



AMERICANS FOR DEMOCRATIC ACTION

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March 26, 2018

TO: Honorable Chair Luke & FIN Committee Members

RE: SB 427 SD2 Relating to Ranked Choice Voting

Support for hearing on March 28

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support SB 427 SD2 as it would establish ranked-choice voting for special federal elections and special elections of vacant county council seats. First-past-the post elections where there are a number of candidates from one party and only one candidate from a second party give the advantage to the minority party candidate; this is not democratic. This bill sets up a more democratic system. We may even want to think about using it in primary races.

We do think the public will need to be educated about this system. Therefore we propose an amendment:

Part _____ Education and Outreach

The office of elections shall commit to outreach efforts in order to acquaint voters with ranked choice voting and the concept thereof; The office of elections may work with community partners and non-for profit entities to enhance community outreach coverage throughout the state.

Thank you for your favorable consideration.

Sincerely,

John Bickel, President





Testimony on SB427 SD2 Relating to Elections
By Rob Richie, FairVote Action President, March 26, 2019

Dear Char Sylvia Luke and the Committee on Finance:

I am writing to express FairVote Action's general support for SB427 SD2, regarding ranked choice voting in certain vacancies. This bill would mean that even in a crowded field, such as those often seen in vacancy elections, a representative winner will be selected in the election without the risk of vote-splitting. All voters are able to participate in a single, decisive election. While FairVote Action also supports a similar bill HB210, we especially like SB427's language at this time because it is easier to implement with current voting equipment and because its scope of affected contests addresses specific instances in Hawaii elections where ranked choice voting would clearly provide greater assurance that the outcome reflects a majority decision rather than a plurality one.

FairVote Action is a national nonpartisan organization that educates and advocates for electoral system reforms that improve democracy in our elections. We work closely with FairVote, our 501-c-3 partner organization at FairVote.org, which I have led as executive director and now president and CEO since 1992. We are seen as a leading national resource on ranked choice voting (RCV), and we work closely in the growing number of states and cities using RCV, including in elections statewide in Maine and in nine cities in the past 15 months and in the nine cities scheduled to use RCV for the first time later this year. Just this spring, the Democratic Party in such states as Iowa and Nevada have decided to have early voters in their presidential caucuses vote with RCV.

SB427 would improve elections by upholding the principles of majority rule and representative democracy. RCV ensures that elections are won with majorities without the need for costly, inefficient runoff elections. In RCV elections, voters rank candidates in order of choice: their first choice, with an option to rank backup preferences as a second choice, third choice and so on. All first choices are counted with a value of one vote. If a candidate receives more than half of the first choices, they win, just like any other election. If not, the candidate with the fewest votes is eliminated, and voters who picked that candidate as 'number 1' will have their votes count for their next choice. The process continues until two candidates remain. Winners with RCV will always have a majority of the vote when matched head-to-head against their final opponent. These winners usually win the most first choices as well. When a candidate initially in second place wins, RCV has prevented an unfair outcome due to the majority splitting the vote.

FairVote ACTION

RCV's simplicity, representative outcomes, and positive experience for voters have made it an increasingly popular election method. Recommended by Robert's Rules of Order and used in hundreds of private association elections, RCV is fully constitutional, having been twice upheld in federal courts, including in the Ninth Circuit Court of Appeal in 2011 and in district court in Maine in 2018. RCV is used in 11 cities, and another 11 cities and counties in the past year have acted to use RCV in their upcoming elections.

Last year, Maine became the first state to adopt RCV for use at the state and federal level, including in the seven-candidate Democratic primary and four-candidate Republican primary for governor in June and in the U.S. Senate and two U.S. House elections in November. (See results of one race on final page.) Despite RCV being introduced to voters without an appropriation for voter education, Maine voters responded well to the system. More votes were cast in the Democratic primary than any in state history, and voter turnout increased in November. The percentage of Maine voters who skipped the US Senate and U.S. House RCV races dropped sharply from recent elections for those offices without RCV, and voter error was miniscule -- more than 99.8% cast valid ballots. A Bangor Daily News exit survey found that more than 60% of voters want to keep RCV for congressional elections and a majority to extend it to governor; a huge majority of voters reported it was easy to vote with RCV.

This first use in Maine mirrors what we have seen elsewhere. As implementation of RCV becomes straightforward and candidates adjust to the new rules, RCV consistently works well. Among examples: 1) in San Francisco in June 2018, more city voters chose to cast an RCV ballot for mayor than a non-RCV ballot for governor and U.S. Senator; 2) in Santa Fe's first use of RCV in March 2018, voter turnout was sharply up from its comparably contested mayoral election in 2014, 99.9% cast valid ballots, more than three in five voters ranked all five candidates, and RCV results were released on election night; 3) in Minneapolis, a comprehensive city staff report on the November 2017 election provided a range of evidence on how well voters are using RCV and that fewer than one in five voters would prefer not voting with RCV.

Scholarly research about older elections is encouraging as well. In 2013 and 2014 for example, the Rutgers-Eagleton poll conducted a study examining the experiences of voters in RCV and non-RCV cities in seven cities, including four in California. 84% of voters reported understanding RCV; indeed, more voters understood RCV thoroughly than they did plurality voting (limited to one preference). More voters also understood



RCV than California's top two runoff system. Majorities of voters across all seven cities supported keeping their RCV system.

The issue of RCV has come before the legislature in Hawaii in previous years. However, the evidence has never been so strong that voters like and use RCV well and the roadmap to implementing RCV smoothly and efficiently, as detailed by the Ranked Choice Voting Resource Center at RankedChoiceVoting.org. RCV is an elegant, intuitive solution to the problems seen in crowded vacancy elections. It is proven in practice, with more communities interested in its benefits each year.

Importantly, Hawaii election officials seem ready to implement the provisions of SB427. While narrower than the provisions in HB210, SB427 addresses the specific problem of fair outcomes in vacancy elections. Several winners of vacancy elections in the past decade have won with well under half the votes cast. Limiting voters to one choice in crowded vacancy election fields in fact can be seen as a literal form of voter suppression. Consider that in high-profile races with RCV, nearly nine in ten voters will indicate at least a second choice as a backup -- like in the mayoral elections in the past year in Santa Fe and San Francisco and in the Democratic primary for governor in Maine, where more than three times as many voters chose to rank at least six of the seven candidates as chose to rank only one. Yet Maine's old rules and Hawaii's current plurality system forces everyone to be limited to one preference.

Thank you for this opportunity to testify, and please don't hesitate to contact me at rr@fairvote.org or (301) 270-4616 if you have any questions.

Attached: Sample RCV ballot and election outcome from Maine elections in 2018



Ranked Choice Voting Ballot: Maine Democratic 2018 Primary for Governor

Here is the ballot used in Maine for its Democratic primary election in the governor in 2018 that resulted in the nomination of Janet Mills. Turnout hit an all-time high, and more than three times as many voters chose to rank at least six candidates as only one.

Governor	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice	6th Choice	7th Choice	8th Choice
Cote, Adam Roland Sanford	0	0	0	0	0	0	0	0
Dion, Donna J. Biddeford	0	0	0	0	0	0	0	0
Dion, Mark N. Portland	0	0	0	0	0	0	0	0
Eves, Mark W. North Berwick	0	0	0	0	0	0	0	0
Mills, Janet T. Farmington	0	0	0	0	0	0	0	0
Russell, Diane Marie Portland	0	0	0	0	0	0	0	0
Sweet, Elizabeth A. Hallowell	0	0	0	0	0	0	0	0
Write-in	0	0	0	0	0	0	0	0

RCV Election Example: Maine Congressional Elections, 2018

Maine, 2nd U.S. House District Ranked choice Voting Election, November 2018			
Candidate	Round 1	Round 2	Round 3
Jared Golden Democrat	45.5%	46.2%	50.5%
	128,999 votes	130,182 votes	139,231 votes
Bruce Poliquin Republican	46.4%	47.1%	49.5%
	131,631 votes	132,505 votes	136,326 votes
Tiffany Bond Independent	5.7%	6.7%	Defeated
	16,260 votes	18,831 votes	
Will Hoar Independent	2.4%	Defeated	
	6,753 votes		

SB-427-SD-2

Submitted on: 3/25/2019 4:42:43 PM

Testimony for FIN on 3/28/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ted Bohlen	Individual	Support	No

Comments:

SB-427-SD-2

Submitted on: 3/27/2019 7:52:30 AM

Testimony for FIN on 3/28/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
D. Choy	Individual	Support	No

Comments:

Esteemed Chair and members of the committee,

I applaud this bill for proposing ranked choice voting. Ranked choice voting should eventually be enacted for all elections the following reasons:

First, it is a tool for depolarization of politics. When parties and candidates must appeal to the whole electorate to achieve a majority vote, they temper their stances, platforms, and rhetoric, or risk alienating large swaths of voters who otherwise might pick them as their second, or third preference. Elections become less about partisan antics and more policy. Candidates must craft ideas and visions that consider a plethora of views, experiences, and issues. Politicians' base voters become less important and the acrimony that is poisoning this country will fade away. The Maine League of Women's Voters asserts on its website that ranked choice voting will "reduce negative campaigning." It seems nationwide, the most vocal people who are opposed to ranked choice voting are those who benefit from increasingly hateful polarization.

Second, it is the closest thing we can get to truly representative democracy short of proportional representation. The current system effectively allows the slimmest margin to win the race sometimes with a bare plurality of votes which essentially ignores the voices of the majority of voters split among other candidates. Ranked choice voting allows the voters to clearly state their entire voting preferences to determine a legitimate winner via a majority vote. If you truly wish to represent all the people in this building of the people, then the preferences of those people should be respected.

It is troublesome that virtually all the prior testimony in opposition to SB427 and HB210 is from registered Republicans. Furthermore, based on their recent testimony on both bills, genuine questions must be asked if they understand ranked choice voting at all. It is unclear why any rational voter would place a candidate they want to win as their last preference as dictated in a nonsensical scenario in testimony in opposition. If they believed a candidate was qualified but did not like their policies or did not want them to win, they would not vote for them at any preference level. Other opposition arguments include issues regarding the rules determining outcomes while disregarding how rules currently determine the outcome of an election, such as the rematch between Waters and Ozawa. It is also unclear why a system that requires a candidate to appeal to the

entire electorate would incentivize a candidate to act in uncivil manners that alienates that electorate.

There also seems to be some confusion that ranked choice voting hurts smaller parties. The Libertarian Party of Hawaii has previously submitted testimony in support of both bills, contradicting opposition testimony. Furthermore, in November of 2016, the national Libertarian party called Maine's approval of the statewide initiative for ranked choice voting, "a major victory for third parties." Historically, Ohio in the early to mid-1900s used a type of ranked choice voting for local elections that elected a tidal wave of independents and third parties. The repeal of ranked choice voting in Ohio in the 1950s saw the near complete elimination of minorities, women, independents, and third parties from office. The notion that ranked choice voting consolidates a single party's power flies in the face of history and the contemporary views of third parties. Ranked choice voting, instead has historically has expanded the marketplace of political ideas, giving voters more and often better candidates that align closer to their beliefs.

Finally, one common argument against ranked choice voting is that it is more complex in how people vote. Perhaps it is with its complicated formulas, but increased complexity is no excuse to settle for less representative government. Simplicity is a hereditary dictatorship, do those who complain about complexity want that? Ranked choice voting in practice is almost as simple as today's system; voters simply mark in addition to their first choice, their next voting preferences, if any. I urge this committee to have faith in the intelligence of voters to voice their own preferences.

This is a good start for ranked voting in Hawaii and I urge you to pass it with strong support.

SB-427-SD-2

Submitted on: 3/27/2019 10:18:57 AM

Testimony for FIN on 3/28/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Mossman	Individual	Oppose	No

Comments:

SB-427-SD-2

Submitted on: 3/27/2019 11:37:47 AM

Testimony for FIN on 3/28/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carol Thomas	Individual	Oppose	No

Comments:

SB-427-SD-2

Submitted on: 3/27/2019 2:31:13 PM

Testimony for FIN on 3/28/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rita Kama-Kimura	Individual	Oppose	No

Comments:

SB-427-SD-2

Submitted on: 3/27/2019 4:26:54 PM

Testimony for FIN on 3/28/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Smart	Individual	Oppose	No

Comments:

Do not pass this bill. Our Office of Elections can't properly conduct a one for one vote process as it is. There are too many irregularities for our straight forward elections. We have to do a second Honolulu City Council election because of improprieties in the original election. Recently, some participants in that same City Council election have reported getting two ballots. How many others received two or more ballots? Keep the election simple. This process can work in a non-partisian election -- but we have parties. Parties allow a minority candidate to get some visibility and gives residents a clear choice of candidates. I have no confidence in the counting of votes in such a complicated system. Also, recounts and investigations to resolve official complaints would also be nearly impossible. Keep the system easy to understand and to process. Do NOT pass SB427 SD2.

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SB-427-SD-2

Submitted on: 3/27/2019 5:43:26 PM

Testimony for FIN on 3/28/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin J. Cole	Individual	Oppose	No

Comments:

Aloha,

I am opposed to SB 427. So called “Jungle Primaries” or “Top Two Voting” are less democratic than traditional primaries. I used to live in California and I have seen what this system leads to; disenfranchising of a large portion of the populous.

History has shown that one-party states are not good for the minority but also bad for the majority. Often a vocal faction takes over the party and without any challengers, run rampart over the rights of the citizenry.

This is a bad idea for Hawaii and for America.

V/R

Kevin J. Cole, Col USAF Ret.

Mililani

March 9, 2019

TESTIMONY IN SUPPORT OF SB 427 RELATING TO RANKED CHOICE VOTING

**TO: Chair Sylvia Luke, Vice Chair Ty Cullen and
Members of the House Committee on Finance**

FROM: Barbara Polk, on behalf of the Board of Common Cause Hawaii

Thank you for introducing and hearing SB427. Common Cause Hawaii **strongly supports** it.

The public is so used to “winner take all” elections that we assume the process is democratic. But it is not. When there are multiple candidates, typically the majority of voters have *not* selected the “winner,” but have given their votes to someone else. There is no way of knowing whether the “winner” is acceptable to a majority of the voters in that election: it is possible that most find that candidate acceptable, but the opposite may be true instead. Ranked Choice Voting solves this problem allowing voters to make clear their preferences.

The advantages of Ranked Choice Voting are several:

The winner under this system has the assurance that s/he has at least some degree of support from a majority of voters.

Voters are able to vote their true first choice, even when they know that person is unlikely to win. At present, to do so is to “waste” their vote.

Voter participation may increase for the reason above.

Votes from second, third or lower place ranking give the ultimate winner information about their constituency, permitting better representation by alerting him/her to the strength of emerging or minority ideas and concerns.

Campaigns tend to be less negative. Candidates must avoid being dismissive of opponents, since they may need the second, third, or lower place votes of opponents’ supporters.

There may be the fear that voters will not understand the process; however, that has not proven to be the case in places where Ranked Choice Voting has been introduced. It will, however, take voter education about this new system.

Ideally, Ranked Choice Voting would also be applied to primary elections, where the same problems occur with the “winner take all” approach.

Thank you for the opportunity to testify in SUPPORT of SB 427. We urge its passage.