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OFFICE OF ELECTIONS**

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TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE HOUSE COMMITTEE ON FINANCE
ON HOUSE BILL NO. 2019, HD 1
RELATING TO ELECTIONS

February 25, 2016

Chair Luke and members of the House Committee on Finance, thank you for the opportunity to provide comments on House Bill No. 2019, HD 1. The purpose of this bill is to provide for instant runoff voting.

We do not believe this bill clearly accomplishes the intended purpose of "instant runoff voting" as defined by the bill. Section 2 of the bill appears to define "instant runoff voting" as a means by which to simulate a series of runoff elections that would narrow the field of candidates until such time that a candidate receives a majority of the votes cast. This would be similar to how the City and County of Honolulu has a "first special election," held in conjunction with the Primary Election, where the field is narrowed to the top two candidates who move on to the "second special election," held in conjunction with the General Election. The winner of that election has a majority of the votes cast, as there are only two candidates. The benefit of this process is that all the voters know who are the eligible candidates for the "second special election" and can cast their vote accordingly.

The bill appears to seek to attempt to simulate four rounds of special elections, as it allows the voter to rank the top four candidates. However, it does not allow the voter to know which specific candidates have moved on to the second, third, or fourth round. Instead, the voter must speculate that their first choice candidate has been eliminated and that other candidates that they may support have been eliminated in the first round (i.e., "the candidate with the

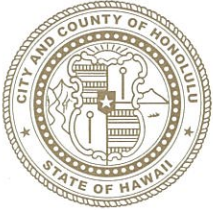
fewest first choice votes and those receiving fewer than one per cent of the first choice votes, if any, are deemed defeated”). Similarly, voters may speculate as to who the defeated “first choice” candidates chose as their “second choice” candidate, as those votes will be transferred to benefit the “second choice.” In other words, if a voter believes that their “first choice” candidate may be defeated, then they must determine what the best use of their “second choice” vote is and this will be contingent on various permutations that could occur, based on how others have voted and ranked their candidates.

Similar analysis and permutations exist for third and fourth rounds that are tied to the specific language of the statute. Simply put, the voter is not participating in any semblance of an objective traditional election, in regards to the second, third, and fourth rounds, as the prerequisite of knowing who the actual candidates are in each round of voting and what the impact of one’s vote and the votes others cannot be easily discerned.

In this bill, instant runoff elections will apply to any election not held on the date of a regularly scheduled primary or general election. In regard to state or federal offices, the applicable election may be a special election to fill a vacancy in the office of U.S. Representative, as the chief election officer is only required to provide sixty days notice of the election and could schedule it for a day other than on a regularly scheduled primary election or general election, HRS § 17-2. However, depending on the timing of the vacancy, the chief election officer may choose to hold the election in conjunction with a regularly scheduled election, if an undue amount of time in filling the vacancy is not lost. Such an election would likely increase the amount of voters participating in the vacancy election and would avoid significant expense. The fact that either instant runoff or the normal special election process could apply to a vacancy for U.S. Representative, depending on when an election is scheduled, is concerning.

Additionally, we would note that Article XVII, Section 2 of the Hawaii State Constitution provides that the election of constitutional convention delegates “shall be chosen at the next regular election unless the legislature shall provide for the election of delegates at a special election.”

Thank you for the opportunity to testify on House Bill No. 2019, HD 1.



GLEN I. TAKAHASHI
CITY CLERK

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TESTIMONY OF GLEN TAKAHASHI
CITY CLERK, CITY AND COUNTY OF HONOLULU
TO THE HOUSE COMMITTEE ON FINANCE
ON HOUSE BILL NO. 2019 HD1
RELATING TO ELECTIONS

February 25, 2016

Chair Luke and Committee members:

Thank you for the opportunity to comment on House Bill 2019 HD1. The Office of the City Clerk respectfully opposes this measure.

The purpose of this bill is to establish a ranked choice voting system for any federal, state, or county election not held in conjunction with regular elections. This measure would appear to apply to City and County of Honolulu election contests (for Mayor, Prosecutor, Councilmember) when a vacancy is filled in a "stand alone" special election.

We note that ranked choice voting schemes have been established elsewhere to eliminate the necessity for runoff elections. In Hawaii's case, to our knowledge, neither a "majority" nor a runoff election are presently required to determine a winner in a special vacancy election.

From a vote tabulation perspective, Hawaii Administrative Rules require the use of a voting system certified by an independent testing authority. The certified version of the voting system used in Hawaii does not support ranked choice voting and performing the vote reallocation prescribed by this measure would necessitate the presentation of the same election contest multiple times on the ballot to obtain voters' candidate ranking preferences.

For example, if there are 10 candidates vying for the seat, the contest would be repeated on the ballot 10 times to allow voters to select up to 10 ranked preferences. As one would imagine, this presentation would utilize much of the available printing space on the ballot layout. The presentation also has the potential to cause confusion and increases the possibility of incorrectly marked ballots.

We are informed that the State of Hawaii's vendor has produced a new voting system version (presently under federal certification) that may support

ranked choice voting more elegantly. However, there is no estimation of when federal certification may be obtained or when the product will become available.

The results confirmation process poses similar challenges as ballots would need to be manually sorted to confirm that reallocated votes were counted correctly. While an audit sampling could be performed, a complete canvass would pose tremendous challenges in sorting a large election contest (e.g. Mayor, U.S. Representative) where upwards of 200,000 ballots may be cast.

While we understand that ranked choice voting attempts to remedy the impact of "spoiler effect" candidates, the cost of campaigning in runoff elections, and curb certain types of campaign behavior, it has also been criticized as being overly confusing and frustrating for voters, and having the effect of even discouraging voter participation.

We contend that this measure is unnecessary and complicates voting by changing an intuitive concept of how votes are counted (to determine a winner) to one that requires an extensive explanation of how one's votes might be reallocated if a preliminary election outcome requires as such.

Finally, we underscore that this new election scheme will require extensive effort and resources in the area of voter education each time the special election ranked choice voting scheme is used.

Thank you for the opportunity to express our concerns with House Bill 2019 HD1.



House Finance Committee
Chair Sylvia Luke, Vice Chair Scott Nishimoto

Thursday 02/25/2016 at 3:00 PM in Room 308
HB 2019 – Relating to Elections

TESTIMONY
Carmille Lim, Executive Director, Common Cause Hawaii

Dear Chair Luke, Vice Chair Nishimoto, and members of the House Finance Committee:

Common Cause Hawaii supports HB 2019 which would establish Instant Runoff Voting (“IRV”, also known as “Ranked Choice Voting”) for federal, state, or county special elections.

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.

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.

Instant runoff voting more accurately express voters' 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.

We believe that a robust democracy is one in which voters can participate in meaningful ways, and each citizen's vote is counted. Instant Runoff Voting has been administered by elections officials in cities across the United States and worldwide, and will give each voter a greater voice in our City elections.

Thank you for the opportunity to offer testimony **supporting HB 2019**.

Enclosed on following pages: Instant Runoff Voting Fact Sheet

Introduction to Instant Runoff Voting

(Based on an information brochure from FairVote -The Center for Voting and Democracy, January 2016)

Instant Runoff Voting (IRV), sometimes known as Ranked Choice Voting, describes a voting method that allows voters to rank candidates in order of preference and then uses those rankings to elect a candidate who combines strong support with broad support by simulating a series of runoff elections in the event that no candidate receives a majority of the votes in the initial count.

IRV helps to elect a candidate more reflective of a majority of voters in a single election even when several viable candidates are in the race. It does this by counting the votes in rounds. First, all votes are tabulated with every ballot counting for its first choice. If a candidate has a majority of the vote based on first choices, that candidate wins. If no candidate has a majority of those votes, then the candidate with the fewest first choices is eliminated. The voters who selected the defeated candidate as a first choice then have their votes added to the totals of their next choice. This process continues until a candidate has more than half of the active votes, or only two candidates remain. The candidate with a majority among the active candidates is declared the winner. In each round, each voter's ballot counts only once.

IRV is straightforward for voters: rank candidates in order of choice. Voters can rank as few or as many candidates as they want, without fear that ranking others will hurt the chances of their favorite candidate. Exit polls and ballot analyses from ranked choice voting elections demonstrate that voters overwhelmingly understood how to rank candidates.

Benefits of RCV

(excerpted from <http://www.fairvote.org/rcv#rcvbenefits>)

Encourages More Civil Campaigning

In non-ranked choice voting elections, candidates benefit from “mud-slinging” by attacking an opponent’s character instead of sharing their positive vision with voters. With Instant Runoff Voting, candidates do best when they find common ground with as many voters as possible, including those supporting their opponents. Candidates who have run and won in ranked choice voting elections have been successful because they built grassroots outreach networks. Those more positive and inclusive campaign tactics cost less than polarizing negative radio and television elections, helping to explain why candidates are sometimes able to win IRV elections even when outspent.

[A comprehensive Rutgers University poll](#) of voters in seven cities with ranked choice voting and 14 control cities found that voters in RCV cities reported friendlier campaigns and more direct engagement with candidates.

Provides More Choice for Voters

Democracy is strongest when more voices are heard. Potential candidates are often reluctant to run, or discouraged from running, to avoid “vote splitting” in which candidates can and do win with very little support. That often means a low turnout election. IRV allows more than two candidates to compete without fear of splitting the vote.

Minimizes Strategic Voting

Voters should be able to vote for candidates they support, not just against candidates they oppose most. Yet in elections without IRV, voters may feel that they need to vote for the “lesser of two evils,” because their favorite candidate is less likely to win. With instant runoff voting, a voter can honestly rank candidates in order of choice without having to worry about how others will vote and who is more or less likely to win.

Jurisdictions Using Instant Runoff Voting

Instant runoff voting is used or has been passed in the following U.S. cities:

- Berkeley, CA
- Oakland, CA
- San Francisco, CA
- San Leandro, CA
- Telluride, CO
- Basalt, CO*
- Cambridge, MA
- Takoma Park, MD
- Portland, ME
- Minneapolis, MN
- St. Paul, MN
- Sarasota, FL*
- Memphis, TN*

For a complete list of institutions using IRV, which include multiple international jurisdictions, over 50 U.S. colleges and universities, hundreds of private associations and prominent international uses, see:

http://www.fairvote.org/rcv#rcv_in_action.

**Passed but yet to be implemented* ■