

Ranked-Choice Voting vs. National Popular Vote

Sean Parnell

Ranked Choice Voting vs. National Popular Vote: The Conflict Explained

There is a fundamental incompatibility between the National Popular Vote interstate compact (NPV) and an election process used by some states called Ranked Choice Voting (RCV). NPV anticipates that every state will produce a single vote total for each candidate, but RCV produces at least two: an initial vote count, before the RCV process of transferring votes, and the final vote count at the conclusion of the RCV process. This would produce uncertainty, litigation, and opportunities for manipulation if NPV took effect.

The following two scenarios demonstrate the fundamental conflict between NPV and RCV.

Scenario 1: Utah 2016

In 2016 Evan McMullin ran as an independent against Hillary Clinton and Donald Trump. In most states he received less than one percent of the vote. In his home state of Utah, however, he received 243,690 of the 1,131,430 votes cast, finishing in third place behind Clinton (310,676) and Trump (515,231). Several other independent and third-party candidates received a combined 61,833 votes in Utah.

What if Utah had used RCV in 2016? We can't know for sure how voters would have ranked their second, third, or other choices, but we can make some reasonable guesses.¹ Here's how that might have played out:

	Initial	Intermediate	Final	Difference
Trump	515,231	530,689	660,263	+145,032
Clinton	310,676	326,134	390,921	+80,245
McMullin	243,690	259,148	0	-243,690
Others	61,833	0		-61,833

¹ Assumes in Round 2 "Others" split evenly between Trump, Clinton, McMullin, and those not ranking any further candidates, and in Round 3 McMullin's votes split 50 percent for Trump, 25 percent for Clinton, and 25 percent did not rank either.

How many popular votes did Trump and Clinton receive from Utah in 2016? There is no obviously correct or legally conclusive answer. Using just the initial and final numbers, Trump received either 515,231 or 660,263 votes, a difference of roughly 145,000 votes. Clinton received either 310,676 or 390,921, a difference of about 80,000 votes. If the final numbers are used, Trump has a net gain of approximately 65,000 votes in the national vote count.

Scenario 2: Maine 1992

In 1992, independent Ross Perot ran against Bill Clinton and George H.W. Bush, finishing in third place in most states. In Maine though, Perot finished second with 206,820 of 679,499 votes cast, behind Clinton (263,420) but ahead of Bush (206,504). A few third-party and write-in candidates received another 2,755 votes between them.

What if Maine had used RCV in 1992? Again using reasonable assumptions regarding how voters might have ranked the candidates, here’s how that election might have looked:²

	Initial	Intermediate	Final	Difference
Clinton	263,420	264,109	333,104	+69,684
Perot	206,820	207,509	276,504	+69,684
Bush	206,504	207,193	0	-206,504
Others	2,755	0		-2,755

Under this scenario, how many votes did Clinton and Bush receive from Maine in 1992? Again, there is no obviously correct and conclusive answer. Using just the initial and final numbers, Clinton would have received either 263,420 or 333,104, a difference of just under 70,000 votes. For Bush, however, the consequence of coming in third place would be dire – his 206,504 votes in the initial round become zero in the final tabulation and Clinton has a net gain of more than 276,000 votes in the national vote count.

Conclusion

The NPV compact was drafted at a time when RCV was not used in any states in presidential elections. Since then, Alaska and Maine have adopted RCV and other states are considering it. NPV assumes every state will use simple plurality voting that produces a single vote count for each presidential candidate. States using RCV may produce two totals that can be significantly different and could, in a close election, change the winner.

NPV provides no guidance on which vote totals to use in calculating the national vote total. The choice is left to the chief election official within each compact state, and NPV provides no mechanism for resolving differences or disputes in which numbers should be used. In a close election, this could give a group of often obscure state officials the power to manipulate the national vote count based on which vote totals they use from other states.

This is too much power to vest in any official, and will lead to confusion, controversy, and chaos. NPV’s failure to anticipate the conflict between the compact and RCV, and its additional failure to provide any guidance or process for resolving this and similar issues, makes it fatally flawed and dangerous to democracy.

² Assumes in Round 2 “Others” split evenly between Clinton, Perot, Bush, and those not ranking any further candidates, and in Round 3 Bush’s votes split one third for Clinton, one third for Perot, and one third did not rank either.