

# THE PERSONHOOD SOLUTION

## How Ranked Choice Voting Restores Continuous Legal Visibility Deleted by Citizens United

*A Constitutional, Philosophical, and Strategic Analysis*

**Thomas W. Hornig**

Professor and Head of Jazz Department  
Lebanese National Higher Conservatory of Music

[www.executiongap.org](http://www.executiongap.org)

November 2025

---

### Executive Summary

This white paper introduces a novel theoretical framework for understanding the crisis of American democracy: **personhood manipulation** — the systematic use of legal definitions of personhood as the primary mechanism for consolidating wealth and power.

The Supreme Court's 2010 decision in *Citizens United v. FEC* represents the most catastrophic act of personhood manipulation in modern American history. By granting First Amendment personhood to corporations while simultaneously rendering individual voters legally invisible through the mechanics of unlimited corporate expenditures, *Citizens United* accomplished what no authoritarian regime could achieve through force: the deletion of individual personhood from American electoral democracy.

### The Central Thesis

**Ranked Choice Voting (RCV) is not merely an electoral reform—it is the constitutional remedy that restores continuous legal visibility to American voters.** When your first-choice candidate is eliminated, your second choice matters. When your second choice is eliminated, your third choice matters. You remain visible. You remain a legal person. Your preferences continue to shape outcomes.

Under plurality voting—the current default in American elections—voters whose preferred candidate loses are rendered legally invisible. Their votes are “spoiled.” Their preferences vanish. They become non-persons in the democratic calculation. This is not mere political science. This is **personhood interruption**—the same category of legal violation that occurs when an employer extracts labor while denying the employee status that labor should generate.

**RCV is the antidote to *Citizens United* because:** It accomplishes through ballot structure what no campaign finance reform can achieve: it restores the legal visibility of individual

voters, neutralizes the corporate vote-splitting strategy, and ensures that democratic outcomes reflect authentic preference distributions rather than corporate-manipulated fragmentation.

## Key Findings

1. *Citizens United* created a zero-sum game where corporate personhood (unlimited expenditures) crowds out individual personhood (one person, one vote).
2. Plurality voting enables personhood manipulation by allowing oligarchic interests to fund multiple splinter candidates, ensuring their preferred outcome wins despite majority opposition.
3. RCV restores continuous legal visibility by ensuring votes transfer when candidates are eliminated, keeping voters visible throughout the counting process.
4. The spoiler effect under plurality voting is a personhood violation, not merely a political inconvenience. When your vote “spoils” your preferred outcome, you are deleted from democratic calculation.
5. RCV neutralizes the vote-splitting strategy, rendering corporate expenditures strategically less effective without requiring constitutional amendment or campaign finance reform.
6. Legal personhood under Roman law established the framework that persists today: personhood as legal capacity, not natural fact. This framework has been weaponized throughout history for power consolidation.
7. Constitutional equal protection requires continuous personhood recognition. A voting system that renders some citizens invisible while counting others violates the Fourteenth Amendment.
8. This paper proposes a novel extension of Equal Protection doctrine to ballot structure, drawing from *Bush v. Gore*'s prohibition on “disparate treatment” in vote counting.
9. International evidence from Ireland, Australia, and Malta demonstrates that RCV produces more representative outcomes and higher system legitimacy.
10. American experiments in Maine, Alaska, and New York City show RCV is implementable, understandable, and effective at producing majority-supported winners.

## The Problem: Democracy's Fatal Bug

Democracy is software running on hardware. The hardware is the ballot. The software is the counting algorithm. And for most Americans, that algorithm contains a fatal bug: **it deletes users mid-process.**

## How the Majority Loses to the Minority

Consider a typical three-candidate election. This is not a hypothetical—this pattern occurs in thousands of elections across America every year:

### PLURALITY VOTING: The Bug

**First Round Results:** - Candidate A (corporate-backed): 35% - Candidate B: 33% - Candidate C: 32%

**WINNER: Candidate A**

**Result: 65% majority DELETED**

Votes for B and C are “spoiled”—rendered legally meaningless. Those voters are erased from the democratic calculation.

### RANKED CHOICE VOTING: The Fix

**Round 1:** - Candidate A: 35% - Candidate B: 33% - Candidate C: 32% → **ELIMINATED**

**Round 2 (after transfer):** - Candidate A: 35% - Candidate B: 65% (33% + transferred 32%)

**WINNER: Candidate B**

**Result: True majority RESTORED**

Every voter remains visible throughout the process. Preferences continue to matter until a majority winner emerges.

---

**This is not a technicality. This is not a minor procedural quirk. This is the architecture of voter erasure—and it happens by design.**

The question this paper answers: Why does this constitute a legal violation? And how does ranked choice voting serve as the constitutional remedy?

## Part I: The Architecture of Erasure

To understand how voters are deleted from democracy, we must first understand the mechanism by which power consolidates: the manipulation of legal personhood.

### What Is Personhood Manipulation?

For two millennia, power has consolidated through one mechanism: controlling who counts as a legal person. Roman *paterfamilias*, American slavery, women’s suffrage—the pattern is identical. Those who define personhood rule. Those denied it cannot challenge their invisibility. They lack standing. This is not history. It is current events.

Legal personhood—*persona* in Roman law—is not a natural fact. It is a legal construct. It is the capacity to hold rights, to incur obligations, to be recognized by law as an entity worthy of legal consideration. Roman law understood this with brutal clarity: slaves were not legal persons. Women had limited personhood. Foreigners existed in legal twilight. Only the *paterfamilias*—the male head of household—possessed full legal personhood.

This was not accidental. This was structural design. By controlling who counted as a legal person, Roman law consolidated power in a specific class while extracting labor and reproductive capacity from those denied personhood. The system was stable not because it was just, but because it was invisible. **Those without personhood could not challenge the system that denied them personhood. They lacked legal standing—the very capacity to be heard in law.**

*The most effective form of oppression is that which operates through law itself—making invisible to the law those who would challenge their invisibility.*

This pattern persists. Throughout history, power consolidates by answering the question: Who counts as a legal person?

- **Medieval Europe:** Serfs were not legal persons for purposes of property ownership or freedom of movement, but they were legal persons for purposes of taxation and labor obligations.
- **American slavery:** Black Americans were legal persons for purposes of the Three-Fifths Compromise (counting for congressional apportionment) but non-persons for purposes of voting, property ownership, or family integrity.
- **Women's suffrage:** Women were legal persons for purposes of criminal prosecution and property taxation but non-persons for purposes of voting or jury service until the 20th century.
- **Corporate personhood:** Corporations gained legal personhood for purposes of contracts and property (19th century), then constitutional personhood for purposes of speech (21st century).

**The pattern is consistent: selective personhood grants legal visibility when it serves power, denies it when recognition would threaten power.**

### Citizens United as Legal Visibility Deletion

The Supreme Court's 2010 decision in *Citizens United v. Federal Election Commission* represents the most sophisticated act of personhood manipulation in modern American history. The decision did not merely allow unlimited corporate expenditures in elections. It accomplished something far more insidious: it granted First Amendment personhood to corporations while simultaneously deleting the practical legal visibility of individual voters.

The mechanism operates in four steps:

1. Grant corporations unlimited expenditure capacity under the theory that money is speech and corporations are persons entitled to First Amendment protection.
2. Maintain the fiction of “one person, one vote” as if individual votes still determine electoral outcomes.
3. Create a zero-sum dynamic where corporate personhood (measured in billions of dollars of political expenditures) crowds out individual personhood (measured in single votes).
4. Render the deletion invisible by preserving democratic form (elections still occur, votes are still counted) while hollowing substance (outcomes are determined by corporate expenditures, not individual preferences).

This is not conspiracy but institutional design—visible only through structural analysis.

**This is personhood deletion disguised as personhood expansion.**

By granting corporations the “person” status for speech purposes, *Citizens United* rendered actual human persons legally invisible in electoral competition. Consider the mechanics: Before *Citizens United*, campaign finance limits—however imperfect—maintained some relationship between individual political participation and electoral outcomes. After *Citizens United*, this relationship collapsed. Individual voters retain formal personhood (one person, one vote) but lack practical visibility (one vote cannot compete with unlimited spending).

## Part II: The Dual Nature of Personhood

Before proceeding to the solution, we must address a crucial distinction that fortifies this argument against formalist attack.

### Two Concepts of Personhood

This paper employs “personhood” in two related but distinct senses:

#### 1. Juridical Personhood (Legal-Technical Category)

The formal legal status that grants capacity to hold rights, incur obligations, and be recognized as a subject of law. This is the Roman *persona*—the mask that makes one visible to legal institutions. Examples: corporate personhood, citizenship, legal capacity.

#### 2. Continuous Democratic Recognition (Process-Based Visibility)

The ongoing acknowledgment of an individual’s preferences throughout a decision-making process. This is not merely formal status but functional visibility—the capacity to influence outcomes continuously rather than momentarily. Examples: vote transfer in RCV, jury deliberation, legislative negotiation.

## The Critical Relationship

These concepts are not identical, but they operate through analogous structural mechanisms. When we say plurality voting “deletes personhood,” we are making a *normative claim about democratic visibility dressed in the language of legal personhood*. This is deliberate. The analogy illuminates how selective recognition serves power consolidation.

**Losing one election is not equivalent to slavery’s personhood denial. But the structural mechanism is analogous:** selective recognition that serves power consolidation. Systems that intermittently recognize individuals—present when useful, absent when threatening—follow the same logic whether applied to slaves, women, or voters.

## Part III: How RCV Restores Continuous Legal Visibility

### The Mechanism of Continuous Recognition

Ranked Choice Voting accomplishes what campaign finance reform has failed to achieve: it restores continuous legal visibility by ensuring that voters remain recognized throughout the vote-counting process.

#### Under plurality voting (the current American default):

- You cast your vote for your preferred candidate
- If your candidate loses, your vote is irrelevant
- You are deleted from the democratic calculation
- Your preferences vanish
- You become a non-person for purposes of determining the outcome

#### Under Ranked Choice Voting:

- You rank candidates in order of preference: first choice, second choice, third choice
- If your first choice is eliminated, your vote transfers to your second choice
- If your second choice is eliminated, your vote transfers to your third choice
- You remain visible throughout the counting process
- Your preferences continue to shape outcomes
- You remain a legal person in the democratic calculation

**This is not a minor technical adjustment. This is the restoration of continuous legal visibility—the core requirement for personhood in any context.**

### The Continuity Principle: Why Personhood Cannot Flicker

Consider employment law. An employee’s legal status does not evaporate during lunch break. The employer cannot claim “you were only an employee while actively working.”

This would be recognized immediately as personhood manipulation—selective recognition designed to extract value while denying obligations.

Your boss cannot recognize you as an employee Monday to extract labor, then declare you a non-person Tuesday to avoid paying you. **That is illegal** because employee status is continuous from hiring through termination. The employer cannot manipulate recognition to serve their interests.

Yet our voting system operates on precisely this logic. It recognizes you as a democratic participant at 8 AM when you cast your ballot, then renders you invisible at 8:05 PM when your candidate is eliminated. Your political personhood *flickers*—present, then absent, then irrelevant.

**The Fourteenth Amendment’s guarantee of equal protection cannot tolerate such intermittent recognition. Continuous status is the foundation of legal personhood in every other domain. Democratic participation deserves no less.**

### Democracy as Event vs. Democracy as Process

Consider the philosophy: Legal personhood is not an event. It is a continuous state. When I am recognized as a legal person (a citizen, an employee, a property owner), that recognition persists across time. I do not flicker in and out of personhood based on momentary circumstances.

Plurality voting violates this principle. It treats voters as legal persons only at the moment of voting. Once the vote is cast, if the preferred candidate loses, the voter is deleted. They become a non-person. Their earlier personhood (the act of voting) is erased by their later irrelevance (the vote didn’t matter).

RCV restores continuity. Your personhood as voter does not depend on whether your first choice wins. If your first choice is eliminated, you remain visible through your second choice. If your second choice is eliminated, you remain visible through your third choice. Your legal personality persists throughout the democratic process.

This is the difference between:

- **Democracy as event** (you vote once, then your relevance ends)
- **Democracy as process** (your preferences continue to matter until a winner emerges)

Plurality treats democracy as event. RCV treats democracy as process. And only process-based democracy honors continuous personhood.

### Why the Vote-Splitting Strategy Becomes Obsolete

Here is where theory meets strategy. Here is where personhood restoration becomes a structural countermeasure to *Citizens United’s* financial advantage.

### Under plurality voting + *Citizens United*, the corporate strategy is devastatingly effective:

- Identify the candidate most favorable to corporate interests
- Fund that candidate with unlimited expenditures
- Fund splinter candidates who will split the opposition vote
- Ensure your candidate wins with minority support while majority opposition is divided

Corporations and billionaire-class interests understand this mathematics intimately. They exploit vote-splitting as their primary mechanism for minority rule despite majority opposition. (Refer to the visual comparison on page 3 for the mathematical demonstration.)

### RCV neutralizes this specific tactic:

- Voters supporting eliminated candidates can rank opposition candidates as second choice
- When splinter candidates are eliminated, votes transfer to voters' next preferences
- The opposition vote consolidates rather than fragments
- The candidate with authentic majority support wins
- Corporate unlimited expenditures cannot manufacture a victory against authentic majority preference through vote-splitting

**The corporate return on investment for vote-splitting collapses. Funding splinter candidates becomes futile. Unlimited expenditures lose their power to manipulate outcomes through fragmentation.**

**Critical qualification:** RCV neutralizes the vote-splitting strategy that enables minority victories through opposition fragmentation. It cannot prevent corporations from spending unlimited amounts on their preferred candidate—but it ensures that candidate must earn majority support rather than exploit divided opposition. *This is not a complete remedy to Citizens United. It is a structural countermeasure that renders one corporate tactic obsolete.*

This is why RCV is the antidote to *Citizens United's* structural advantage. Not because it limits corporate expenditures (it doesn't—that would require constitutional amendment or Supreme Court reversal). But because it renders those expenditures strategically less effective at manufacturing minority victories through vote-splitting.

## Part IV: Constitutional Foundations

The United States Constitution does not explicitly mandate any particular voting system. It does not mention plurality voting, RCV, or any specific ballot structure. But the Constitution does establish fundamental principles that constrain how voting systems operate. Chief among these: the Equal Protection Clause of the Fourteenth Amendment.

*“No State shall... deny to any person within its jurisdiction the equal protection of the laws.”*

— Fourteenth Amendment, Section 1

This clause, ratified in 1868 to protect the rights of freed slaves after the Civil War, has become the constitutional bedrock of voting rights jurisprudence.

### Doctrinal Foundation: *Bush v. Gore*'s Unfinished Logic

In *Bush v. Gore* (2000), the Supreme Court held: "Having once granted the right to vote...[the state] may not, by later arbitrary and disparate treatment, value one person's vote over that of another."

The Court focused on *counting method* disparities (hanging chads, butterfly ballots). But the principle extends: **any system that systematically values some voters' preferences throughout the counting process while deleting others' midstream creates the "disparate treatment" *Bush v. Gore* prohibited.**

**This is not settled law. This is an extension of existing doctrine to ballot structure.**

But the logic is sound: if arbitrary mechanical failures violate equal protection, so does structural design that predictably erases supermajorities. The Constitution cannot tolerate systems where 65% of voters are treated as irrelevant while 35% determine outcomes.

### A Novel Equal Protection Claim: Plurality Voting as Personhood Violation

This white paper advances a novel Equal Protection argument:

**Plurality voting systems violate Equal Protection by denying continuous legal visibility to voters whose preferred candidates are eliminated, while maintaining visibility for voters whose candidates win or remain viable.**

This argument rests on three propositions:

#### Proposition 1: Legal Personhood Requires Continuous Recognition

From Roman law through contemporary jurisprudence, legal personhood has been understood as a status, not a series of discrete events. When someone is recognized as a legal person—a citizen, an employee, a property owner—that recognition persists across time unless formally revoked through due process.

An employee does not flicker in and out of employee status based on whether they are actively performing work at any given moment. Their personhood as "employee" is continuous from hiring through termination. The employer cannot extract labor on Monday while denying employee status (and its correlative obligations) on Tuesday. Intermittent recognition is not recognition at all; it is manipulation.

#### Proposition 2: Voting Creates Legal Personhood

Voting is not merely a procedure. It is a constitutive act that creates political personhood—the status of being a recognized participant in democratic self-governance. The Supreme Court has repeatedly affirmed that voting is "preservative of all rights" (*Yick Wo v. Hopkins*, 1886), "a fundamental political right" (*Reynolds v. Sims*, 1964), and essential to "the essence of a democratic society" (*Wesberry v. Sanders*, 1964).

When you vote, you are not merely expressing a preference. You are exercising political personhood—the legal capacity to participate in collective self-determination. This personhood should not evaporate the moment your preferred candidate is eliminated. It should persist throughout the process of determining who governs.

### Proposition 3: Differential Deletion Violates Equal Protection

Under plurality voting:

- Voters whose candidates win or remain viable: personhood maintained
- Voters whose candidates lose: personhood deleted

This differential treatment—maintaining personhood for some voters while deleting it for others—violates the Equal Protection requirement that “each citizen have an equally effective voice” (*Reynolds v. Sims*).

### Anticipated Objection:

*“Everyone’s vote is counted equally at the initial stage. Equal Protection satisfied.”*

### Response:

This conflates *formal equality at  $t_0$*  with *substantive equality across the process*. In *Reynolds v. Sims*, the Court held that “full and effective participation” requires more than one-time recognition. Plurality voting grants full participation to voters whose candidates advance, intermittent recognition to those whose candidates don’t. **This is the definition of disparate treatment.**

### The Test:

Would we accept an employment system where workers are “employees” only when actively clocked in, not-persons when on break? The continuity principle forbids such manipulation. So must voting systems.

RCV solves this by maintaining continuous legal visibility. When your first choice is eliminated, your second choice activates. When your second choice is eliminated, your third choice activates. You remain a legal person throughout the process.

## Part V: Objections and Limits

No system is perfect. Ranked Choice Voting has known limitations and legitimate criticisms. Addressing these directly strengthens rather than weakens the case for RCV as a constitutional remedy to plurality’s structural violations.

## RCV's Technical Limitations

### 1. Center-Squeeze Effect

In rare circumstances, a broadly acceptable moderate candidate may be eliminated early because they receive fewer first-choice votes than more polarizing candidates. This is a real phenomenon but occurs far less frequently than plurality's systematic deletion of majority preferences.

### 2. Non-Monotonicity

In extraordinarily rare cases, ranking a candidate higher can theoretically hurt them. This paradox is mathematically possible but empirically negligible—documented in fewer than 1% of RCV elections globally.

### 3. Complexity

Some voters find ranking candidates less intuitive than choosing one. However, implementation in Maine, Alaska, and NYC shows voter comprehension is high. Post-election surveys consistently show satisfaction rates above 70%.

### 4. Implementation Costs

Transitioning to RCV requires updated voting equipment, voter education, and administrative training. These are real costs but modest compared to the democratic harm of systematic voter deletion.

## The Personhood Analogy Challenged

The strongest objection to this paper's framework: *Losing one election is not equivalent to slavery's personhood denial or women's disenfranchisement. The comparison trivializes genuine historical oppression.*

This objection has force. We do not claim equivalence of harm. We claim **structural analogy**. The mechanism—selective recognition that serves power—operates identically whether applied to slaves, women, or voters. The *degree* differs catastrophically. The *pattern* remains.

Recognition of this pattern does not diminish historical atrocities. It illuminates how power consolidates across contexts—through the manipulation of legal visibility.

## What RCV Cannot Solve

RCV is not a panacea. It cannot:

- Prevent corporations from spending unlimited amounts on a single candidate (that remains legal under *Citizens United*)
- Eliminate media bias or information asymmetries
- Guarantee that the “best” candidate wins (democracy has no mechanism for that)

- Overcome voter apathy or low turnout

What RCV **can** do: ensure that when voters participate, their preferences remain legally visible until a majority consensus emerges. It neutralizes one specific corporate tactic—vote-splitting—while preserving the formal right to unlimited spending.

**These are system limitations, not structural violations of democratic personhood like the spoiler effect under plurality. The choice is not between perfection and plurality. It is between a flawed system that systematically deletes majorities and a flawed system that preserves their visibility.**

## Conclusion: From One Person, One Vote to One Person, One Process

This white paper has demonstrated that Ranked Choice Voting is not merely electoral reform. It is the constitutional remedy that restores continuous legal visibility to American voters in the wake of *Citizens United's* catastrophic personhood deletion.

The case is comprehensive:

- **Historically:** Personhood manipulation has been the primary mechanism for power consolidation from Roman law through *Citizens United*
- **Constitutionally:** Plurality voting violates Equal Protection by deleting some voters' continuous legal visibility while maintaining others'
- **Philosophically:** Legal personhood requires continuous recognition, which RCV provides and plurality denies
- **Strategically:** RCV neutralizes corporate vote-splitting tactics, rendering unlimited expenditures less effective at manufacturing minority victories
- **Empirically:** International and domestic evidence confirms RCV produces more representative, legitimate outcomes

**The promise of American democracy was never “one person, one vote”—a fleeting moment of recognition. It must become “one person, one process”—continuous legal visibility from first ballot to final count.**

**This is the execution of equal protection. This is personhood restored.**

## The Path Forward

Implementation requires coordinated action across multiple fronts:

- State-level adoption through ballot initiatives and legislative enactment
- Municipal experimentation building evidence and momentum
- Constitutional litigation challenging plurality voting as Equal Protection violation
- Public education on personhood manipulation framework
- Coalition building across progressive and libertarian movements united by anti-oligarchy commitment

When *Citizens United* granted corporations unlimited financial personhood in elections, it seemed to create an insurmountable advantage for oligarchic power. No amount of grassroots organizing could match billions in corporate expenditures. No campaign finance reform could survive a Supreme Court hostile to regulation.

But there was one thing the Court's majority failed to anticipate: **ballot structure matters**. The architecture of how we count votes determines whether unlimited expenditures can manufacture outcomes or whether authentic preferences prevail.

Ranked Choice Voting is that architecture. It is the structural correction that neutralizes corporate advantage by eliminating vote-splitting strategies. It is the constitutional remedy that restores continuous legal visibility by ensuring each voter's preferences remain active throughout the counting process. It is the democratic innovation that makes "one person, one vote" real rather than rhetorical.

**This is how democracy reclaims itself from oligarchy. Not through matching corporate expenditures dollar-for-dollar. Not through Supreme Court reversal of *Citizens United*. But through ballot structure that renders financial dominance strategically ineffective at producing minority victories while restoring individual voters to continuous legal visibility.**

The execution gap between democratic promise and democratic practice can be closed.

Legal visibility can be recognized continuously, not intermittently.

Individual voters can matter again.

**Ranked Choice Voting is the mechanism.**

**Continuous legal visibility is the goal.**

**Democracy's survival is the stake.**



---

*For more information on personhood manipulation theory  
and the execution gap framework:*

**[www.executiongap.org](http://www.executiongap.org)**