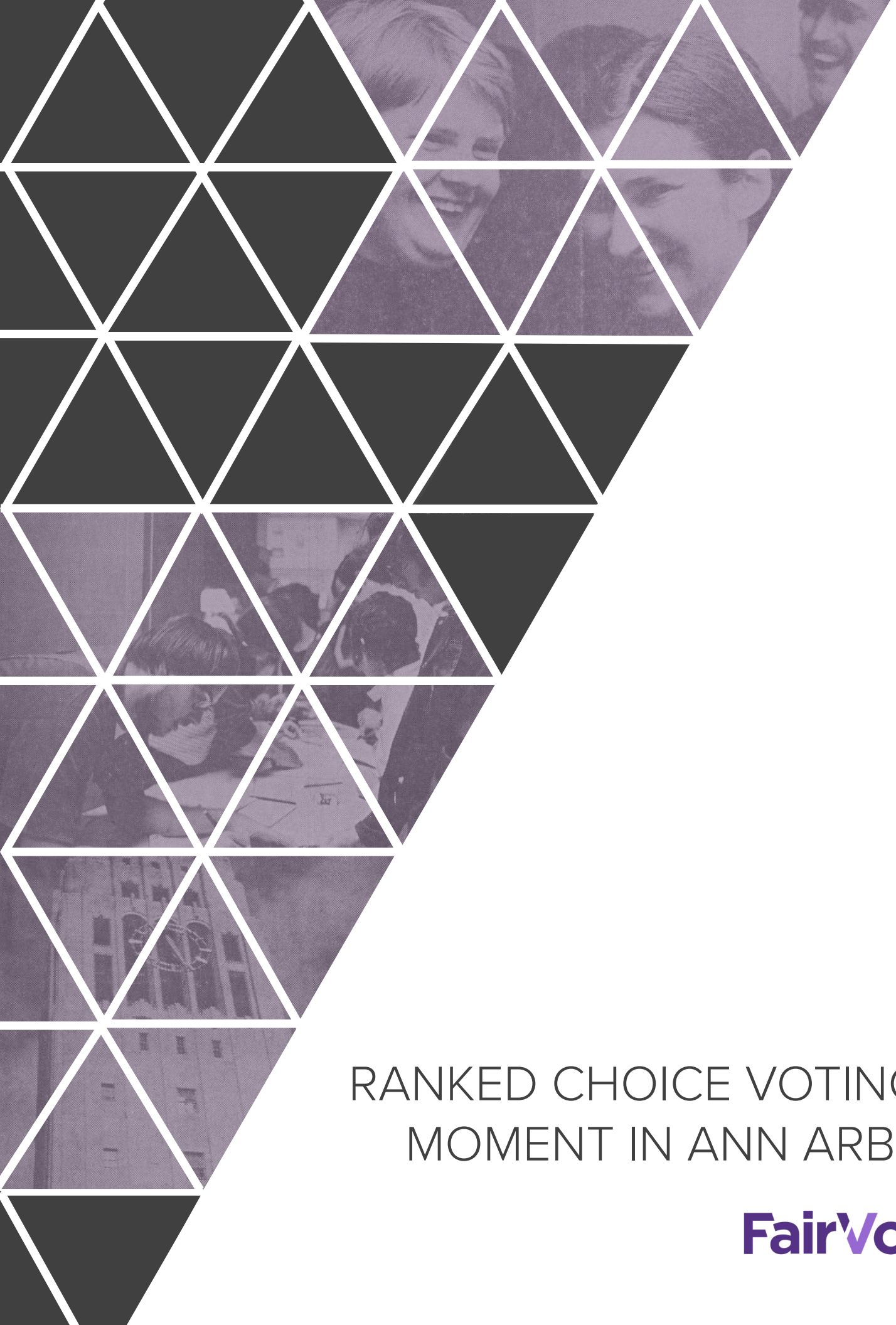

RANKED CHOICE VOTING'S MOMENT IN ANN ARBOR

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FairVote is a non-partisan non-profit organization that seeks to make democracy fair, functional, and more represenative. We research and propose common sense changes to strengthen American democracy and ensure all voices are heard and every vote counts in every election. Operating since 1992, FairVote works with scholars, civic leaders, policymakers, journalists and national, state and local reform partners to advance fairer elections.

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Cover photos:

Top:
Michigan Daily Digital Archive: Rolfe Tessem, 2 April 1974

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Introduction

Michigan Daily Digital Archive: Robert Wargo, 4 April 1972

The story of ranked choice voting in Ann Arbor, Michigan is one of conflict, compromise and collapse. It's the story of a group of college students—radical in their political beliefs and newly emboldened by the Vietnam war—who formed a third party and aggressively challenged establishment politics. It's also the story of an election night as dramatic as any, a contest decided by a handful of votes that elected the city's first (and, to date, only) black mayor. And finally, it's a story of powerful backlash, swift enough to repeal RCV in Ann Arbor just two years after its adoption.

Ann Arbor stands as a midpoint in the history of ranked choice voting in the United States. The city adopted RCV in 1974, thirty years after the reform's early popularity in Ohio, Massachusetts, and New York, and thirty years before the current surge that began in the early 2000s. When Ann Arbor used RCV in 1975—the first ever for a mayoral election—only Cambridge and New York City were still using the system. After Ann Arbor's repeal, RCV was not adopted in an American city for another twenty-five years. Its moment was brief, and is surrounded by decades without a successful RCV campaign.[1]

Still, for reformers and scholars alike, RCV's moment in Ann Arbor is important to understand. Its rise demonstrates the very real opportunity for transforming our electoral system when the moment arises. Indeed, there are strong parallels between Ann Arbor's path to RCV and that of the most recent campaigns. On the other hand, its fall provides a word of caution, reminding us that structural change is often more fragile than we think.

I. Ascent of the Human Rights Party

The story begins in 1971 with the ascent of a wild force in Ann Arbor politics: the Human Rights Party (HRP). Founded by a collection of University of Michigan students and community activists, HRP emerged from the tumult of late-1960s radicalism, channeling resentment over the Vietnam War to mobilize a leftist alternative to the two major parties. As its platform declared, HRP was "organized on the principle that the Democratic and Republican parties are servants of the existing social order and… are not legitimate vehicles for serious social and economic changes."[2]

It was HRP's mission to offer a forum for what it called "radical ideas." To this end, they called for complete withdrawal from Vietnam, a steeply graduated income tax, community control of school boards and the police, city-subsidized child care, legalization of all drugs, and equal rights for gays and lesbians. With these proposals, HRP believed it could bring young and working people into politics and spark "a nationwide transformation."[3]

The group also had electoral ambitions in local politics. But before HRP was certified as an official party fit for the ballot, two major events significantly changed the group's trajectory.
First, and most significantly, was the ratification of the 26th Amendment, which lowered the voting age to 18. When Ohio became the thirty-eighth state to approve it in March 1971, Ann Arbor's political landscape was remade. According to the 1970 U.S. Census, the addition of 18, 19, and 20 year-olds doubled the student voting bloc. While students made up only 13 percent of the voting population in 1970, the Amendment expanded that number to a formidable 27 percent.[4]

This transformed students into a potentially decisive force in city elections. While some of HRP's early leaders were graduate students, the 26th Amendment made it possible to harness the votes of undergraduates at one of the most liberal universities in the country. With the student population heavily concentrated in the city's First and Second Wards, HRP had a real chance to win a seat on City Council.

The second major event was a crucial decision that August by the Michigan Supreme Court. In Wilkins v. Ann Arbor City Clerk, the Court ruled that restrictions on students trying to register to vote in their college towns violated the Equal Protection Clause of the Fourteenth Amendment.[5] This relieved students of the burden to prove they were residents of Ann Arbor and opened the door for the newly enfranchised. They came out in droves. According to local reports, 18,000 students registered to vote in 1972.[6]

These two major developments set the stage for HRP's first real test in Ann Arbor politics: the 1972 City Council elections.

HRP ran candidates in every ward. All of them were twenty-five years old or younger, and none of them were predicted to win. HRP was a fringe group that, in the opinion of one Republican, "should go back to shining shoes and fornicating."[7]

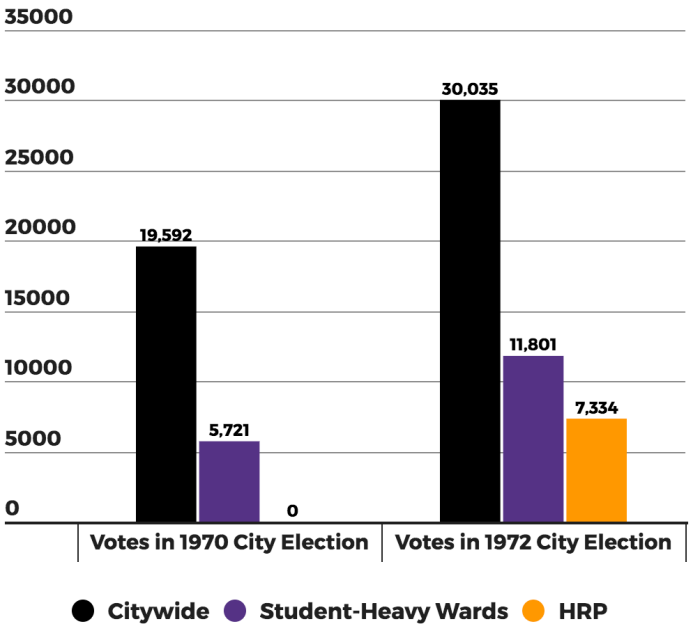
But on the evening of April 3, 1972, the improbable happened. Nancy Wechsler—a 22-year-old Michigan graduate who worked at a bookstore and had been with HRP since the beginning—won in the Second Ward. Even more surprising was

Ann Arbor Sun: 1 September 1972

the contest in the First Ward, "long considered a Democratic stronghold" according to the Michigan Daily. Jerry DeGrieck, a senior history major at Michigan, pulled off an HRP victory thanks to big margins in the student-heavy precincts.[8]

An analysis of data from that year is clear: a surge in the student vote drove HRP's success. Between the 1970 and 1972 elections (the first occuring before ratification of the 26th Amendment and Wilkins, the second after), the vote in City Council races increased by 53 percent. Seventy percent of this increase went to HRP and was concentrated in the student-heavy wards. Over that same time period, turnout in the First and Second Wards more than doubled.[9]

The student vote changed Ann Arbor's electoral landscape and propelled HRP to victory in 1972.



Thanks to this, the balance of power in city government changed overnight. The previous eleven-member City Council was made up of six Republicans and five Democrats. But after the 1972 elections, the Council consisted of five Republicans, four Democrats, and two from HRP. This put Wechsler and DeGrieck in a unique position. Unless Democrats and Republicans joined together, any legislation would need HRP's approval to reach a six-member majority. All of a sudden, the Human Rights Party had a seat at the bargaining table.

They used it. One month after their big victory, HRP partnered with Democrats to pass one of the most liberal marijuana ordinances in the country. HRP hailed its passage as a "total victory" while Republicans denounced the alliance as "a political deal." With a 6-5 majority, the HRP-Democratic coalition could overcome total opposition from the Republicans.[10]

A couple months later, the same coalition passed an anti-discrimination ordinance over Republican objections. Proposed by HRP, the law banned discrimination on the basis of sexual preference as well as "marital or educational status."[11] It was one of the first of its kind in America and remains the centerpiece of HRP's legacy.

As 1972 came to a close, the Human Rights Party had established itself as a force in Ann Arbor politics. Its leftist platform was backed by an emergent student voting bloc that had the power to swing elections. On City Council, the relationship between HRP and the Democrats was one of cooperation. But the following year, the tenuous nature of this partnership was exposed, prompting calls for electoral reform.

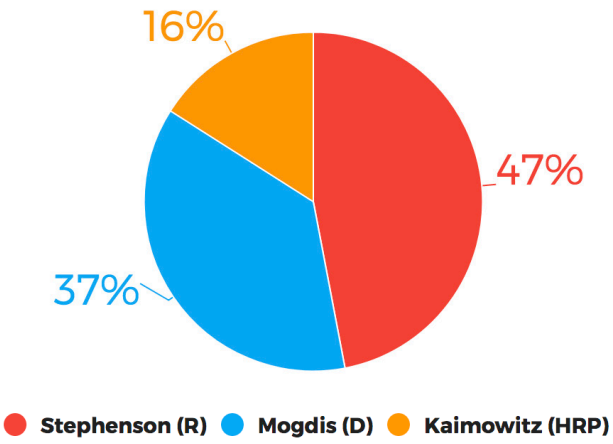
II. The Campaign for RCV

The beginning of the campaign for RCV (then referred to as "preferential voting") can be traced to the 1973 mayoral election. That contest was a classic case of what is called a "split vote." This happens when like-minded voters splinter their support among multiple candidates, handing the election to a different candidate who most oppose. In 1973, the Democrats and Human Rights Party split the vote, propelling Republican James E. Stephenson to victory without majority support.

Local coverage depicted HRP candidate Be Kaimowitz as having "acted out the role of spoiler right on the Republican cue." As the Daily wrote, "If she hadn't run and her voters had pulled Democratic levers, it would be Democrat Franz Mogdis who sat at the head of the council

table."[12] Meanwhile, the election also delivered Republicans a 7-member majority on City Council that threatened the HRP-Democratic alliance.

In 1973, James E. Stephenson won the mayoral election even though most voters opposed him.



With HRP having lost its swing vote and Democrats still in the minority, both parties were in a very weak position. HRP wasn't going anywhere, which raised the question: would they continue to play spoiler, split the vote with the Democrats, and hand Republicans the mayor's office? In the meantime, Republicans were having their way on City Council without needing to compromise. In July 1973, they repealed the marijuana ordinance despite the HRP-Democratic coalition voting against it and "several pies" being thrown at the mayor during the meeting.[13]

The following year, HRP realized its current position was threatening to give Republicans an even stronger majority. So long as a plurality system governed the city, the potential for a split vote would continue to empower the opposition.

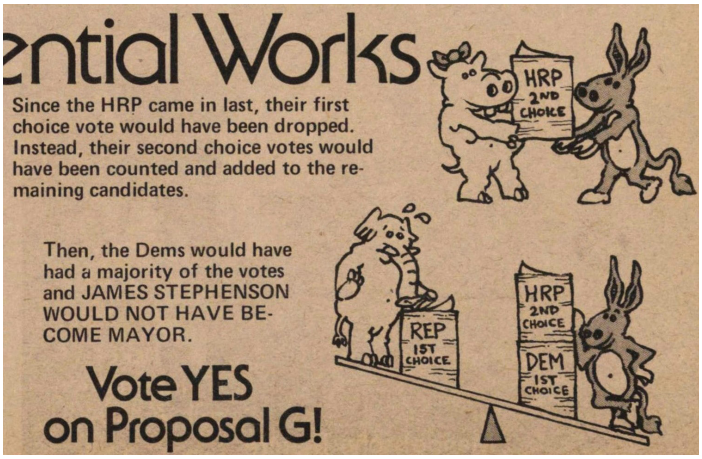
In the lead up to the 1974 election, HRP adjusted its tactics accordingly. In the Fourth Ward, HRP candidate Margaret Nichols ran a "noncampaign" when it became clear she could not win. Instead of campaigning for victory, she encouraged HRP supporters to cast ballots for the Democrat, who had a chance to flip a Republican seat. As the Ann Arbor News reported, Nichols "was readily warning voters a vote for her could help reelect Colburn [the Republican] by splitting the liberal-radical voting bloc." This strategy appeared to work: HRP lost 700 votes compared to the previous year, Democrats gained about 800, and the Democratic candidate won the election by 578 votes.[14]

Though HRP had tried and failed to get RCV on the ballot the previous year, now the time was ripe. The split vote in 1973 and successful "noncampaign" in 1974 demonstrated the flaws of the current system and the possibilities of a new one. Under ranked choice voting, HRP would not need to worry about a split vote or being cast as spoilers. And since Democrats would almost certainly be the second choice of HRP voters, they could use consensus support to defeat Republicans. This made a partnership between the two parties viable.

However, it didn't start that way. In June 1974, both Democrats and HRP started petition drives to change Ann Arbor's voting system—but they backed different reforms. As the Ann Arbor News reported, Democrats favored runoff elections for both mayoral and City Council races. HRP, on the other hand, backed a single change: ranked choice voting for mayoral elections.[15, 16]

HRP immediately denounced the Democrats' plan as a "selfish power grab."[17] In one sense, they were right: changing to a runoff system would undermine any leverage HRP had as a spoiler threat. But in a different sense, Democrats were taking a risk in their push for runoff elections. If turnout was low in the runoff and Democrats couldn't get students back to the polls, Republicans could pick up additional seats and retain the mayor's office.

HRP believed that an RCV election for mayor would "enable all three parties to run honest and open campaigns… by eliminating the issue of vote-splitting."[18] It would also incentivize Democrats to expand their appeal to the student voting bloc. At a time when HRP was losing momentum—it held just one seat on Council[19] and citywide support had dropped 24 percent since 1972—RCV offered a chance to restore the party's position in Ann Arbor politics.



Ann Arbor Sun: 25 October 1974

When the petitioning deadline arrived in August, the Human Rights Party scored a major victory: RCV made the ballot, but runoffs did not. Focus quickly shifted to the Democrats: would they back the RCV initiative? After all, it could help them win back the mayor's office. Or would they reject it? This would bank on HRP's continued decline and the return of two-party control (otherwise, split-voting would continue to elect Republicans). In many ways, Democrats controlled the fate of RCV at this critical juncture.

The answer came a month later, as prominent Ann Arbor Democrats backed the RCV initiative. Calling themselves "Citizens for a Majority Mayor," this group sent a fundraising letter to party members highlighting the Democrats' pivotal role in getting RCV passed. The letter explained:

> *Obviously, the chances for preferential voting to win in November are dependent on strong support from those like ourselves. Should we fail to rally this support, we will have only ourselves to blame when the Republicans retain a minority mayor.*[20]

Days later, the Democratic Party formally endorsed HRP's proposal.[21]

Still, RCV was not without its detractors as the November election approached. Republicans claimed that an RCV system was unconstitutional and violated the principle of "one person, one vote."[22] And just two weeks before the election, the Ann Arbor News urged voters to reject RCV. The paper depicted RCV as an untested experiment that would complicate the voting process.[23]

Despite these arguments, voters came to the polls in record numbers to pass RCV in November 1974. The reform passed 53 percent to 47 percent with the city's highest turnout for a ballot initiative in the fifty years following World War II. [24]

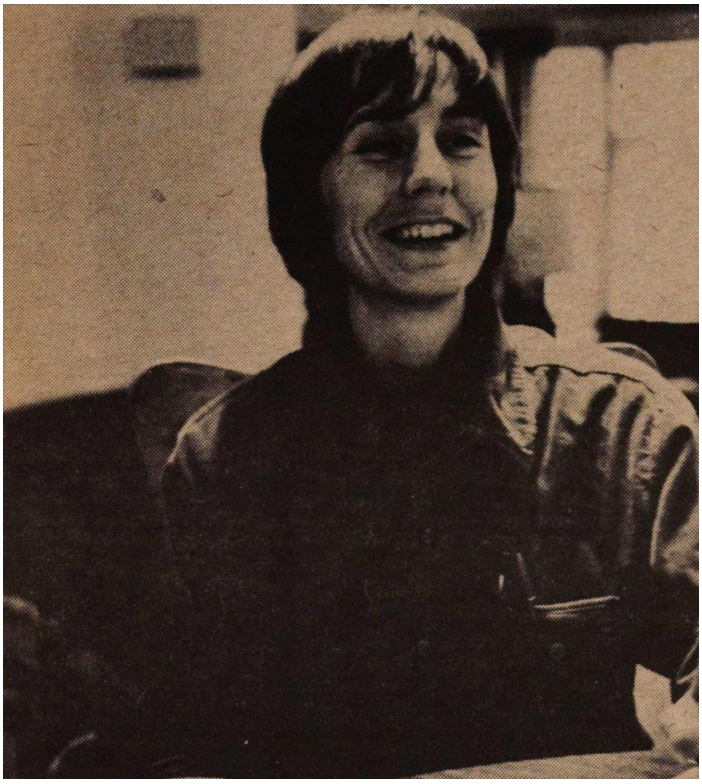
Days after its passage, the Ann Arbor News again questioned RCV. Stressing the uncertainty that would accompany the new system, the paper asked: "[W]hy turn to a more complicated system of voting when election participation is dropping year after year?" In its opinion, the system was destined for a court challenge.[25]

But Mayor James Stephenson, a Republican who opposed the RCV proposal, was more accommodating. Instead of pursuing a legal challenge, Stephenson relented and emphasized the need for voter education.[26] "It's here, and we'll live with it," he said.[27] In the upcoming mayoral election, Ann Arbor voters would rank their choices for the first time.

III. RCV's Debut: The Mayoral Election of 1975

Three candidates ran for mayor in 1975. Mayor Stephenson sought re-election for the Republicans, while the other parties ran first-time candidates. The Democrats ran Albert Wheeler—a longtime civil rights activist and the first black tenured professor at the University of Michigan. HRP ran Carol Ernst, a young dispatcher for the Ann Arbor Transportation Authority.

The rise of HRP may have contributed to the Democrats choosing Wheeler as their nominee. Indeed, HRP changed the types of candidates who were running for office. This is evident in the changing demography of major party candidates, which may have been a concerted effort to cater to the student voting bloc.



Ann Arbor Sun: 14 March 1975

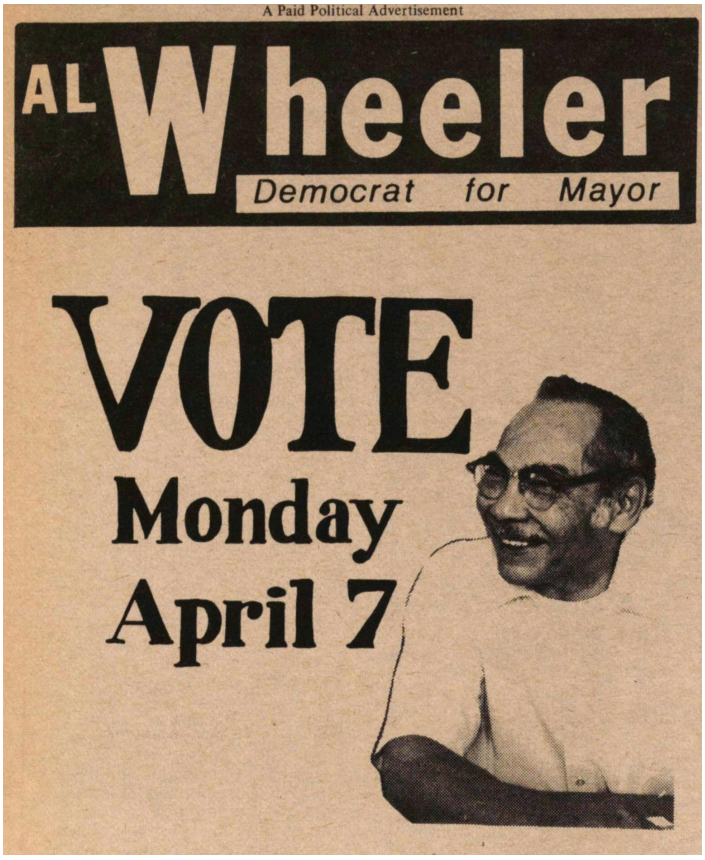
For instance, the percentage of female candidates during the HRP era doubled compared to the previous 15-year period. In addition, the number of Democratic and Republican candidates under 35 years old more than doubled compared to pre-HRP levels.[28] And in 1976, a 28-year-old black Republican won a seat in the student-heavy First Ward.[29]

As election day approached, two major questions arose. First: would Stephenson be able to secure a majority of first-choice votes? Though he had won the 1973 election by a 10-point margin, the HRP-Democrat combined vote had reached 53 percent. If this bloc could recreate itself, Wheeler would win under RCV. However, it was possible HRP did not have enough support left to prevent a first-round Republican majority. Stephenson was banking on this as his only path to victory: "either we get a majority of first place votes or we do not win."[30]

The second question revolved solely around HRP: would its voters rank Wheeler second? Since its founding, HRP had denounced the two major parties as obstacles to its vision of radical change. Now it faced a major decision: support the Democrat or die. If Ernst voters failed to rank Wheeler second, Democrats would have good reason to repeal RCV. As political scientist Jack Santucci explains, the second-largest faction in situations like this can "boost its size" with the support of "voters who care about opposing the largest faction" after repealing RCV.[31] Without a ranked choice system, the Democratic Party would offer the best chance at preventing a Republican victory and absorb HRP's remaining voters.

Ernst herself expressed doubt about whether she would rank Wheeler second. In her opinion, "Most HRP activists believe there is no difference between voting for a Democrat or Republican." She even predicted that "most HRP workers will not be making a second choice, or will be making an alternative second choice—a write-in of some kind."[32] Just weeks before the election, uncertainty dominated the campaign.

On April 7, 1975, Ann Arbor voters finally went to the polls.



Ann Arbor Sun: 14 March 1975

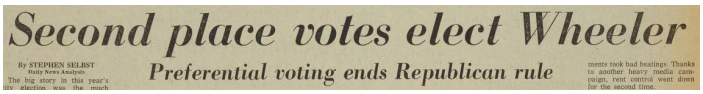
Initial returns were bad news for the Wheeler campaign. Though Stephenson had not secured an outright majority, Wheeler would have to receive almost the entire HRP vote in the second round to win. The Michigan Daily declared this "a practical impossibility." Wheeler seemed ready to accept defeat: "It's going to be a long two years," he said.[33]

But as city officials counted the second choices of Ernst voters, Wheeler started to close the gap. The ward-by-ward elections had already been called: five Republicans, four Democrats, and one HRP member would hold the remaining seats. This meant the mayor's race, the eleventh seat currently up in the air, would determine the balance of power on Council for at least the next year.[34]

By the end of the week, the race had been called: Wheeler had pulled off an improbable, come-from-behind victory. He won by earning almost 90 percent support of HRP voters after no candidate initially received a majority. It was just enough to edge out Stephenson: Wheeler won by 121 votes, a margin of just 0.4 percent. Some called it "the biggest political event in the history of Ann Arbor."[35]

These results made clear that RCV accomplished its main goals: elect a mayor with majority support and prevent a split vote. Rather than draw support from the Democrat, HRP voters helped elect him—mirroring the coalition that had been so successful in the party's early years. Voters were able to rank their choices, and almost all of them did: despite Ernst's prediction, 99 percent listed at least two candidates. By the most important measures, RCV did what it was supposed to do.[36]

But in the coming weeks, a growing chorus began to call for repeal.

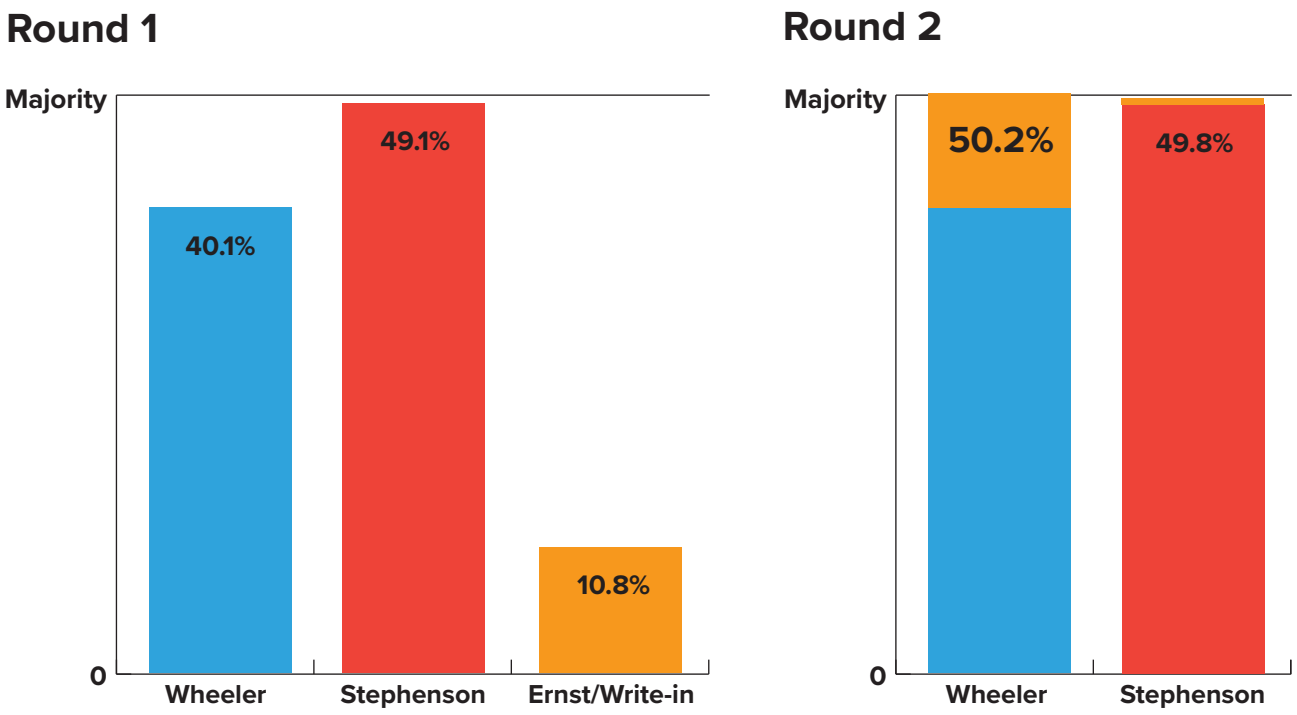

Second place votes elect Wheeler

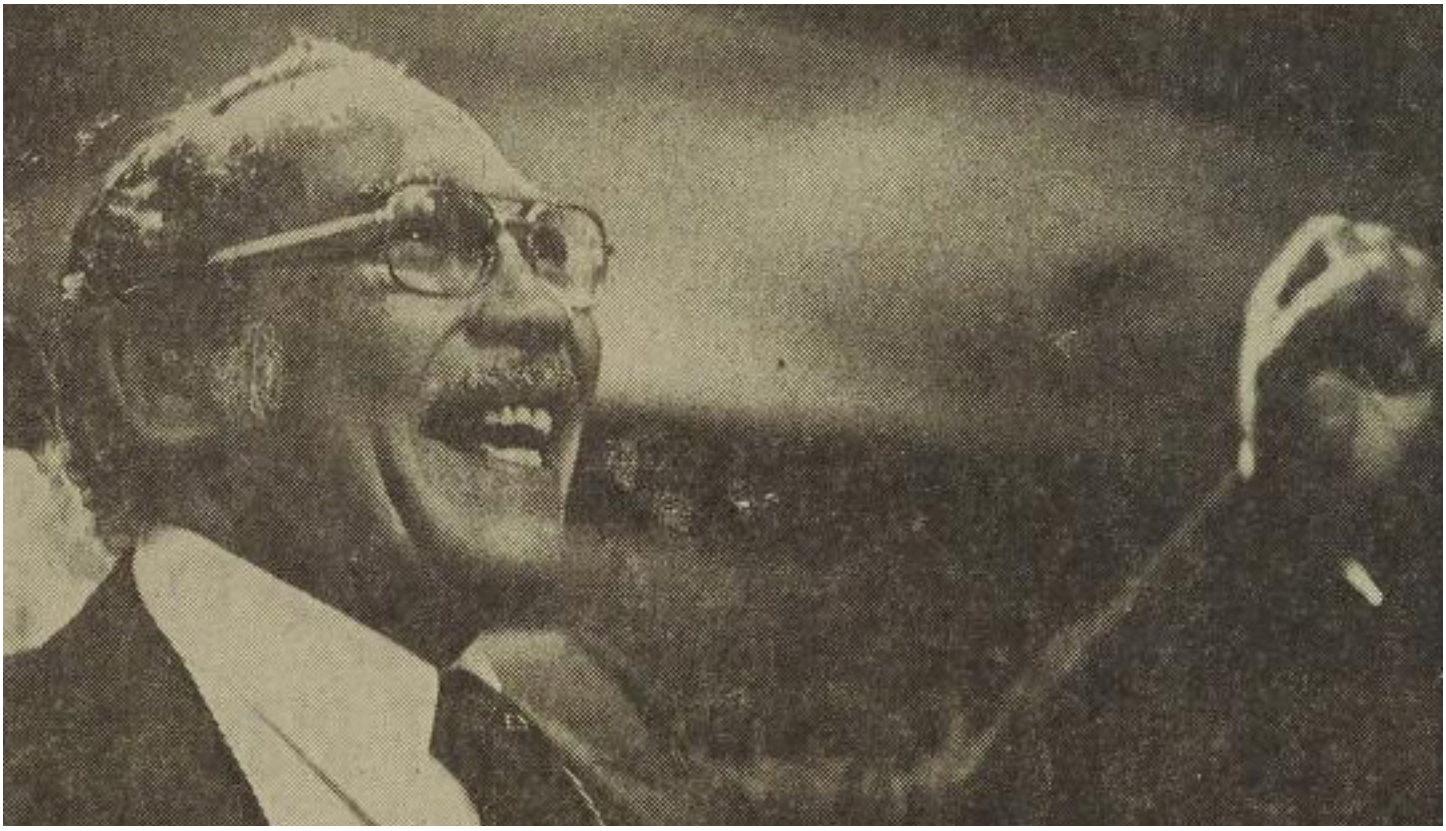
By STEPHEN SELBST
Daily News Analysis

Preferential voting ends Republican rule

Michigan Daily Digital Archive: Stephen Selbst, 13 April 1975

1975 Mayoral Election





Michigan Daily Digital Archive: Andy Freeberg, 5 April 1977

IV. The Fall of RCV and HRP's Demise

Almost immediately after election night, RCV came under fire from the press and city Republicans.

On April 13, the Ann Arbor News decried the long wait for the final results and called for RCV's repeal. Not only was the system confusing and drawn out, the paper wrote, but it gave HRP "disproportionate power" unfit for "a tiny minority group." This and the possibility for litigation led the News to a damning conclusion. They wrote: "There's no shame in admitting a mistake has been made, that [RCV] is an experiment that should be discarded. It's time the city moved promptly in that direction."[37]

Republicans launched a two-front attack on RCV: through litigation and a repeal initiative.

After Republicans on the Board of Canvassers refused to certify the election for Wheeler, both Democrats and Republicans filed lawsuits in Washtenaw County Circuit Court. While the Democrats sought an order to certify the mayor's race, Republicans pursued a more extreme case. Stephenson disputed the constitutionality of RCV, arguing it violated the principle of "one person, one vote." While a judge eventually ordered the board to certify for Wheeler (one month after election night), he delayed a final ruling on RCV itself.[38, 39]

Later in the year, city Republicans began gathering signatures for a ballot initiative to repeal RCV.[40] Should litigation fail, this backup plan presented another path back to the old system. Their goal was to make the April 1976 ballot, where voters could end RCV one year after they had passed it.

In November 1975, the judge finally came to his decision on the legality of RCV. In his view, it was constitutional and did not violate "one person, one vote." The opinion was unequivocal: "Examined from every angle… this Court finds no classification or suspect classification of voters or their rights that would violate the equal protection clauses of either the United States or Michigan Constitutions."[41]

The judge also went out of his way to emphasize the virtues of RCV, many of which are the focus of today's reformers. He wrote:

> *The State does possess a great interest in speedy determination of elections, reduced election costs, involvement of a greater base of voters, affording greater voice in government by minorities and having the elected officer-holder be one who is the choice of the majority of the voters.*[42]

For the time being, defenders of ranked choice voting had just one hurdle left: defeating the repeal initiative.

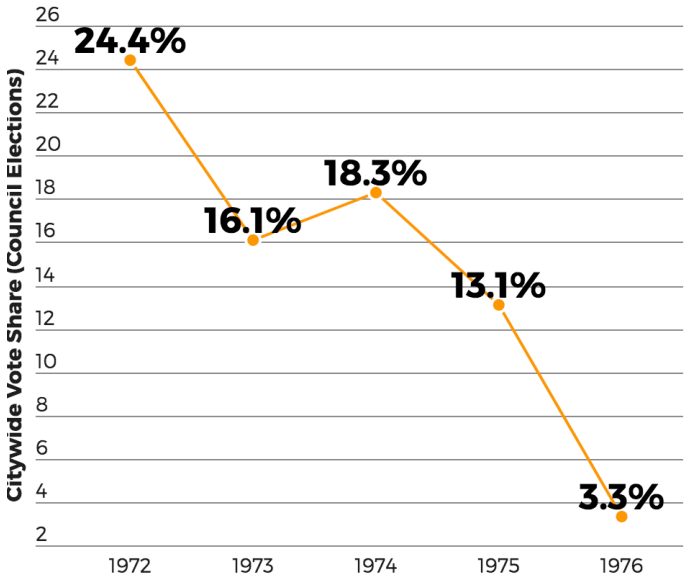
In the push for repeal, Republicans emphasized the costliness of using paper ballots under RCV and depicted the system as one that puzzled voters rather than empowered them. On the first point, they were partially correct: administration costs of the mayoral election doubled from the previous year.[43] The second point was more complicated.

Even though a City Hall report found that voters did not have trouble with ranked ballots, the tangle of litigation surrounding RCV likely weighed on voters' minds. Even if RCV was delivering fair outcomes, was it worth a potential string of lawsuits that would delay final results? With the tumultuous 1975 race fresh in their minds, Ann Arbor voters may have wondered whether future elections would be decided in court rather than at the ballot box.[44]

On April 5, 1976, the voters spoke. By a decisive 62-38 margin, Ann Arbor repealed ranked choice voting just one year—and one election—after its adoption. But while turnout had reached 43 percent (a historic high) when voters passed RCV, only 27 percent showed up to repeal it.[45]

The Michigan Daily blamed confusion from 1975 as the leading cause of repeal, but the disparity in turnout was more telling. Students didn't show up like they had in the past. Ward 1—a student stronghold that had driven HRP's victories—cast 78 percent fewer votes for HRP than they had the previous year. Citywide, HRP earned only 3 percent of the vote. And according to the Daily, HRP had not urged its voters to turn out in support of RCV. The party's support had been steadily dwindling; devoting energy to saving the reform may not have seemed worth it.[46, 47]

HRP's support steadily declined. In 1976, the party lost its last seat on City Council.



It's no mistake the fall of ranked choice voting coincided with HRP's demise. A burst of student engagement in the early 70s had created an opening for RCV. But by 1976, many members seemed to have lost interest in electoral politics.[48] Reporter Glen Harris captured it well in the pages of the Ann Arbor News: "Like a college football team, the HRP was hit hard by graduation. Slowly the students who organized the movement drifted away; some seeking jobs, some tired of the movement."[49]

Without enough student enthusiasm to stop a repeal, the door closed on RCV. This erased any remaining standing the Human Rights Party had in city politics. With no Council seats and no serious role to play in mayoral elections without a ranked ballot, HRP collapsed. By 1978, Ann Arbor's moment of electoral reform and radical politics was over.

Conclusion

Forty years after the fall of RCV and the Human Rights Party, it's worth reflecting on the implications of this story for today's reformers. For those who seek lasting change to our electoral system, the Ann Arbor moment offers two main lessons.

1 Partisanship is a double-edged sword on the path to electoral reform.

The campaign for RCV was more than just a push for fair elections. It was also driven by explicitly partisan motives. In their letter endorsing RCV, prominent Democrats emphasized that the system would help elect a Democratic mayor and prevent a Republican from winning. Though HRP was able to take advantage of these incentives in passing RCV, partisan backlash ultimately fueled its repeal. While Mayor Stephenson accommodated the reform initially, losing in an RCV election prompted Republicans to file multiple lawsuits and start a repeal initiative.

Reformers must recognize that appetite for RCV is dependent on who is winning under the system. While a major party may be friendly to reform one year, it could easily mobilize repeal the next. For this reason, it is crucial that reformers emphasize the core principles behind RCV rather than particular results it will produce. The system's power is its ability to provide more choices and better reflect society's diversity—not elect Democrats.

2 RCV's longevity relies on more than two factions existing and contesting elections.

Unless voters see the flaws of the current system, they will be unlikely to change it—this much is obvious. Before a realistic campaign for RCV begins, the defects of the plurality system must reveal themselves. They become most painfully apparent after a split vote. Whether it be Ann Arbor in 1973 or Maine in 2014, a viable alternative to the two major parties garnered enough support to hand the election to a candidate most opposed. When the electorate is split three (or more) ways, the minority party can team up with the second largest party to enact RCV.[50] Both stand to gain.

But if this alternative option grows weak or disorganized, there is an opening to roll back RCV. As Santucci notes, the largest party often pushes harder for repeal if it expects the smallest party to fail to unify with the other opposition party.[51] If the smallest party's voters are losing interest in electoral politics (as HRP's were), this is a signal to the largest party to repeal. Therefore, a stable balance of three or more parties can help ensure RCV's long-term existence.

These ideas, though well-known to reformers, must guide future campaigns for RCV. Decades later, the story of ranked choice voting in Ann Arbor remains pertinent to the movement for electoral reform.

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