

**LATE**



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

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SCOTT T. NAGO  
CHIEF ELECTION OFFICER

TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS  
TO THE HOUSE COMMITTEE ON JUDICIARY  
ON HOUSE BILL NO. 179  
RELATING TO VOTING

February 3, 2017

Chair Nishimoto and members of the House Committee on Judiciary, thank you for the opportunity to provide comments on House Bill No. 179. The purpose of this bill is to provide for ranked choice voting, also known as instant runoff voting.

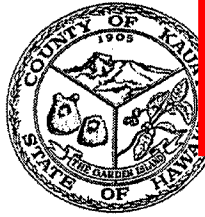
While we take no position, we would ask that the bill not be expanded to cover other contests beyond any federal election not held on the date of a regularly scheduled primary or general election.

As we understand the bill, ranked choice voting is meant to avoid the necessity and cost of conducting runoff elections. When we refer to runoff elections, we are referring to any situation in which a candidate could win outright by obtaining a majority of the votes cast; and if they do not, the two top candidates for the seat move on to another election. In our state, the only situation that would apply is nonpartisan contests such as certain county or Office of Hawaii Affairs contests. Given that we already have a regularly scheduled general election in which we can include the runoff election for county contests or the Office of Hawaiian Affairs that were not decided by the election held in conjunction with the primary election, there are no cost savings or other administrative savings to moving to an instant runoff system for those elections. As it relates to our state and federal partisan contests that utilize the primary election to nominate candidates to appear on the general election ballot for a particular office, there are no cost savings or administrative reason to change the current system.

Thank you for the opportunity to provide comments on House Bill No. 179.

**JADE K. FOUNTAIN-TANIGAWA**  
County Clerk

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**LATE**

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**ELECTIONS DIVISION  
OFFICE OF THE COUNTY CLERK  
4386 RICE STREET, SUITE 101  
LIHU'E, KAUA'I, HAWAII 96766-1819**

**TESTIMONY OF JADE K. FOUNTAIN-TANIGAWA  
COUNTY CLERK, COUNTY OF KAUA'I  
TO THE HOUSE COMMITTEE ON JUDICIARY  
ON HOUSE BILL NO. 179  
RELATING TO ELECTIONS  
February 3, 2017**

Dear Chair Nishimoto and Committee Members:

Thank you for the opportunity to provide comments on House Bill No. 179. This Bill proposes to establish ranked choice voting for special elections involving Congressional races and for the election of councilmembers in counties that have adopted this method.

Our Office has no position on this Bill at this time, however, we would like to note that it is our understanding that the State of Hawai'i's current voting system contractor cannot easily accommodate ranked choice voting. Given this concern, significant revisions to the ballot tabulation process will be necessary in order to implement provisions of this Bill. The procedural revisions will likely slow the ballot counting process and delay the release of election results.

It is the belief of our Office that educating voters will be a significant challenge due to the complexity of the ranked choice voting process, as well as the on-going issues relating to the single party primary voting scheme. Despite being in place for decades and benefitting from numerous voter education campaigns, the single party voting process is still not well understood by a large number of voters statewide, and we suspect ranked choice voting will offer similar if not greater challenges.

Thank you for the opportunity to provide comments on House Bill No. 179.

**JADE K. FOUNTAIN-TANIGAWA**  
County Clerk, County of Kaua'i



Testimony on House Bill 179 Relating to Elections  
By Rob Richie, FairVote Action President  
February 2, 2017

Dear Chair Nishimoto, Vice Chair San Buenaventura, and Committee Members:

I am writing to express FairVote Action's support for HB 179, regarding ranked choice voting in certain vacancy elections. 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](http://FairVote.org), where I have been director since 1992.

If HB 179 is enacted, ranked choice voting would be used in special elections for Congress, and counties would have the option of using it in council elections. It deserves support as it upholds the principles of majority rule and representative democracy.

Ranked choice voting ensures that elections are won with majorities without the need for a costly, inefficient runoff. In a ranked choice voting election, voters rank candidates in order of choice. All first choices are counted, and if a candidate has a majority, they win as in any election. If not, the lowest vote-getter is eliminated. Everyone who voted for that candidate has their vote instantly go to their next choice, and the process repeats until one candidate has more than half the vote.

This means that even in a crowded field such as those often seen in vacancy elections, a representative winner will be selected with just one election. The risk of vote-splitting is eliminated, even with multiple candidates in the race. All voters are able to participate in a single, decisive election that produces a consensus winner.

Ranked choice voting's simplicity and representative outcomes have made it an increasingly popular election method. Recommended by Robert's Rules of Order and used in hundreds of association elections in the United States, ranked choice voting is fully constitutional, has been adopted in more than a dozen American cities and has been upheld by judges unanimously in four states, including the 9th circuit court of

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appeals and the Minnesota Supreme Court. In November, Maine became the first state to adopt ranked choice voting for use at the state and federal level.

Research shows that ranked choice voting is liked and understood in the communities where it is used. In Oakland and San Francisco, for example, more than 99% of voters cast valid ballots, fewer people now skip city races, and winners earn more votes than with their previous system. In 2013 and 2014, the Rutgers-Eagleton poll conducted a study examining the experiences of voters in ranked choice voting and non-ranked choice voting cities in seven cities, including four in California. 84% of voters reported understanding ranked choice voting. This was comparable to understanding of plurality voting, though more voters understood ranked choice voting thoroughly than did plurality voting. More voters also understood ranked choice voting than California's top two primary runoff system. Strong majorities of voters also supported keeping their ranked choice voting system.

Ranked choice voting is an elegant, intuitive solution to the problems seen in crowded vacancy elections. It is proven in practice, with more and more communities interested in its benefits each year. FairVote Action strongly recommends HB 179 be passed so Hawaiians can have representative outcomes in their vacancy elections.

Thank you for this opportunity to testify, and please don't hesitate to contact me at [rr@fairvote.org](mailto:rr@fairvote.org) if you have any questions.

February 3, 2017

House Committee on Judiciary  
Chair Scott Y. Nishimoto, Vice Chair Joy A. San Buenaventura

Testimony on  
House Bill 179 Relating to Elections  
by Karen Brinson Bell, Ranked Choice Voting Resource Center  
Election Administration Project Team Member  
Former Elections Director, Transylvania County, NC  
Former District Elections Technician, NC State Board of Elections

Dear Chair Nishimoto, Vice Chair San Buenaventura, and Committee Members:

On behalf of the Election Administration Project Team and Ranked Choice Voting Resource Center, thank you for the opportunity to comment in support of House Bill 179.

Having worked together overseeing statewide, municipal, and district ranked choice voting (RCV) elections, our project team realized limited information was available regarding the administration of and education about RCV. To address this lack of information, the RCV Resource Center website ([www.rankedchoicevoting.org](http://www.rankedchoicevoting.org)) was developed to provide:

- a collection of resources for voters, election administrators, policy makers, and candidates;
- first-hand experiences of jurisdictions that have used RCV, as well as RCV best practices; and
- educational, outreach, definitions, tabulation, procedural, and general information materials.

We continue to update this website to with the latest information, and also model plans and studies, such as a forthcoming usability study of ranked choice ballots by the Center for Civic Design. We work closely with usability experts, equipment vendors, local clerks, audit specialists, and others. The more we learn, the clearer it is that RCV elections have and will work efficiently and effectively in our nation's elections, including Hawaii's special congressional vacancy elections and as an option county elections. It is also clear that RCV emerged as a proposed solution for promoting majority support, broader representation through voter choice, inclusive leadership, and civility. Our role is not advocacy focused; rather, we aim to provide resources that allow jurisdictions to overcome the perception that implementing and conducting RCV is too difficult.

As I have spoken with officials in Hawaii about this bill, I have tried to convey my firsthand knowledge of administering ranked choice voting as a North Carolina election administrator. When the state legislature established opportunities for municipalities to pilot RCV, I helped the city of Hendersonville in 2007 and 2009 with this voting method. Analysis by North Carolina State University of exit survey results concluded RCV worked as intended, and voters by large percentages preferred it to the previous system. In 2010, I also

helped administer a statewide judicial vacancy election, and a district vacancy as well, with RCV. This successful implementation occurred in a 4-month window, utilized existing voting equipment, was part of a ballot that included other non-RCV contests, and worked within the confines of the existing election budget. No additional monies were spent on marketing or voter education – we worked closely with the media, issued public service announcements, and added supplemental information to the statewide judicial voter guide. And last but not least, our most effective voter education tool proved to be written and verbal instruction to the voters when they presented themselves at the polling place and in absentee-by-mail materials.

In my current capacity, the project team and I are analyzing the RCV-readiness of existing voting equipment and developing a Model RCV Voting System. As I conveyed during previous meetings, Hawaii’s voting equipment vendor has a built-in RCV tabulation system with the newest software/system, Verity Voting 2.0, allowing voters to rank up to six candidates (up from five in previous iteration) and has been certified by the EAC.

Upon passage of this legislation, the project team and I stand ready to provide assistance and resources for voter education, implementation practices, and tabulation procedures at no charge to Hawaii’s Office of Elections and county clerks.

Thank you for the opportunity to provide testimony in support of HB179.

Sincerely,  
Karen Brinson Bell  
Ranked Choice Voting Resource Center  
Election Administration Project Team Member  
Former Elections Director, Transylvania County, NC  
Former District Elections Technician, NC State Board of Elections  
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Elections Consultant Specializing in Management Services  
Former Election Commissioner, Johnson County, KS  
Former EAC Senior Technical Editor/Writer



**LATE**

House Judiciary Committee  
Chair Scott Nishimoto, Vice Chair San Buenaventura

Thursday 02/03/2017 at 2:00 PM in Room 325  
HB179 – Relating to Elections

TESTIMONY

Corie Tanida, Executive Director, Common Cause Hawaii

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Dear Chair Nishimoto, Vice Chair San Buenaventura and members of the House Judiciary Committee:

**Common Cause Hawaii supports HB179** which would establish Ranked Choice Voting (“RCV”, also known as “Instant Runoff Voting”) for Congressional special elections and council members in counties that have adopted RCV.

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 RCV, 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 ranked choice 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.

Ranked Choice Voting more accurately expresses 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 elections.

Thank you for the opportunity to offer testimony **supporting HB179**.