

Tuesday, February 1, 2011  
State Capitol Room 325



## LATE TESTIMONY

HB 638 Relating to Elections

To: House Committee on Judiciary  
Representative Keith-Agaran, Chair  
Representative Rhoads, Vice Chair

Testimony of: Debi Hartmann  
Executive Director  
Democratic Party of Hawai'i

My name is Debi Hartmann, Executive Director for the Democratic Party of Hawai'i. Dante Carpenter, our Chair, and I had the privilege of serving as Observers in the Special Primary Election for the replacement of the U.S House of Representative seat vacated by our current Governor Abercrombie. As we reviewed HB 638 we wondered what the outcome might have been if this process had been in place at that time.

With that said, we went back to review the statistical data of the special election for Congressional District One in relationship to HB 638 and have the following observations.

1. On page 4, Line 20 and 21 speak to the candidate who is defeated in the "first-choice vote..."
  - a. What this section does not speak to is what is the line of demarcation that determines "defeat?" If you look at the CD 1 Special Election you will note that 11 candidates received less than a full percentage of the votes cast; would all 11 candidates then be considered defeated and how would this be determined? The law does not speak to any numeric calculation for the defeated determination.
2. Our second question is in the actual run-off process. Those whose first choice were in the defeated category have a second bit at the apple so to speak but the people who voted for the other candidates who remain in the running never get a second bite. How does this square with one-person, one-vote.
  - a. If the ballots are again mailed out to every voter, then every voter has the opportunity for a second vote. We want to make certain that we are honoring every voters right to have their voice/vote properly recorded.

Thank you for your attention to our concerns.

DEMOCRATIC PARTY OF HAWAII

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**House JUD Committee**  
**Chair Gilbert Keith-Agaran, Vice Chair Karl Rhoads**

**Tuesday 2/1/11 at 2:00 PM in Room 325**  
**HB 638 – Instant Runoff Voting**

TESTIMONY

Nikki Love, Executive Director, Common Cause Hawaii

Chair Keith-Agaran, Vice Chair Rhoads, and Committee Members:

**Common Cause Hawaii supports HB 638**, which establishes instant runoff voting.

Under the current system, the majority does not always rule in our elections. Our existing plurality system of voting (in which the candidate with the highest number of votes wins) breaks down when there are more than two candidates on the ballot. In several recent elections with many candidates on the ballot, we saw winners emerge with far less than 50% of the vote.

There is a better way: instant runoff voting. With instant runoff voting, voters rank their preferences of candidates on the ballot (first choice, second choice, etc.). If one candidate receives more than 50% of the first-choice votes, then that candidate wins. But if nobody receives a majority of the first-choice votes, the instant runoff tabulations begin. The last place candidate is eliminated and those ballots are revisited, so that those voters' second-choice rankings are added to the totals. Eliminations and re-counting continues until a winner emerges with a true majority of the vote.

This system is used successfully in San Francisco, Oakland, Berkeley, Memphis, Minneapolis, Santa Fe, North Carolina, and other locations (see next page). Instant runoff voting lets voters accurately express their preferences, allows many candidates to run without fear of distorting the outcome, helps prevent the “spoiler” effect, and may even help bridge the partisan divide and reduce negative campaigning, because a candidate hoping to be a voter’s second choice would hold back from mudslinging against a voter’s first choice. Most importantly, it ensures that the winner was elected by a clear majority of the voters.

Please see attached for more information: Jurisdictions using IRV; FAQs for voters from Alameda County, CA.

**We urge the committee to pass HB 638.** Mahalo for the opportunity to submit testimony.

### **State and local governments currently using IRV**

- San Francisco, CA (adopted 2002, first used 2004; Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender, and Members of the Board of Supervisors)
- Oakland, CA (adopted 2006, first used 2010; for mayor, city council and other city offices)
- Berkeley, CA (adopted 2004, first used 2010; for mayor, city council and other city offices)
- Arkansas (adopted 2005, first used 2006; only overseas voters in runoffs)
- Hendersonville, North Carolina (adopted 2007 and 2009 as pilot; multi-seat variations for city council)
- Louisiana (adopted and first used 1990s; only for overseas and military voters in federal and state runoffs)
- Minneapolis, MN (adopted 2006; first used in 2009 for mayor and city council)
- North Carolina (for judicial vacancy elections; adopted 2006, used in statewide election and three county-level elections in 2010)
- San Leandro, CA (adopted 2000, first used 2010; for mayor and city council)
- South Carolina (adopted and first used 2006; only for overseas voters in federal and state runoffs)
- Takoma Park, MD (adopted 2006, first used 2007; for mayor and city council)

### **Upcoming implementations (as of November 2010)**

- Telluride, CO (adopted 2008; scheduled for November 2011 for mayoral elections)
- Springfield, IL (adopted 2007; scheduled for November 2011 for overseas voters)
- St. Paul, MN (adopted 2009, scheduled for November 2011)
- Memphis, TN (adopted 2008; scheduled for 2011 for electing city council and other offices)
- Portland, ME (adopted 2010; scheduled for 2011 for electing mayor)

### **International Governments**

- Australia, to elect its House of Representatives since 1949 and to elect most state and territory lower houses.
- London, to elect its mayor since 2000. Also, several other UK cities use IRV to elect their mayors.
- Hong Kong's Legislative Council has 4 functional constituencies that use a preferential elimination system
- Bosnia, for certain sub-national elections, since 2000.
- Bougainville, first used IRV for presidential elections in December 2008.
- Fiji, since 1997.
- Papua New Guinea, since 2001.
- The Republic of Ireland, to elect its president since 1922.
- Malta, to elect its president since 1921.
- Sri Lanka, to elect its president since 1978.
- India, indirectly for president and to fill vacancies.
- Conservative Party in Canada for leadership elections.
- Progressive Conservative Party of Alberta, Canada for leadership elections.
- Liberal Party of New Zealand (Optional Preferential Voting)
- Labour Party in the UK for leadership elections.

Source: <http://www.fairvote.org/where-instant-runoff-is-used>

## **Alameda County, California – Frequently Asked Questions for Voters**

### What is Ranked-Choice Voting?

Ranked-Choice Voting or "Instant Run-Off Voting," allows voters to rank up to three candidates, in order of preference, when marking their ballots. Ranked-choice voting eliminates the need for run-off elections, and is approved for use in Berkeley, Oakland and San Leandro.

### Who is elected using a Ranked-Choice Voting ballot?

Berkeley voters use Ranked-Choice Voting to elect the Mayor, Members of the City Council, and the City Auditor. Oakland elects its Mayor, City Council members, City Attorney, City Auditor, and School Directors using Ranked-Choice Voting. San Leandro uses Ranked-Choice Voting to elect its Mayor and City Council members.

### How are Ranked-Choice votes counted?

With Ranked-Choice Voting, if a candidate receives a majority (50%+1) of the first-choice votes cast for that office, that candidate will be elected. However, if no candidate receives a majority of the first-choice votes cast, an elimination process begins. The candidate who received the fewest first-choice votes is eliminated. Next, each vote cast for that candidate will be transferred to the voter's next-ranked choice among the remaining candidates. This elimination process will continue until one candidate receives a majority and is deemed the winner.

### How Do I Mark The Ranked-Choice Voting Ballot?

The Ranked-Choice ballot card is designed in a side-by-side column format and lists the names of all of the candidates in three repeating columns. This format allows a voter to select a first-choice candidate in the first column, a second-choice candidate in the second column, and a third-choice candidate in the third column. Voters will connect the head and tail of the arrow next to the name of the candidate they choose.

### Must I rank three candidates for each office?

No. A voter may—but is not required to—rank three choices for each office. If there are fewer than three candidates for the same office, or to rank fewer than three candidates, you may leave any remaining columns blank.

### If I really want my first-choice candidate to win, should I rank the candidate as my first, second and third choice?

No. Ranking a candidate more than once does not benefit the candidate. If a voter ranks one candidate as the voter's first, second and third choice, it is the same as if the voter leaves the second or third choice blank. In other words, if the candidate is eliminated that candidate is no longer eligible to receive second or third choice votes.

### Can I give candidates the same ranking?

No. If a voter gives more than one candidate the same ranking, the vote cannot be counted. Only one candidate can represent the voter's first, second, or third choice.

### Will there be a subsequent run-off?

No, Ranked-Choice Voting eliminates the need for run-off elections.

### What if I have further questions?

If you have further questions about ranked-choice voting, please call the Alameda County Registrar of Voters Office at (510) 272-6933.

Source: <http://www.acgov.org/rov/rcv/faq.htm>

Testimony for JUD 2/1/2011 2:00:00 PM HB638

Conference room: 325  
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Testifier will be present: No  
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Submitted on: 1/31/2011

**LATE TESTIMONY**

Comments:

Aloha Chair Keith-Agaran and members of the Committee:

It is with great excitement that I submit my testimony in support of HB 638. Our current system of voting allows minority vote gathering candidates to win an election and for the majority to be disappointed with the results.

Instant runoff would allow the voters to rank their candidates and would help to establish a majority decision. This would enable voters to more accurately express their choices in their elected representatives.

I hope that this committee will strongly support this enlightened piece of legislation.

Mahalo for considering my testimony.

Brian Bell  
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