

Andy Cilek: Instant-runoff voting has fatal flaws

It can result in more votes than there are voters, and it can put voters in the position of casting a ballot that can harm their preferred candidate.

By ANDY CILEK

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On May 13, the Minnesota Supreme Court heard oral arguments in the instant-runoff voting case against the city of Minneapolis. A ruling is expected in early June. We at the Minnesota Voters Alliance, the group who filed the lawsuit, believe the court should follow precedent and rule IRV unconstitutional.

In a single-seat IRV election, voters rank candidates in order of preference. If no candidate receives 50 percent plus one of the first-choice votes, then the candidate with the fewest first-choice votes is eliminated. The second-choice votes on those ballots are then counted, and totals are recalculated. The process is repeated until one candidate emerges with 50 percent plus one of the votes.

There are subtle differences between the 1915 Bucklin preferential-voting method, which was ruled unconstitutional by the Minnesota Supreme Court, and the IRV method of voting. In the Bucklin method, voters rank candidates just like in IRV, but when a second round of counting is necessary, every voter's second-choice vote is counted and all the votes are added together, resulting in "more votes than voters."

IRV shares this fatal flaw. Any time it goes to a second or third round of counting, if all the votes that were actually "counted" were added up, you end up with more votes than voters. Proponents have used rhetorical trickery to suggest otherwise, but the facts speak for themselves.

One of the specific problems that the 1915 court had with the Bucklin method was that a voter's second-choice vote could harm his first-choice vote, which prompted the court to say: "The preferential system directly diminishes the right of an elector to cast an effective vote for the candidate of his choice."

IRV is actually worse than Bucklin because in IRV, a voter can unknowingly harm his favorite candidate simply by raising that candidate in rank or by ranking him as his first choice.

No voter should ever be put in the situation of harming his favorite candidate simply by ranking him as his first choice. This is pure disenfranchisement as well as a clear violation of our First Amendment rights of freedom of (political) association and 14th Amendment rights of equal protection.

Imagine a mayoral election with four candidates, one Republican and three Democrats. A Republican voter who selects just one candidate is forced either to violate her own equal protection rights -- because other ballots would carry more weight -- or to rank candidates she opposes, thus violating her freedom of association rights.

The 1915 court got it right when it said: "When the constitution was framed, it was never meant that one elector can vote for the candidate of his choice, and another elector can vote for three candidates against that candidate." This is precisely what can happen in a one-election IRV system as proposed by Minneapolis.

If the court fails to recognize the unconstitutionality of IRV and allows it to be put into practice, voters will soon be shocked to discover what a bizarre and inexplicable system it is. Elections will take weeks, if not months, to decipher. Voters will be unable to know if the ballot they cast had the effect they intended, and nobody will be able to truly trust the outcomes of elections.

Andy Cilek, Eden Prairie, is executive director of the Minnesota Voters Alliance.