

HB 362

House Ways and Means Committee

Amy Waychoff

LD18

Unfavorable

Thank you for this opportunity to testify. My name is Amy Waychoff and I have lived in Montgomery County for over 34 years.

Sometimes referred to as “instant runoff voting,” with Ranked Choice Voting (RCV) each voter ranks all the candidates in order of preference. If no candidate is the top choice of a majority of voters, the candidate with the fewest first-place votes is scratched from every ballot, and there is a second count.

During the second count, on every ballot where the last-place candidate was ranked first, the second-ranked candidate is counted as the voter’s top choice. The counts continue until one candidate is the top remaining choice of a majority (50.1%) of voters.

There is not a lot of data about the effectiveness of RCV. However, one study in 2014 documented a problem called ballot “exhaustion,” whereby ballots are discarded in the second and subsequent rounds. This phenomenon happens, for example, when the voter marks only one or two candidates. The study concluded that RCV “does not ensure that the winning candidate will have received a majority of *all votes cast*, only a majority of *all valid votes in the final round of tallying*.” For example, Tony Santos, mayor of San Leandro, California, lost his re-election bid in 2010 due to RCV. After the first round, Santos led, but only with 36 percent of the vote. After six rounds, “the winner had 51 percent to Santos’ 49 percent of the remaining vote. The winner held a majority over Santos but his share of the **total votes cast** was 46 percent, not a majority.”*

There is also a lack of elemental fairness in RCV. Let’s say that the candidate you placed in the first spot on your ballot received the lowest amount of overall votes, and was therefore scratched from every ballot. Under RCV, your second choice candidate is then turned into your top choice. It’s as if you are given a second vote. Why should someone

who voted for *the most unpopular candidate* in the first round get to influence the final election? RCV can also lead to a sense of disenfranchisement, especially in elections with large numbers of candidates: Let's say all three of your ranked candidates end up at the very bottom in the early rounds of tabulation; your ballot would be "exhausted" and you would have had no influence on the final outcome.

RCV is expensive. Costs have been estimated at \$1 million in Montgomery County alone: voting machines need to be configured with the proper software to implement RCV, and a large public information campaign must be undertaken because the system is so confusing. It would be more cost effective to hold a separate runoff election if the state wants to make sure the ultimate winner has a majority as opposed to a plurality of the vote. In a traditional runoff, everyone knows who the candidates are and has an equal voice in the outcome.

It is generally accepted that the higher the voter turnout, the more legitimate the election results. However, RCV is so confusing and convoluted that it would most likely lower turnout. Furthermore, research on decision-making has shown that as the number of choices increases, so does the individuals' difficulty in making decisions.

If one party is in the minority and only has one person on the ballot for a particular office, then that party would have to do a major education campaign to encourage its voters to "bullet vote," which means voting only for one person on the ballot; otherwise the minority party would be giving the majority party an even greater chance of placing one of its candidates as the ultimate winner.

RCV encourages back-room deals, where two candidates have its supporters promise to vote for the other candidate as their second choice.

The California state senate recently voted for RCV, but Governor Gavin Newsom vetoed the bill (SB 212): The Governor explained the reasons for his veto as follows: "Where it has been implemented, I am concerned that it has often led to voter confusion, and that the promise that ranked choice voting leads to greater democracy is not necessarily fulfilled." Like the Governor, I believe that RCV requires much more study before it is used more widely. Therefore, please give HB362 an unfavorable report.

*Craig M. Burnett, Vladimir Kogan, "Ballot (and voter) 'exhaustion' under Instant Runoff Voting: An examination of four ranked-choice elections," *Elsevier: Electoral Studies*.