

# Reforming Baltimore's Mayoral Elections: Could it Increase Electoral Competition, Raise Participation, and Improve Political Representation?

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## Abstract

By June 2, voters across the city of Baltimore will cast their ballots in the city's Democratic and Republican mayoral primary elections. The current system used for Baltimore's mayoral elections leads to several potential problems for political representation and participation. First, the primary elections can be won with a narrow plurality, and not a majority, potentially enabling someone to win with a third or less of the total vote. Second, there is unlikely to be a competitive general election under the current system. The lack of competition in the general election probably exacerbates polarization and deprives many voters of a voice in municipal politics. Third, only registered partisans can vote in the primary elections, which leaves unaffiliated and third-party voters unable to participate. This report considers a number of reforms that could improve the functioning

of Baltimore's municipal elections, including a) establishing nonpartisan elections; b) implementing ranked choice voting (RCV); and c) switching Baltimore's primary election to a system where all candidates run in one primary and the top two vote-getters advance to the general election. Overall, the report concludes that the "top-two primary" is the reform most likely to improve Baltimore's mayoral elections. This reform would increase turnout and electoral competition. It is also likely to improve political representation in Baltimore. Second, RCV, as it is newly implemented in New York City, should be analyzed carefully to see whether it could be combined with the top-two primary to choose the candidates that advance to the general election. And third, state legislation enabling election reform should be pursued to give Baltimore voters the opportunity to choose an alternative to the current election process.

## Executive Summary

By June 2, voters across the city of Baltimore will cast their ballots in the city's Democratic and Republican mayoral primary elections. The candidate winning the plurality of the vote in each party's primary will proceed to the general election in November.

The current system used for Baltimore's mayoral elections leads to several potential problems for political representation and participation. First, the primary, which is the key election in most municipal races, can be won with a narrow plurality of the vote, or a very low threshold of votes.<sup>1</sup> For example, Catherine Pugh won the 2016 Democratic primary with just 37% of the vote, and polls show that leading candidates in this year's Democratic primary are favored by less than 20% of primary voters.<sup>2</sup> This means that a candidate who is supported by just a small fraction of Baltimore's voters could ultimately become the city's next mayor.

Second, because voter registrations are overwhelmingly dominated by a single party there is unlikely to be a competitive general election under the current system. The winner of the Democratic primary will be the overwhelming favorite in the general election due to Baltimore's strong Democratic lean. The lack of competition in the general election means that the roughly 100,000 voters that participate in the general election, but not the primary, have little voice in Baltimore's mayoral elections. Moreover, it means that Democratic candidates only have to appeal to primary voters in order to become the favorite to become the next mayor. As a result, they can focus their campaigns on a small slice of the population without worrying about appealing to the wider Baltimore electorate.

Third, only registered partisans can vote in the primary elections. In other words, only registered Democrats can vote in the Democratic primary and only registered Republicans can vote in the Republican

one. This means that the roughly 50,000 unaffiliated and third-party Baltimore voters cannot participate in the mayoral primary.

This report examines the efficacy of a number of potential institutional reforms that could improve the functioning of Baltimore's mayoral elections and, potentially, other municipal elections.

### 1. Partisan vs. nonpartisan elections:

Baltimore's municipal officials are elected via partisan elections. That is, candidates need to win their party's primary to get onto the general election ballot. One possible reform would be to switch to *nonpartisan municipal elections*. There is some evidence that this reform could improve the responsiveness of elected officials. However, academic studies also indicate that switching to nonpartisan elections could make it harder for citizens to determine which candidate represents their policy preferences, and it could decrease voter turnout. As a result, this report does not recommend a switch to nonpartisan elections.

### 2. First-past-the-post vs. RCV:

Baltimore's municipal elections (including both the primary and general elections) are currently conducted via a first-past-the-post system where the candidate who receives the most votes, even if it's not an absolute majority, wins the election. *Ranked choice voting (RCV)* is a reform that would enable voters to rank their choices for mayors. If there is no majority winner after counting first choices, the race is decided by an "instant runoff," which continues until one candidate obtains a "50% plus one vote" majority of the total votes still outstanding. This ensures that a candidate could not win the election with just a narrow plurality.

RCV could reduce the negativity of campaigns and help insure that candidates cast a wide net among Baltimore City voters as they would be competing for second and third place votes, as well as first place. However, the evidence on RCV is still evolving. This report recommends that Baltimore closely study the growing academic literature on RCV, and, especially, the upcoming rollout of RCV elections in New York City and other large cities with partisan elections, like Baltimore's, to determine whether it could improve the functioning of Baltimore's mayoral elections.

3. **Primary type:** Baltimore's municipal primary elections are conducted via a closed primary that is only open to registered voters affiliated with a major political party. So Democrats can only vote in the Democratic primary and Republicans in the Republican primary. Unaffiliated voters, including Independents, cannot vote in either. Since the Democratic primary is the only election that usually matters in Baltimore, this means that a candidate could become mayor by receiving support from just a small fraction of Baltimore's voters. As a result, the majority of voters can feel disenfranchised after the primary because they voted for another candidate or because they are part of the 21% of voters who are not registered Democrats and were not able to vote in the Democratic primary. Essentially this is a one and done election where the primary largely determines who will be the next mayor.

To address this problem, this report recommends that Baltimore consider switching to a *top-two primary election*.<sup>3</sup> In a top-two primary system, candidates would continue to show

their partisan affiliation on the ballot. But all the candidates would run in a single primary election (rather than separate Democratic and Republican primaries), and the top two candidates would advance to the general election. California and Washington have recently adopted this approach for their state legislative and congressional elections. This reform would enable all voters to participate in the primary election, including voters registered as unaffiliated and with a non-major party. Thus, it would likely increase voter turnout and could increase electoral competition.

Although a top-two primary would probably result in two Democratic mayoral candidates advancing to the general election, both candidates would be incentivized to compete for the support of the largest number of voters in the general election, making the winner more representative of Baltimore voters' preferences.<sup>4</sup> This could improve the functioning of Baltimore's municipal government. In addition, Baltimoreans would have much more time to evaluate these candidates, and a larger electorate would select which one becomes Baltimore's next mayor. As a result, the top-two primary could improve political representation in Baltimore's municipal government.

In order to implement election reform in Baltimore City, the report recommends that state legislation be pursued to enable Baltimore City to put election reform to the voters.

## Background on Baltimore's Mayoral Elections

Baltimore is an overwhelmingly Democratic city. There are about 10 times more registered Democrats in Baltimore than registered Republicans (see Table 1). This Democratic advantage is reflected in elections up and down the ballot. Hillary Clinton received about 85% of the vote in Baltimore in the 2016 presidential election.<sup>5</sup> The Democratic candidates in all of Baltimore's recent mayoral elections have also won by huge margins, and all 15 members of Baltimore's city council are Democrats.

Table 2 shows the results of the last five elections for Baltimore mayor. In each election, the Democratic candidate won an overwhelming victory. The Republican candidate's best performance came in 2011,

Table 1: Voter Registration in Baltimore (November 2018)

Party	Registered Voters
Democrats	305,704
Republicans	30,873
Libertarian	1,475
Green	1,264
Other	1,768
Unaffiliated	47,859
<b>Total</b>	<b>388,943</b>

Table 2: General Election Results in Baltimore Mayoral Races

Year	Candidate	Party	Votes	Vote Share
1999	Martin O'Malley	Democrat	87,607	90%
1999	David F. Tufaro	Republican	9,207	10%
2004	Martin O'Malley	Democrat	173,030	87%
2004	Elbert R. Henderson	Republican	24,445	12%
2007	Sheila Dixon	Democrat	36,726	86%
2007	Elbert R. Henderson	Republican	5,139	12%
2011	Stephanie Rawlings-Blake	Democrat	40,125	84%
2011	Alfred V. Griffin	Republican	6,108	13%
2016	Catherine Pugh	Democrat	134,848	58%
2016	Sheila Dixon	Write-in	51,716	22%
2016	Alan Walden	Republican	23,316	10%
2016	Joshua Harris	Green	23,155	10%

when Alfred Griffin received just 13% of the vote. In addition, Independent, write-in, and Green Party candidates have never gotten more than a quarter of the vote in recent elections.<sup>6</sup>

Baltimore's municipal officials are elected using partisan elections. The two major parties select their candidates for the general election using a closed primary election, where the candidate winning the plurality of the vote in each party's primary proceeds to the general election. Table 3 shows the top two candidates in each party's primaries in the last five elections for Baltimore mayor. The winning primary candidates usually won fairly substantial victories. There have been two primaries in the past 20 years where the winning candidate received less than 50% of

the vote. In 2016, Catherine Pugh won the Democratic primary with just 37% of the vote, and Alan Walden won the Republican primary with 41% of the vote. In addition, Table 3 shows that both of the top two candidates in the Democratic primary have received several times more votes than the top candidate in the Republican primary in each of the elections over the past 20 years.

Until 2011, both the municipal primary and general elections were held in off years that were not concurrent with any other major elections (e.g., 2003, 2007, 2011, etc.). After the 2011 elections, however, Baltimore switched its municipal elections to be held concurrently with federal elections.<sup>7</sup> The primary elections are now held at the same time as Maryland's presidential

Table 3: Primary Election Results in Baltimore Mayoral Races

Year	Democratic Candidates	Votes	Vote Share	Republican Candidates	Votes	Vote Share
1999	Martin O'Malley	62,711	53%	David F. Tufaro	3,399	52%
1999	Carl Stokes	32,609	28%	Carl M. Adair	1,660	25%
2003	Martin O'Malley	59,569	67%	Elbert R. Henderson	2,504	100%
2003	Andrey Bundley	28,551	32%			
2007	Sheila Dixon	54,381	63%	Elbert R. Henderson	—	100%
2007	Keiffer J. Mitchell, Jr.	20,376	24%			
2011	Stephanie Rawlings-Blake	38,829	52%	Alfred V. Griffin	—	100%
2011	Catherine E. Pugh	18,797	25%			
2016	Catherine E. Pugh	48,709	37%	Alan Walden	3,069	41%
2016	Sheila Dixon	46,301	35%	Larry Waldlow	1,368	18%

primary election. The general elections for municipal offices are held in November on the same day as the presidential and congressional elections.

The switch to on-cycle elections led to a substantial increase in voter turnout. In fact, the number of voters in the 2016 primary increased by about 75% compared to 2011, and turnout in the general election quintupled (see Figure 1). This increase in turnout is consistent with academic studies that have shown elections coinciding with a presidential election have much higher turnouts than off-cycle ones.<sup>8</sup>

Baltimore now has one of the highest voter turnout rates in the country for its municipal elections. About 30% of Baltimore's citizen voting age population (CVAP) voted in the primary, and over 50% of its CVAP voted in the general election stage of the 2016 mayoral election. In comparison, about 20-25% of eligible citizens vote in the average city's

municipal election.<sup>9</sup> Figure 2 compares turnout in Baltimore (in dark blue) to recent turnout in other medium and large cities across the country.<sup>10</sup> Baltimore's general election in November 2016 had one of the highest turnouts of any of the cities examined; even its primary election in April 2016 had higher turnout than the general elections in most other cities.

## Potential Reforms

There are a number of possible reforms that have been proposed to improve Baltimore municipal elections. This report will evaluate three of those reforms. It first evaluates the possible effects of switching Baltimore from partisan to nonpartisan elections. Next, it evaluates whether Baltimore should adopt ranked choice voting (RCV) for either its primary or general election. Lastly, it evaluates the potential effects of switching Baltimore's primary election from its current closed primary system to one where all candidates

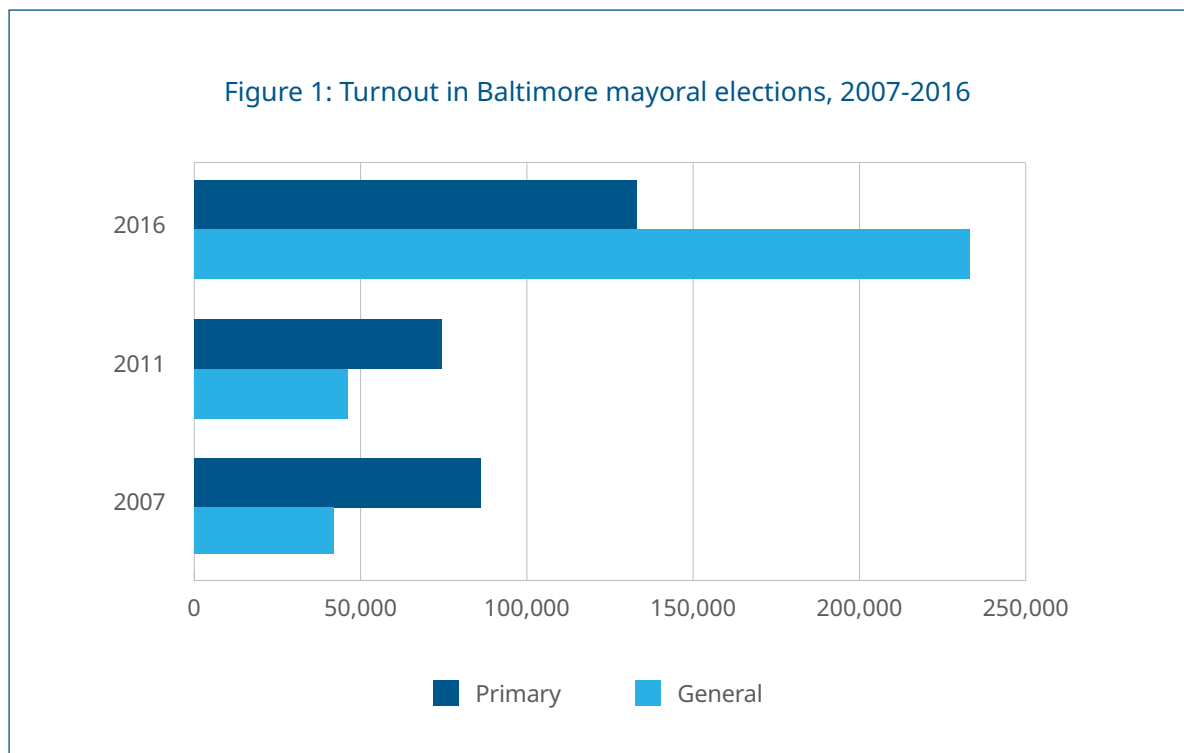
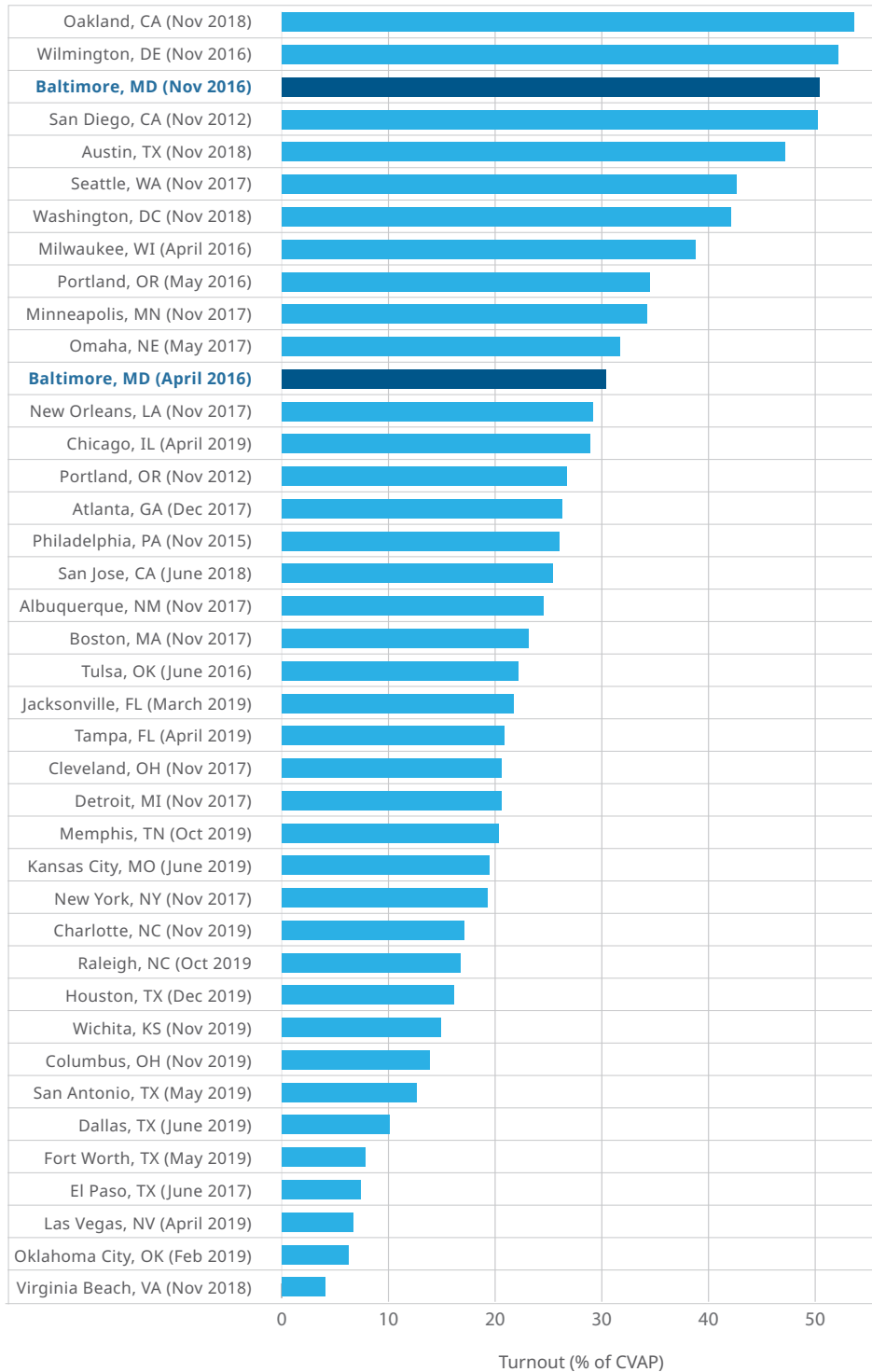


Figure 2: Turnout in Baltimore mayoral elections vs. recent elections in other large cities



run in one primary and then the top two vote-getters advance to the general election.

To evaluate these reforms, this report examines their potential effects on normatively important outcomes, such as:

- **Voter outreach:** Would it result in less negative campaigning and incentivize candidates to appeal to the broadest cross-section of voters?
- **Voter participation:** Would the reform improve voter engagement and turnout, and make the electorate more demographically and socio-economically representative of the broader population?<sup>11</sup>
- **Representation:** Would it improve representation by leading to the election of officials who are more congruent with the preferences of the majority of Baltimoreans and reflect the demographic composition of the city?<sup>12</sup> For instance, would it make the gender and racial composition of the government more reflective of the population? In general, elected officials are likely to be more congruent with the preferences of voters when they are less ideologically polarized.<sup>13</sup>

### *Nonpartisan Elections*

Baltimore's municipal officials are currently elected using partisan elections. This means that elections proceed in two stages. First, candidates run in a primary election to win the nomination of their party. The candidate with a plurality of the vote in each primary wins their party's nomination. Then, the nominees of each party compete in the general election. An alternative system would be to use nonpartisan elections in Baltimore. In cities with nonpartisan elections, parties do not officially nominate candidates for office, and candidates' party affiliations generally do not

appear on the ballot. About 85% of cities in the United States have adopted nonpartisan elections.<sup>14</sup> The remaining cities with partisan elections for municipal offices are primarily concentrated in the northeastern states. What do we know about the effects of nonpartisan elections?

The most important aspect of nonpartisan elections is that they lack partisan cues about candidates on the ballot (e.g., the party registration or affiliation of candidates). Progressive reformers in cities that adopted nonpartisan elections hoped that this reform would reduce the power of party machines, decrease polarization, and lead to higher-quality candidates.<sup>15</sup> It is difficult to empirically evaluate these claims because scholars lack comprehensive, high-quality data on municipal candidates' ideology and quality. But scholars have generally found that cities with nonpartisan elections are typically still structured by partisan politics. For instance, a study found that roll-call votes in San Diego's officially nonpartisan city council were still structured by coalitions that fell along liberal-conservative lines that mirror the general partisan divides in American politics.<sup>16</sup> Another study found that the partisan leanings of mayoral candidates seem to have similar effects on policy in cities that hold officially partisan and nonpartisan elections.<sup>17</sup> So nonpartisan elections do not actually remove the influence of partisanship from politics.

In addition, nonpartisan elections have downsides for voters. The lack of a partisan cue makes it more difficult for voters to select candidates that reflect their political preferences.<sup>18</sup> It also makes it more difficult for voters to decide which candidate to select. This generally leads to lower voter turnout in nonpartisan elections compared to partisan ones.<sup>19</sup>

These downsides of nonpartisan elections might be worth it if they improved representation by increasing the responsiveness of elected officials to the



mass public's preferences. But the evidence here is mixed. Recent work on nonpartisan judicial elections has found that judges elected through nonpartisan elections are more responsive to public opinion because they cannot rely on partisan cues to signal their policy positions.<sup>20</sup> However, other studies have found that municipal governments elected via nonpartisan elections are no more responsive to the mass public's ideological preferences than governments elected via partisan elections.<sup>21</sup>

So, overall, there is little evidence supporting the idea that switching from partisan to nonpartisan elections would lead to clear, positive effects on representation. But there is strong evidence that nonpartisan elections make it more difficult for voters to decide which candidate to support and, thus, have lower turnout than partisan ones. As a result, this report does not recommend that Baltimore consider a switch to nonpartisan elections.

### **Ranked Choice Voting (RCV)**

Baltimore's municipal elections are currently conducted via a first-past-the-post system where the candidate who receives a plurality of the votes wins the election. This means that candidates can win the Democratic primary election, and effectively become the next mayor, with a third or less of the total votes. Ranked choice voting (RCV) is a reform that would enable voters to rank their choices for mayor. Voters pick a first-choice candidate and have the option to rank backup candidates in order of preference: second, third, and so on. If a candidate receives more than half of the first choices, that candidate wins. However, if there is no majority winner after counting first choices, the race is decided by an "instant runoff." The candidate with the fewest votes is eliminated; voters who picked that candidate as their first choice will now have their next choice count. This process of reallocating votes continues until one candidate obtains

a "50% plus one vote" majority of the total votes still outstanding. In some jurisdictions, voters are allowed to rank-order as many candidates as are listed. In Minneapolis, voters are only given the option to rank-order up to three preferred candidates (recording fewer than three candidate preferences does not invalidate a voter's ballot).<sup>22</sup>

**Table 4: Selection of medium and large cities that have adopted ranked choice voting (RCV) for mayoral elections**

City	Adoption Year	Partisan Elections
Carbondale, CO	2002	No
San Francisco, CA	2004	No
Takoma Park, MD	2007	No
Telluride, CO	2008	No
Minneapolis, MN	2009	No
Berkeley, CA	2010	No
Oakland, CA	2010	No
San Leandro, CA	2010	No
Portland, ME	2011	No
St. Louis Park, MN	2011	No
St. Paul, MN	2013	No
Santa Fe, NM	2018	No
Las Cruces, NM	2019	No
Amherst, MA	2021	No
Easthampton, MA	2021	No
New York, NY	2021	Yes

**“The general election for mayor is virtually irrelevant. This means that the roughly 100,000 voters who only cast their votes in the general election have little voice in Baltimore’s mayoral elections.”**

Over a dozen medium and large cities have adopted RCV for their mayoral elections (see Table 4). Most of the earliest adopters were in California. More recently, several Midwestern and eastern cities have adopted RCV, including Minneapolis and Portland, Maine. New York City has adopted RCV for its 2021 mayoral and city council primary elections.<sup>23</sup> This is the first major city with partisan elections to have adopted RCV.

There are a number of possible benefits of ranked choice voting (RCV) compared to standard first-past-the-post elections.<sup>24</sup> First, RCV makes it more likely that the candidate who wins has support from a majority of voters. In many first-past-the-post elections, the winner of the election only has support from a relatively narrow plurality of voters. For example, the winning candidate in Baltimore’s 2016 Democratic primary for mayor won with just 37% of the vote. In a recent poll, the leading candidates in this year’s mayoral primary in Baltimore have the support of just 18% of voters.<sup>25</sup>

Ranked choice voting could also make it easier for voters to vote for the candidates that they support without feeling the need to vote for the “lesser of two evils” because their favorite candidate is less likely to win.<sup>26</sup> With RCV, voters can rank candidates based on their sincere preferences. If voters’ first choice is eliminated, their vote automatically counts for their next choice instead. Arguably, this frees voters from worrying about how others will vote and which candidates are more or less likely to win.<sup>27</sup>

By preventing candidates from winning with a small plurality of the votes, RCV elections could force candidates to appeal to a broader set of

voters. Candidates would not be advantaged by focusing on a single sector or geography as they would want to maximize the potential of second and third choice votes which might swing the election.

Finally, in non-RCV elections, candidates often benefit from attacking their opponent instead of sharing their positive vision with voters. This can sometimes lead to toxic and polarizing campaigns. However, with RCV, candidates must also compete for second-choice votes from their opponents’ supporters, which could lessen the incentive to run a negative campaign. Indeed, a recent academic study found some evidence that voters in RCV cities report more positive campaigning than in non-RCV cities.<sup>28</sup>

Nevertheless, there are also a number of potential downsides of RCV elections. It is more complicated to cast a ballot via RCV than first-past-the-post. An academic study conducted surveys in both RCV cities and plurality cities to assess how voters reported understanding voting instructions, and how they reported understanding election systems.<sup>29</sup> Fewer voters reported easy-to-understand instructions in RCV cities. In principle, this could lead to overvotes—when a voter is required to indicate only one candidate preference on a particular portion of the ballot but improperly marks a preference for more than one candidate. However, overvotes appear to have been rare in recent presidential primary elections conducted using RCV.<sup>30</sup>

It is also more difficult for voters to figure out which candidates to support when they have the option of selecting multiple candidates. This effectively raises the “cost” of voting. As a result, there is preliminary evidence that RCV

reduces voter turnout.<sup>31</sup> An academic study analyzed voter turnout in mayoral elections in over 200 cities between the early 1990s and 2018.<sup>32</sup> It found an average decrease in voter turnout of approximately 2 to 5 percentage points in cities after implementation of RCV.<sup>33</sup> The negative effect of RCV on turnout varies with electoral context, increasing with larger candidate fields, which are often common in Baltimore's municipal elections. However, it is important to note that Baltimore's municipal primaries are concurrent with the presidential primary. Since the presidential primary probably drives most of the turnout, RCV may not have a significant negative effect on voter participation in Baltimore.

Another issue is that if voters can only rank a subset of the candidates, there is no guarantee that the winner will win a majority of the votes that are cast in a large multi-candidate field. For instance, if there are 10 candidates and voters can only rank three of them, then there is a good chance that no candidate will receive an absolute majority of the votes in an RCV election. Indeed, an academic study analyzed data taken from images of more than 600,000 ballots cast by voters in four recent RCV elections.<sup>34</sup> It found that in all four of their cases, the winner received less than a majority of the total votes cast.<sup>35</sup>

It is also somewhat more complicated to count RCV ballots than in a traditional first-past-the-post system, which could weaken confidence in the fairness of the electoral system. Using a survey experiment, an academic study compared the behaviors and attitudes of voters in a plurality election to an RCV election.<sup>36</sup> It found that study participants who voted in the RCV treatment were not any more likely to prefer RCV elections to plurality or majoritarian elections, and, overall, most voters do not prefer to vote in RCV elections and do not think that they result in fair election outcomes. Finally, there is not clear evidence that the

implementation of RCV elections reduces financial election administration costs, especially in jurisdictions where it does not reduce the number of elections required.<sup>37</sup>

Overall, the evidence about the possible effects of RCV is mixed. On the one hand, there is some evidence that RCV could make it more likely that campaigns have to appeal to larger portions of the electorate in order to win. This could reduce negativity in political campaigns and, possibly, decrease polarization. But academic research also indicates the implementation of RCV could decrease voter turnout.

One factor that makes it difficult, however, to evaluate the implications of this early evidence on the effects of RCV elections for Baltimore is that RCV has only been implemented in a relatively small number of cities with nonpartisan elections. Moreover, most of the cities that implemented it are in California, and they differ from Baltimore in a variety of ways. It is unclear whether RCV would have the same effects in a city like Baltimore with partisan elections as it does in California cities with nonpartisan elections. Fortunately, New York City has adopted RCV for its 2021 municipal elections (see Table 4 on page 9). While New York City is obviously different than Baltimore in some ways, both cities have partisan elections, are dominated by one party, are racially and ethnically diverse, and are located in the Northeast corridor. As a result, New York City's adoption of RCV provides an excellent opportunity for Baltimore to learn from its neighbor to the north. Baltimore should closely study the rollout of RCV elections in New York City and other large cities with partisan elections. Baltimore should also study the rollout of RCV in recent presidential primary elections.<sup>38</sup> Future research should also examine whether RCV improves representation and reduces polarization.<sup>39</sup>

### Primary Election Type

Baltimore currently uses closed partisan, primary elections to select its municipal officials. According to the city's website, "only registered voters who have affiliated with a major political party may vote in the Primary Election of their party. To vote in a party primary, you must affiliate with that party either when you register to vote or before the deadline to change voter registration."<sup>40</sup> This means that only Democrats can vote in the Democratic primary and only Republicans can vote in the Republican primary.

There are a number of possible downsides associated with closed partisan primaries in Baltimore. The Democratic primary is usually the only one that matters because Democrats outnumber Republicans 10 to one. The Democratic nominee typically receives at least 80% of the vote in the general election and has won by at least 35% in each of the past five elections.<sup>41</sup> This makes the general election for mayor virtually irrelevant. It means that the roughly 100,000 voters who only cast their votes in the general election have little voice in Baltimore's mayoral elections. Moreover, the views of non-Democrats have virtually no voice in Baltimore's mayoral elections. Finally, academic research has shown that closed primaries, such as the one in Baltimore, typically have lower voter turnout than other primary systems because only partisans can vote in the primary.<sup>42</sup>

### TOP-TWO PRIMARY

A reform that might facilitate more participation and competition in Baltimore's mayoral election would be to switch to a top-two primary system.<sup>43</sup> Candidates would continue to show their partisan affiliation on the ballot. But all the candidates would run in a single, open primary election (rather than separate Democratic and Republican primaries), and the top two candidates would advance to the general election. This reform would enable all voters to participate in the

primary election, including voters registered as unaffiliated and with a non-major party.<sup>44</sup> California and Washington have recently adopted the top-two primary system for their state legislative and congressional elections.

This reform would likely increase turnout because it would enable many more voters to participate in the primary elections. There are about 48,000 unaffiliated voters in Baltimore City (see Table 1 on page 4).<sup>45</sup> Switching to a top-two primary system would give these unaffiliated voters a much greater voice in municipal elections. It would also give greater voice to 31,000 Republican, 1,500 Libertarian, and 1,300 Green Party registered voters.

Another benefit of a switch to a top-two primary is that it could improve political representation in Baltimore's municipal government.<sup>46</sup> The top-two primary would likely lead to the advancement of two Democratic candidates to the general election most of the time.<sup>47</sup> Unlike in the current system, however, both candidates would be incentivized to compete for the support of the largest number of voters in the general election, making the winner likely to be more representative of Baltimore voters' preferences.<sup>48</sup> The top-two could also reduce polarization.<sup>49</sup> There is evidence that the switch to a top-two system in California reduced polarization among members of Congress.<sup>50</sup> This seems to be especially true in districts where two candidates from the same party tend to advance to the general election.<sup>51</sup>

Overall, moving to a top-two primary system would likely improve the functioning of Baltimore's mayoral elections. It would almost certainly increase voter turnout in Baltimore's primary elections by enabling more voters to participate. Facilitating more participation in primary elections is a normatively positive outcome in and of itself. Moreover, the switch to a top-two primary would likely mean that two strong candidates move onto the general election, making it, rather than the Democratic

primary, the key election for determining Baltimore's mayor. Because turnout is roughly twice as high in the general election as in the primary, many more citizens of Baltimore would now have a voice in selecting its next mayor. The shift to a top-two primary would also lead to more competitive general elections and incentivize candidates to appeal to a broader electorate. This, in turn, could improve democracy in Baltimore by leading to the election of officials that are more demographically and ideologically representative of Baltimore's electorate.

It also might be possible to combine RCV with a top-two election system where everyone can vote in one primary and the top-two candidates advance to the general election. Based on preliminary research, no city or state has combined these two election systems. In principle though, this might allow Baltimore to take advantage of the strengths of both RCV and a top-two primary.

#### OTHER POSSIBLE REFORMS TO PRIMARY SYSTEM

This report also considered a number of other possible reforms to the Baltimore municipal primary election system, including open primaries and semi-open primaries. In an open primary system, each political party runs separate primaries but voters can cast their ballots in either party's primary regardless of affiliation. In a semi-open primary, unaffiliated voters can participate in one of the two major parties' primaries, but partisans can only participate in their own party's primary. While these reforms might modestly raise turnout,<sup>52</sup> they would have little effect on polarization<sup>53</sup> or representation.<sup>54</sup> Unlike the top-two system, they would not increase the competitiveness of the general election, and open primaries specifically could enable members of one party to unduly influence the other party's primary election.

## Recommendations for Policymakers

Overall, the report makes the following recommendations for policymakers:

1. Baltimore should consider adopting a top-two primary for its mayoral elections. Candidates would be incentivized to run a broad, city-wide campaign rather than compete for a narrow slice of the electorate. This reform would increase turnout and competition in mayoral elections and, potentially, for other municipal offices. It also could improve political representation.
2. Baltimore should study the rollout of ranked choice voting (RCV) elections in New York City and other large cities since RCV has the potential to further improve the functioning of local elections and consensus among voters. If RCV's rollout in New York City goes well, Baltimore should consider combining this reform with the top-two primary. That is, it might use an RCV election in the primary to determine the top-two candidates that advance to the general election.
3. More research should be conducted about legal changes necessary to implement the top-two primary or RCV. Preliminary research indicates that the city does not have the power to change its own elections. As a result, Baltimore is likely to need the state legislature to pass a law enabling election reform.<sup>55</sup> State bills on voting reform for Baltimore City have been proposed in the past, including during the 2019 General Assembly Session.<sup>56</sup> The state should enable Baltimore City to give voters the choice to reform their election process.



## Endnotes

- 1 See [https://www.fairvote.org/plurality\\_majority\\_systems](https://www.fairvote.org/plurality_majority_systems) for more about first-past-the-post electoral systems.
- 2 See <https://www.baltimoresun.com/politics/elections/bs-pr-pol-mayoral-poll-20200520-4bcqt5gccnd3jf6xc6lswfagne-story.html>.
- 3 A related possibility is that Baltimore could use an RCV election to select the top-two candidates in the primary. These two candidates would then advance to the general election.
- 4 Jesse M. Crosson (Forthcoming). "Extreme districts, moderate winners." In: *Political Science Research and Methods*.
- 5 See [https://elections.maryland.gov/elections/2016/results/general/gen\\_detail\\_results\\_2016\\_4\\_BOT001-.html](https://elections.maryland.gov/elections/2016/results/general/gen_detail_results_2016_4_BOT001-.html).
- 6 Sheila Dixon received 22% of the vote in 2016. While she was technically a write-in candidate, however, she was the former Democratic mayor. So it might be more accurate to view her as a Democrat.
- 7 See <https://www.baltimoresun.com/politics/bs-xpm-2012-04-02-bs-md-ci-election-move-20120402-story.html>.
- 8 Austin M. Aldag (2019). "Who votes for mayor? Evidence from midsized American cities." In: *Local Government Studies* 45.4, 526–545; Zoltan L. Hajnal and Paul G. Lewis (2003). "Municipal institutions and voter turnout in local elections." In: *Urban Affairs Review* 38.5, 645–668; Melissa Marschall and John Lappie (2018). "Turnout in local elections: Is timing really everything?" In: *Election Law Journal: Rules, Politics, and Policy* 17.3, 221–233.
- 9 Aldag. (Aldag, "Who votes for mayor? Evidence from midsized American cities") See also <http://www.whovotesformayor.org/compare>.
- 10 Turnout is calculated as a percentage of the citizen voting age population (CVAP). The most recent available contested general election in each city is included, which in some cases was 2012.
- 11 See Hajnal (Zoltan L. Hajnal [2009]. *America's Uneven Democracy: Race, Turnout, and Representation in City Politics*. Cambridge University Press) for more on turnout and participation in local elections.
- 12 See Tausanovitch and Warshaw (Chris Tausanovitch and Christopher Warshaw [2014]. "Representation in Municipal Government." In: *American Political Science Review* 108.03, 605–641) for more on representation in local governments.
- 13 Joseph Bafumi and Michael C. Herron. (2010). "Leapfrog representation and extremism: A study of American voters and their members in Congress." In: *American Political Science Review* 104.3, 519–542.
- 14 Tausanovitch and Warshaw, "Representation in Municipal Government;" ICMA (2018). 2018 Municipal Form of Government Survey. <https://icma.org/2018-municipal-fog-survey/>
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- 16 Craig M Burnett (2017). "Parties as an organizational force on nonpartisan city councils." In: *Party Politics*, 594–608.
- 17 Justin de Benedictis-Kessner and Christopher Warshaw (2016). "Mayoral partisanship and municipal fiscal policy." In: *Journal of Politics* 78.4, 1124–1138.
- 18 Craig M. Burnett and Lydia Tiede (2015). "Party labels and vote choice in judicial elections." In: *American Politics Research* 43.2, 232–254.
- 19 e.g., Brian F Schaffner, Matthew Streb, and Gerald Wright (2001). "Teams without uniforms: The nonpartisan ballot in state and local elections." In: *Political Research Quarterly* 54.1, 7–30; Chris W. Bonneau and Eric Loepp (2014). "Getting things straight: The effects of ballot design and electoral structure on voter participation." In: *Electoral Studies* 34, 119–130; Thomas M Holbrook and Aaron C. Weinschenk (2014). "Campaigns, mobilization, and turnout in mayoral elections." In: *Political Research Quarterly* 67.1, 42–55.
- 20 Richard P. Caldarone, Brandice Canes-Wrone, and Tom S. Clark (2009). "Partisan labels and democratic accountability: An analysis of State Supreme Court abortion decisions." In: *The Journal of Politics*. 71.2, 560–573.
- 21 Tausanovitch and Warshaw, "Representation in municipal government;" Brian F. Schaffner, Jesse Rhodes, and Raymond La Raja (2020). *Hometown Inequality: Race, Class, and Representation in American Local Politics*. Cambridge University Press.
- 22 Jason A. McDaniel (2016). "Writing the rules to rank the candidates: Examining the impact of instant-runoff voting on racial group turnout in San Francisco mayoral elections." In: *Journal of Urban Affairs* 38.3, 387–408. Note that San Francisco, which this article focuses on, recently changed its technology to allow more than three choices in its RCV elections.
- 23 Note that, unlike Baltimore, New York City previously used a two-stage primary election where the election proceeded to a run-off between the top two candidates if a candidate did not receive at least 40% in the first stage of the election (see [https://citizensunion.org/wp-content/uploads/2018/06/CU\\_IRV\\_IssueBrief\\_May20131.pdf](https://citizensunion.org/wp-content/uploads/2018/06/CU_IRV_IssueBrief_May20131.pdf)).
- 24 Fair Vote (2018). Ranked Choice Voting / Instant Runoff. <https://www.fairvote.org/rcv>.
- 25 See <https://www.baltimoresun.com/politics/elections/bs-pr-pol-mayoral-poll-20200520-4bcqt5gccnd3jf6xc6lswfagne-story.html>.
- 26 Ibid
- 27 See also Nancy Lavin (2019). A Tale of Two Cities: What Chicago Can Learn From San Francisco's Mayoral Election. [https://www.fairvote.org/a\\_tale\\_of\\_two\\_cities\\_what\\_chicago\\_can\\_learn\\_from\\_san\\_francisco\\_s\\_mayoral\\_election](https://www.fairvote.org/a_tale_of_two_cities_what_chicago_can_learn_from_san_francisco_s_mayoral_election); Rob Richie, Caleb Kleppner, and Terrill Bouricius (2000). "Instant runoffs: A cheaper, fairer, better way to conduct elections." In: *National Civic Review* 89.1, 95–110.
- 28 See Sarah John and Andrew Douglas (2017). "Candidate civility and voter engagement in seven cities with ranked choice voting." In: *National Civic Review* 106.1, 25–29.
- 29 Todd Donovan, Caroline Tolbert, and Kellen Gracey (2019). "Self-reported understanding of ranked-choice voting." In: *Social Science Quarterly* 100.5, 1768–1776.
- 30 See [https://www.fairvote.org/kansas\\_democrats\\_triple\\_turnout\\_in\\_2020\\_compared\\_to\\_2016\\_use\\_ranked\\_choice\\_voting\\_for\\_the\\_first\\_time](https://www.fairvote.org/kansas_democrats_triple_turnout_in_2020_compared_to_2016_use_ranked_choice_voting_for_the_first_time).
- 31 David C. Kimball and Joseph Anthony (2016). "Voter participation with ranked choice voting in the United States." In: Annual Meeting of the American Political Science Association, Philadelphia; Jason A. McDaniel (2019). The Costs of Complexity: An Analysis of How Ranked-Choice Voting Affects Voter Turnout. Working paper available at <https://web.sas.upenn.edu/esra2019/files/2019/07/McDaniel-RCV-Voter-Turnout-Revised-ESRA-2019.pdf>.

- 32 McDaniel, The Costs of Complexity: An Analysis of How Ranked-Choice Voting Affects Voter Turnout.
- 33 It is also possible that the complexity of RCV could exacerbate socioeconomic disparities in the electorate because wealthy, more well-educated voters might be more likely than low-income voters to have the time and resources to research multiple candidates in RCV elections. But the literature on this issue is still evolving.
- 34 Craig M. Burnett and Vladimir Kogan (2015). "Ballot (and voter) 'exhaustion' under Instant Runoff Voting: An examination of four ranked-choice elections." In: *Electoral Studies* 37, 41–49.
- 35 It is worth noting, however, that in the process of evaluating the costs of benefits of RCV in New York City, the advocacy group "FairVote pointed out to the [New York City Charter Revision Commission] that an RCV election outcome where the winner receives less than 40% of the total ballots cast (accounting for ballot exhaustion) is exceptionally rare." They stated that "Of 165 RCV elections that have taken place in the California Bay Area (limited to three rankings), only three elections (about 1.8% of elections) were won by a candidate who earned less than 40% of the total ballots cast." [https://static1.squarespace.com/static/5bfc4cecf7fde7d3719c06/t/5d83dffbf8b08c5b3087ecc4/1568923645088/Final+Report\\_8.2.pdf](https://static1.squarespace.com/static/5bfc4cecf7fde7d3719c06/t/5d83dffbf8b08c5b3087ecc4/1568923645088/Final+Report_8.2.pdf)
- 36 Lindsay Nielson (2017). "Ranked choice voting and attitudes toward democracy in the United States: Results from a survey experiment." In: *Politics & Policy* 45.4, 535–570.
- 37 Christopher Rhode (2018). The Cost of Ranked Choice Voting. Report available at <https://esra.wisc.edu/papers/Rhode.pdf>.
- 38 See [https://www.fairvote.org/rcv\\_for\\_presidential\\_nominations#presidential\\_primaries\\_2020](https://www.fairvote.org/rcv_for_presidential_nominations#presidential_primaries_2020)
- 39 Some academic research is already focusing on these issues; more information is expected to be available in the next one to two years.
- 40 See <https://boe.baltimorecity.gov/boe-election-types>.
- 41 The last time a Republican won a mayoral election in the city was nearly 60 years ago in 1963. See OurCampaigns.com, <https://www.ourcampaigns.com/ContainerHistory.html?ContainerID=52626>.
- 42 Matthew J. Geras and Michael H. Crespin (2018). "The effect of open and closed primaries on voter turnout." In: *Routledge Handbook of Primary Elections*. Routledge, 133–146.
- 43 See [https://ballotpedia.org/Semi-closed\\_primary](https://ballotpedia.org/Semi-closed_primary).
- 44 In Maryland, voters who do not register with the two major parties typically register as unaffiliated voters whereas they might register as independents in other states.
- 45 See Maryland data on eligible active voters by county, [https://elections.maryland.gov/press\\_room/2018\\_stats/GG18\\_Eligible\\_Active\\_Voters\\_by\\_County.pdf](https://elections.maryland.gov/press_room/2018_stats/GG18_Eligible_Active_Voters_by_County.pdf).
- 46 Elisabeth R. Gerber and Rebecca B. Morton (1998). "Primary election systems and representation." In: *Journal of Law, Economics, & Organization*, 304–324; Eric McGhee and Boris Shor (2017). "Has the top two primary elected more moderates?" In: *Perspectives on Politics* 15.4, 1053–1066.
- 47 Indeed, the top two candidates in the Democratic primary have won many more votes than the top candidate in the Republican primary in recent elections.
- 48 Anthony Downs (1957). *An Economic Theory of Democracy*. New York: Harper and Row.
- 49 Lee, "How party polarization affects governance;" Nolan McCarty (2019). *Polarization: What Everyone Needs to Know*, Oxford University Press.
- 50 See Grose. (Grose, "Reducing legislative polarization: Top-two and open primaries are associated with more moderate legislators") It is worth noting, though, that the findings are more mixed for state legislators (McGhee and Shor, "Has the top two primary elected more moderates?;" Thad Kousser, Justin Phillips, and Boris Shor [2018]. "Reform and representation: A new method applied to recent electoral changes." In: *Political Science Research and Methods* 6.4, 809–827).
- 51 Crosson, "Extreme Districts, Moderate Winners."
- 52 Geras and Crespin, "The effect of open and closed primaries on voter turnout."
- 53 Douglas J. Ahler, Jack Citrin, and Gabriel S. Lenz (2016). "Do open primaries improve representation? An experimental test of California's 2012 top-two primary." In: *Legislative Studies Quarterly* 41.2, 237–268; Eric McGhee et al. (2014). "A primary cause of partisanship? Nomination systems and legislator ideology." In: *American Journal of Political Science* 58.2, 337–351; Jon C Rogowski and Stephanie Langella (2015). "Primary systems and candidate ideology: Evidence from federal and state legislative elections." In: *American Politics Research* 43.5, 846–871.
- 54 John Sides et al. (2018). "On the representativeness of primary electorates." In: *British Journal of Political Science*, 1–9.
- 55 See <https://legislative.reference.baltimorecity.gov/city-codes>
- 56 See <http://mgaleg.maryland.gov/2019RS/bills/hb/hb0026f.pdf>. The reform this bill calls "open primaries" appears to be identical to the reform called a "top-two primary" in this report.

## About the Author

Chris Warshaw is an Assistant Professor of Political Science at George Washington University. His research focuses primarily on political representation, public opinion, and elections in the United States.

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Increase Electoral Competition, Raise Participation,  
and Improve Political Representation?**

**by Christopher Warshaw**

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