

Make Your Laws PAC, Inc.
FEC ID # C00529743
% Nick Staddon, Secretary
122 Pinecrest Rd.
Durham, NC 27705

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, DC 20463

Re: MYL PAC comment on candidate debates rulemaking

December 15, 2014

Dear Commissioners:

Please accept this comment on behalf of Make Your Laws PAC, Inc. (MYL PAC) in support of the [petition for rulemaking](#) on candidate debates selection criteria, [11 CFR 110.13\(c\)](#), submitted to the Federal Election Commission ("FEC" or "Commission"), by Level the Playing Field (LPF).

Background

MYL PAC is a strictly non-partisan organization. One of our goals is ensuring that voters are represented in the best possible manner, have real choice, and can always vote their conscience, without strategic considerations of the seeming viability of their preferred choices.

The viability of candidates not endorsed by one of the two largest parties in this country is an excellent example of this problem. The perception that such candidates are not viable is self-fulfilling, because they have to meet a bar to participation that is far higher than their actual support might indicate. We agree with LPF that the current *de facto* rules effectively prohibit the participation of third-party and independent candidates who, if not for this self-fulfilling prophecy, might well be *more* preferred by voters.

We disagree with LPF only in that we believe that polling *could* easily be done in ways that do not have these problems, and that such polling would be a benefit by accurately informing the public.

We support the LPF's petition and join the LPF in requesting that the Commission engage in a rulemaking to address this issue in a reasonable manner.

MYL PAC's recommendations

LPF suggests that polling fundamentally fails to give a fair chance to candidates outside of the two major parties. We agree — as for how polling is currently done. We also agree with LPF's comments regarding the many other systemic disadvantages facing non-major-party candidates.

However, we believe that polling *could* easily give a much more fair assessment, fully adequate to sustain fair and non-partisan criteria, with a few simple and practical requirements:

1. Respondents should be asked, for each candidate, whether or not they would *approve* of that candidate taking office (a system known as "approval voting"¹).

Respondents should *not* be asked which candidate they intend to vote for, which candidate they *most* prefer, or the like. These kinds of questions all entail a *strategic* choice, rather than the voter's genuine preference. They result in the self-fulfilling exclusion of candidates that a voter may actually prefer but not think are viable, as well as of moderate candidates that may not be someone's top choice but would be much more *broadly* supported.

2. Alternatively, respondents could be asked, for each candidate, to give that candidate either an approval score from 0-10 (10 being most preferred) or *no* score (indicating a lack of adequate knowledge to have a preference on that candidate).

The threshold is then based on the *average* score given, not counting abstentions, with perhaps an additional threshold (such as 15%) of non-abstention responses required.

This system is known as "range voting"². It takes a little more time to ask than approval voting (which is a subtype of range voting, as 'approve' can be represented as a 10, 'disapprove' as a 0, and no response / "don't know" as abstention). However, full range voting is provably superior, and more likely to result in respondents being willing to give at least some points to a candidate they like but may not think is viable yet.

Though no voting system is perfect, range voting is probably the most widely supported voting system for single-winner elections among the academic community, as it has most of the desirable properties³ that a voting system can have, is very easy to administer and understand, and allows

¹ https://en.wikipedia.org/wiki/Approval_voting

² https://en.wikipedia.org/wiki/Range_voting

³ Namely, range voting has these properties:

- the outcome does not change if non-winning candidates are added or removed ("independence of irrelevant alternatives")

voters to maximize their benefits by simply voting their actual preferences, rather than engaging in the strategic voting that single-choice systems require.

3. Each respondent should get a random ordering of the candidates presented, and the candidates must be presented in an identical manner.

There are significant psychological effects from the order or manner of presentation, which must not be allowed to skew the polling results.

4. Polls made for this purpose must not ask *any* other question (other than the respondent's willingness to participate in the poll) before the candidate support questions.

Again, even questions about seemingly innocuous things such as a respondent's voting history, ethnicity, gender, age, location, etc can cause priming⁴ effects which skew the results. They should be asked *after* the critical questions.

5. Respondents must be a representative sample of the entire voting-*eligible* population, with no factors that would bias the results.

Restricting polls to "likely voters" is, again, a self-fulfilling prophecy, based on speculation of later turnout. Candidates are elected to represent the *entire* population. More voters would be likely to vote if their preferred candidates were, by media exposure such as debates, more viable to win.

6. Polls must ask about all candidates who have achieved the ballot access necessary to have a chance of winning sufficient votes to win. (For presidential elections, this means Electoral College votes, unless the National Popular Vote Interstate Compact is adopted.)

7. Staging organizations must publicly announce all criteria, including which *specific* polls they will rely on, *before* those polls are conducted, without picking some subset of polls from a larger pool. This helps to prevent partisan cherry-picking of preferred results.

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- the outcome does not change if similar candidates ("spoilers") are added ("clone-proof")
 - ranking a candidate higher cannot cause them to lose ("monotone")
 - if a candidate wins, adding more ballots where they win does not change the outcome ("consistent")
 - it is never worse to participate than to not vote ("participation")
 - if all voters' preferences were inverted, the original winner would not win ("reversal symmetry")
 - the vote is easily resolvable and summable (polytime in $O(N)$)
 - votes are simple scores, which are easily understandable and independent ("score" method)
 - voters never need to rank a candidate above their favorite to get a result they prefer ("favorite betrayal")

For details, see https://en.wikipedia.org/wiki/Voting_system#Evaluating_voting_systems_using_criteria

⁴ [https://en.wikipedia.org/wiki/Priming_\(psychology\)](https://en.wikipedia.org/wiki/Priming_(psychology))

8. The *full* results, questions, methodology, etc., of polls being relied on must be made public as soon as possible. Staging organizations must not be allowed to use polls the public cannot audit.
9. Whatever the threshold for participation may be — e.g. 15% *approval* — any candidate who is at least within the poll's margin of error from that threshold must be considered to have met it.

This is simply statistical fact: a result that is within the margin of error from a target is *indistinguishable* from the target. If debate or polling organizations wish to have a more strict threshold, they must likewise have a narrower margin of error.

Conclusion

Thank you in advance for your consideration and attention to this issue. We hope to help, as a non-partisan member of the political community, in improving every individual's participation in the political process, and we believe that a rulemaking on this issue would substantially help that.

I request the Commission's permission to appear at any hearing on this matter remotely or in person, depending on my availability.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,
Sai
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