



# PORTLAND MAINE

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**Office of the City Clerk**  
**Linda C. Cohen, MMC**

## MEMORANDUM

**TO:** Pamela Plumb, Chair and  
Members of the Charter Commission

**FROM:** Linda C. Cohen, City Clerk

**DATE:** January 5, 2010

**RE:** Ranked Choice Voting (Commonly Referred to as Instant Run-off Voting)

We are currently using Accu-Vote OS Automatic Scanning equipment, 1990's technology, to count election results in the City of Portland. This machine is used by a majority of the automated municipalities in the State of Maine, and does not currently have Ranked Choice Voting ability. While only 20% of Maine's municipalities use machines, the consistency of voting on the same equipment from community to community has virtually eliminated any hand-tallying of improperly voted ballots on election night, thereby cutting our election costs. The Accu-Vote OS is certified by the Secretary of State, but is scheduled to be replaced before the November, 2010 election. It is unknown, at this time, if the new equipment, which will be purchased by the State of Maine, will have Ranked Choice Voting functionality.

As of today, in order to conduct Ranked Choice Voting for one or more municipal races, the City would have to purchase new machines at a cost of approximately \$105,000. We could not upgrade the current machines because they count the State election results, and we are not allowed to change the programming of these machines. We would purchase new machines, capable of RCV, and use them for only the City races using RCV. Because we cannot run RCV ballots and non-RCV ballots through the same machine, we would use the State machine to process the City ballots with plurality elections and referendum questions.

Because the memory card can only store between 900 and 1,100 images, we would need to purchase about thirty (30) more cards to run the number of ballots through that we would expect during a Presidential election. This would be at an additional cost of \$7,500. These cards must be brought back from the polling places on Election Night, and uploaded into a central computer for the RCV function to do its work. The RCV program was very expensive a few years ago, but it is now Internet based and free.

Current ballot printing costs for Gubernatorial and Presidential elections are approximately \$10,000. Because each RCV race requires its own side of a ballot, printing costs could double, triple, etc. depending on the number of races that were decided by RCV. For instance, if the Mayoral race is the only RCV race, we would need one RCV ballot and a second plurality ballot for the remaining races, doubling the printing costs. If it was decided that all City Council races would be decided by RCV, we would need 2 RCV ballots and one ballot for the remaining races of School Committee, Water District, etc., tripling the printing costs. Our programming costs would increase because it costs more to program a RCV card than a plurality card, and we would be programming two sets of memory cards: one for the RCV machine and one for the other.

RCV cannot process a write-in election, so those votes would have to be hand counted. It is not clear to me how we would handle the memory cards from Peaks Island, as we currently get the ballots and all equipment back from Peaks Island the day after the election. Would we send someone on the fireboat to retrieve the memory cards on Election Night, so they can be uploaded?

RCV cannot process a Vote-For-Two race. This occurs with the At Large City Council and School Committee seats one out of every three years. If one of these seats was the Mayoral seat, then this issue could be eliminated for At Large Council, if it was decided to use RCV for all Council races.

From my discussions with other communities using RCV, I know that the results take longer to obtain. Currently, even for a Presidential Election, Portland has over 99% of the results in and reported within an hour of closing the polls. This means that personnel costs will increase, both the City Clerk's office staff and the other departments that help wrap up the election. Most of these employees are unionized, and there may be some considerations there regarding the overtime. Polling place personnel costs would also rise, because staff would be closing out two machines in each polling place as opposed to currently closing out one, and we would need extra clerks telling the voters which ballots go in which machine. We would have to decide how the memory cards would be transported back to City Hall. If the Wardens return them after all the packing up is done, it will make the results even later. If we need to hire someone to go to each polling place to retrieve the memory cards, we incur the cost of that employee. In other municipalities in the country, law enforcement officials pick up the memory cards. I would not recommend this in Portland. In South Portland, our police used to deliver the absentee ballots to the polls until one election when they were all called to an unattended death. The absentees did not get delivered for hours after the polls closed. Obviously, a law enforcement emergency would take priority.

If the State purchases equipment that does not have the RCV function, we would have to keep our current machines, and upgrade them for RCV, at a cost of \$2,375. We would lose the buyback money we are anticipating receiving for our current equipment, and we would not be using the most up-to-date equipment. I do not yet have an amount for the buyback. All other information remains the same relating to printing and personnel costs as well as logistics. If the State purchases equipment that does have the RCV function, we will still need to have two

machines at the polls for the races that continue to be done by plurality and for referendum questions.

### **Update on Others Who Use RCV or Similar Processes**

Cary, NC used the process for one election and voted at the very next election to go back to plurality voting. The voters questioned its constitutionality and lack of transparency. Burlington is currently facing an initiated referendum to repeal RCV. In the last election, the candidate who won in the first and second rounds lost in the third round, and this has created an uproar that brought about the petition for repeal. Pierce County, WA has just repealed RCV. Minneapolis used RCV for the first time in November with a record low turnout of voters. Because the Federal Government has not certified RCV machines, and Minnesota's municipalities are prohibited from counting votes with other than federally certified equipment, they had to hand count the ballots. It took fifteen (15) days to get results. Everyone who won the first round did when the final round.

The company from which we purchased our equipment tells me that newer machines coming down the line may not be capable of RCV, because so few jurisdictions use the technology, it is not cost effective to produce it.