the state and local level. This position came after a two-year study of alternative election systems by local League organizations throughout the state of California and after it was discussed and debated at the state League of Women Voters Convention.

The official position reads:

"Support election systems for executive offices, both at the state and local levels, that require the winner to receive a majority of the votes, as long as the majority is achieved using a voting method such as Instant Runoff Voting, rather than a second, separate runoff election."

The use of instant runoff voting in San Francisco is creating a growing buzz of attention. In August there was a strong article in the Los Angeles Times and a profile on National Public Radio's "Morning Edition."

(see & listen to Morning Edition, August 23, 2004, <http://www.npr.org/templates/story/story.php?storyId=3864851> )

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**According to Ballot Access News:**

On October 2, 2005 the California Democratic Party Executive Board endorsed letting each city and county decide for itself whether to use Instant Runoff Voting.

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**Voters Choose IRV**

According to a new study commissioned by the San Francisco Board of Supervisors and conducted by San Francisco State

University, voters who have had the opportunity to use Ranked Choice Voting (RCV), (also called Instant Runoff Voting, or IRV), prefer it to the old system. 61% of polling place voters and 77% of absentee voters preferred the system where the voter can rank candidates according to choice and have their second or third choice counted if their first or second choice is eliminated. (If your first choice is for someone who does not receive a predetermined minimum percentage of votes, then all those votes are eliminated and your second choice is then counted and so on.) 46% of voters polled (versus the 3% with the traditional system) felt with Ranked Choice Voting they will be more likely to vote for their preferred candidate rather than choose between the "lesser of two evils". Almost all of the voters polled (87%) felt that they understood how Ranked Choice Voting works, indicating that it would be easy to adapt in other communities. Ross Mirkarimi, a Green party member, currently holds office on the San Francisco Board of Supervisors, the body which commissioned the study.

The complete report is available here:  
[http://pri.sfsu.edu/reports/SFSU-PRI\\_RCV\\_final\\_report\\_June\\_30.pdf](http://pri.sfsu.edu/reports/SFSU-PRI_RCV_final_report_June_30.pdf)

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### **IRV in 1975 Ann Arbor**

based on an email from Craig Harvey in 2005, responding to comments about Ann Arbor's earlier use of IRV (which was called majority preference voting)

Those who remember the 1975 election may recall some controversy surrounding the election.

It took a month to determine who the winner was. I have copies of all the Ann Arbor News articles from that month. Why were there problems? Many reasons, some of them similar to Florida in 2000 (which didn't use IRV but obviously should have). The use of IRV, in itself, was by far the least of the problems.

It was early April 1975. The Democrats had been losing the Mayor's race because of liberal vote-splitting with the Human Rights Party (who had elected members on City Council). The Democrats had failed to get enough signatures on the ballot to institute a separate run-off election, so they were reasonably supportive of this ranked-choice voting (IRV) thing when it did get enough signatures to be put on the ballot and win in November 1974. People had been using those big lever-type voting machines for years. In the April '75 election they used those

machines for every race EXCEPT mayor, while for mayor they used a totally separate paper ballot, on which they had to write a "1" inside one circle and if desired a "2" and possibly even a "3" inside the other circles.

This whole separate system for mayor -- the need for a whole new system of locked ballot boxes to transport the ballots, instead of just recording the numbers off of the lever machines, at least one lost ballot box, not to mention a post-election lawsuit about the legality/eligibility of the Human Rights candidate (where her official residence was), and probably some other issues I'm forgetting now, most likely caused by sore-losers unwilling to support majority rule.

I have difficulty understanding why anyone would have a problem with a system that guarantees majority rule while at the same time giving a voice for minority interests.

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## **KRIST NOVOSELIC TOURS THE NATION**

Krist Novoselic, bass player for the band Nirvana and an effective political activist in Washington state, has written a new book called "Of Grunge & Government: Let's Fix This Broken Democracy." In the book Novoselic discusses how Nirvana emerged as the world's biggest band of the early 1990s and his relationship to Kurt Cobain to how he got involved in politics and why we need electoral reform- in particular full representation and instant runoff voting.

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## **New Book: "10 Steps to Repair American Democracy"**

From: "Steven Hill" <hill@newamerica.net>  
Subject: my new book, "10 Steps to Repair American Democracy"  
Date: Fri, 31 Mar 2006 11:28:56 -0800

From: Steven Hill, New America Foundation

Dear friends and colleagues,

I thought you might be interested to know that my next book, "10 Steps to Repair American Democracy," will be in the bookstores in May (PoliPointPress, \$11.00). The book is a brief, practical

"one-stop shoppers' guide" to what's broken about democracy in the USA, and what Americans can do to repair it.

The Introduction presents an overview showing that American democracy has been working about as well as the levees around New Orleans. This is followed by 10 chapters (each chapter being a "step"/solution) covering the voting equipment/election administration issue, Electoral College/direct election of the president, instant runoff voting, campaign finance reform, media reform, universal voter registration, term limits for Supreme Court justices, overhaul of the U.S. Senate, proportional representation and the end of winner-take-all elections/redistricting abuses, and more. Instead of reading four or five or six different books -- one on the Electoral College, another on voting equipment, yet another on campaign finance reform, media reform, redistricting or instant runoff voting -- who has time for so much reading! -- "10 Steps" gives you a brief overview of all of these, plus practical, solution-oriented steps so that even a person with minimal time can participate in transforming our democracy.

The book also includes a powerful foreword by New Yorker columnist Hendrik Hertzberg. In short, "10 Steps" presents an overall vision for how American democracy could be -- no, how it WILL be -- and a blueprint for how to get there. All for 11 bucks (or as one reader wrote back, "\$1.10 per step" ;-). What a bargain, eh?

Also, I will be doing a book tour in June or so, most likely in the cities of Seattle, Portland, Sacramento, San Francisco, Los Angeles, Chicago, Madison, Minneapolis, Washington D.C., and New York, and perhaps a few other cities. If your organization is willing to co-sponsor the talk in your city, please let me know.

So be looking for "10 Steps" in your local bookstores and on the usual web sites. And please spread the word (i.e. forward this e-mail to your own lists). Sorry in advance if you receive this notice more than once. Thanks.

Steven Hill

P.S. Below is the Table of Contents, giving you more of a flavor for the book.

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### **Is IRV Perfect?**

Please remember one thing: <http://www.fairvote.org>

Here you can find answers to almost any question/issue that comes up. In this case, what you want to look at is:  
<http://www.fairvote.org/pr/perfectexamples.htm>

As this summary points out, there is no perfect voting system. There are probably staunch proponents of every system, who love to point out the flaws in other systems. I believe the Center for Voting and Democracy (fairvote.org) did a thorough and as unbiased as possible job of evaluating the alternatives before they embarked on the major IRV campaign that they are spearheading. Also note that one group that uses IRV is the American Political Science Association (who studies this kind of stuff) who uses it to elect its president.