



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
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SCOTT T. NAGO
CHIEF ELECTION OFFICER

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE HOUSE COMMITTEE ON FINANCE
ON HOUSE BILL NO. 210, HD 1
RELATING TO ELECTIONS

February 26, 2019

Chair Luke and members of the House Committee on Finance, thank you for the opportunity to provide comments on House Bill No. 210, HD 1. The purpose of this bill is to provide for ranked choice voting.

Our understanding of ranked choice voting, or instant runoff voting, is that it is meant to eliminate 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 votes cast; if they do not, the top two 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 Hawaiian Affairs contests. Since 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 use the primary election to nominate candidates to appear on the general election ballot for a particular office, there are no cost savings or administrative reasons to change the current system. This bill, as written, may cost approximately \$585,200 by requiring a multi-page ballot. To implement ranked choice voting, our current voting system would require any contest with 3 or more candidates to be listed multiple times on the ballot.

As such, we would propose that any implementation of ranked choice voting should be limited to special vacancy elections for the United States Representative.

Thank you for the opportunity to testify on House Bill No. 210, HD 1.



Testimony on House Bill 210 Relating to Elections
By Rob Richie, FairVote Action President, February 26, 2019

Dear Chair Luke and members of the Finance Committee:

I am writing to express FairVote Action's general support for House Bill 210, regarding ranked choice voting in partisan primary elections and certain other uses, and offer suggestions on how ranked choice voting might be initially used in Hawaii. HB 210 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.

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 statewide elections in Maine and elections in nine cities in the past 15 months and in the nine cities scheduled to use RCV for the first time later this year.

HB 210 would improve elections in Hawaii by upholding the principles of majority rule and representative democracy. RCV ensures that elections are won with majorities without the need for a costly, inefficient runoff elections. In a RCV election, 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 will always have a majority of the vote when matched head-to-head against their final opponent.

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

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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 7 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

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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. Although we have certain technical suggestions as possible amendments, FairVote Action recommends HB 210 be advanced so Hawaiians can have representative outcomes in their elections

An issue for the committee to consider is timing. This bill contemplates use of RCV in elections next year. Maine election officials and Santa Fe (NM) election officials were able to implement RCV effectively last year with notice of just a few months. But the issue of when Hawaii is best ready to be implemented ideal would be done in consultation with election officials.

One approach to implementing RCV more quickly is HB 718 / SB 467. Election officials seem ready to implement its provisions. While narrower, HB 718 addresses the specific problem of 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.

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%	<i>Defeated</i>
	16,260 votes	18,831 votes	
Will Hoar Independent	2.4%	<i>Defeated</i>	
	6,753 votes		



Honolulu County Republican Party

725 Kapiolani Blvd. Ste C105

Honolulu, HI 96813

To: **COMMITTEE ON FINANCE**
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Date: Tuesday, February 26, 2019

Time: 12:30pm

Place: Conference Room 308
State Capitol, 415 South Beretania Street

Re: **H.B. 210 HD1 RELATING TO ELECTIONS.**

The Honolulu County Republican Party **OPPOSES** ranked choice method of voting for all partisan primary elections, special elections, and nonpartisan general elections.

Here are five good reasons why ranked-choice voting is inherently flawed and is bad for Hawaii elections:

First, a great merit of real majority rule is that it confers legitimacy on whomever wins the election. (Winning means getting more votes than anyone else when the voters understand that they each have one vote — and therefore rank the candidates in their own minds before casting that vote). If the winner turns out to be no good, then the best way to get someone better is the same process at the next election.

Second, some people like to play games. Ranked-choice voting lets extremists game the system. If you think Candidate A is the best candidate, and grudgingly admit that Candidate B is well qualified, too, then, if you're the snaky sort, you don't even think of making Candidate B your second choice. You rank Candidate B last. That way you think you're assuring Candidate A's victory. But if every voter does this with their real second choices the whole table will end up eating poi. If they're lucky.

Third, voting should be easy. If you really believe that democracy should be broadly based, why discourage people from voting? The ranking of candidates may seem simple to the Stanford professor who supports it, but it could confuse others. And a scheme that keeps even more people at home on Election Day is nothing to be proud of. Hawaii already has one of the lowest voter turnouts in the Nation ranked choice voting will just make it worse.

Fourth, the new rules may themselves determine the outcome of the election. This is the most serious flaw of ranked-choice voting. Rules should assure that the voters get who they want, not who the rule writers want.

Fifth and last, ranked-choice voting promotes strident and negative campaigns. In a sense, the recent presidential election was a little liked ranked-choice voting, because many, perhaps most, voters cast ballots for someone they didn't think would do a good job as president, but who did seem less horrible than the alternative. All we heard about was the evil of two lessers. Ranked voting, where who you rank worst can count as much as who you rank best, promotes the effort to really attack the character of your chief rival. It will make 2016's painful acrimony the new norm. Why would anyone want to do that to voters in Hawaii?

Respectfully,
Brett Kulbis
Chairman
Honolulu County Republican Party

HB-210-HD-1

Submitted on: 2/22/2019 5:51:44 PM

Testimony for FIN on 2/26/2019 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
William Caron	Young Progressives Demanding Action	Support	No

Comments:

Aloha Chair Luke, members of the committee,

YPDA strongly supports the establishment of Ranked Choice Voting (RCV) in the State of Hawai'i. RCV simply allows voters to rank candidates in the order of their choice. Candidates do best when they attract a strong core of first-choice support while also reaching out for second and third choices. RCV, therefore, helps elect a candidate that better reflects the support of a majority of voters.

RCV promotes fairness, as results are inherently grounded in majority rule. This means the winner is more representative. It also encourages civil elections, as candidates have more incentives to debate the issues. And finally, RCV eliminates the "spoiler effect." Voting for a candidate in third place or lower does not "split the vote" for the majority.

RCV can also save the state money by eliminating the need for a primary and a general election. If the state chooses, it could still preserve this two-step election process while implementing RCV, but the nature of RCV makes it possible to accurately determine the most democratic choice for an office in one election, using multiple elimination rounds.

RCV is a great policy that will dramatically improve our election processes. Please pass this bill.

Mahalo,

Will Caron
Co-Chair, YPDA

HB-210-HD-1

Submitted on: 2/24/2019 6:42:06 PM

Testimony for FIN on 2/26/2019 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
SUSAN P HUGHES	Individual	Oppose	No

Comments:

HB-210-HD-1

Submitted on: 2/25/2019 7:16:54 AM

Testimony for FIN on 2/26/2019 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kai Lorinc	Individual	Oppose	No

Comments:

HB-210-HD-1

Submitted on: 2/25/2019 7:19:17 AM

Testimony for FIN on 2/26/2019 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tracey Clay-Whitehurst	Individual	Oppose	No

Comments:

HB-210-HD-1

Submitted on: 2/25/2019 7:40:03 AM

Testimony for FIN on 2/26/2019 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Quentin Whitehurst	Individual	Oppose	No

Comments:

HB-210-HD-1

Submitted on: 2/25/2019 8:38:39 AM

Testimony for FIN on 2/26/2019 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
garry p. smith	Individual	Oppose	No

Comments:

HB210 takes away the rights of voters to choose between all parties represented. HB210 essentially will create a one party state. Are democrats so worried about running against the small

number of Republicans who run? So we will have created a system that says to the voter: "Which

democrat do you want?". It's important that Republicans be on the playing field. The system all ready favors the democrat so at least the Republican will have a chance in the

general to win the election. Kurt Favella is a prime example, he would not have been able to continue into the general if HB210 had been in force.

HB-210-HD-1

Submitted on: 2/22/2019 10:37:56 PM

Testimony for FIN on 2/26/2019 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Oppose	No

Comments:

What shibai. The primary is to pick the party candidate, the general election is to choose between the parties. If you want to proceed with this insanity, then I suggest you amend the bill to ban all political parties and make the election a free for all.

One must ask, was this introduced because some legislators are unhappy with some of the people elected and want to give candidates two shots at the gold ring, instead of one.

This bill needs to be defeated.

From: Javier Mendez <noreply@jotform.com>
Sent: Saturday, February 23, 2019 1:49 PM
To: FINtestimony
Subject: Re: Testimony in SUPPORT of HB210 HD1 - Javier Mendez



Testimony in SUPPORT of HB210 HD1

Name	Javier Mendez
Email	mendezj@hawaii.edu
Subject	Testimony in SUPPORT of HB210 HD1
Testimony	<p>Aloha Chair Luke, members,</p> <p>I support a system of Ranked Choice Voting in the State of Hawaii. Because of the instant run-off feature of Ranked Choice Voting (RCV), RCV encourages a more genuine democratic process whereby voters rank candidates in the order of their preference. Elimination rounds guarantee that the eventual winning candidate has the broadest possible support. This system also ensures that voters whose preferred candidate(s) is not elected still have a say in the shaping of the outcome.</p> <p>Candidates do best when they attract a strong core of first-choice support while also reaching out for second and third choices. RCV helps elect a candidate that better reflects the support of a majority of voters.</p> <p>RCV also promotes encourages civil elections, as candidates have more incentives to debate the issues.</p> <p>RCV eliminates the spoiler effect, as voting for a candidate in third place or lower does not "split the vote" for the majority. This encourages people to vote for the candidates that actually reflect their values, without worrying about who is more "electable."</p> <p>Finally, RCV would save the state money, as the elimination round nature of the election eliminates the necessity for a primary. Considering Hawaii's abysmal turnout for primary elections, streamlining</p>

the process only makes sense.

I encourage you to pass this bill as is, and not to modify it or change its language to create a "Jungle Primary" system as is the case in California. Jungle primaries are messy and complicated and do not save money. A true RCV system is far superior. Mahalo.

You can [edit this submission](#) and [view all your submissions](#) easily.

From: david derauf <noreply@jotform.com>
Sent: Saturday, February 23, 2019 1:56 PM
To: FINtestimony
Subject: Re: Testimony in SUPPORT of HB210 HD1 - david derauf



Testimony in SUPPORT of HB210 HD1

Name	david derauf
Email	derauf@hawaii.edu
Subject	Testimony in SUPPORT of HB210 HD1
Testimony	<p>Aloha Chair Luke, members,</p> <p>I support a system of Ranked Choice Voting in the State of Hawaii. Because of the instant run-off feature of Ranked Choice Voting (RCV), RCV encourages a more genuine democratic process whereby voters rank candidates in the order of their preference. Elimination rounds guarantee that the eventual winning candidate has the broadest possible support. This system also ensures that voters whose preferred candidate(s) is not elected still have a say in the shaping of the outcome.</p> <p>Candidates do best when they attract a strong core of first-choice support while also reaching out for second and third choices. RCV helps elect a candidate that better reflects the support of a majority of voters.</p> <p>RCV also promotes encourages civil elections, as candidates have more incentives to debate the issues.</p> <p>RCV eliminates the spoiler effect, as voting for a candidate in third place or lower does not "split the vote" for the majority. This encourages people to vote for the candidates that actually reflect their values, without worrying about who is more "electable."</p> <p>Finally, RCV would save the state money, as the elimination round nature of the election eliminates the necessity for a primary. Considering Hawaii's abysmal turnout for primary elections, streamlining</p>

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I encourage you to pass this bill as is, and not to modify it or change its language to create a "Jungle Primary" system as is the case in California. Jungle primaries are messy and complicated and do not save money. A true RCV system is far superior. Mahalo.

You can [edit this submission](#) and [view all your submissions](#) easily.

From: Randy Ching <noreply@jotform.com>
Sent: Saturday, February 23, 2019 4:22 PM
To: FINtestimony
Subject: Re: Testimony in SUPPORT of HB210 HD1 - Randy Ching



Testimony in SUPPORT of HB210 HD1

Name	Randy Ching
Email	makikirandy@yahoo.com
Subject	Testimony in SUPPORT of HB210 HD1
Testimony	Aloha Chair Luke, members,

I support a system of Ranked Choice Voting in the State of Hawaii. Because of the instant run-off feature of Ranked Choice Voting (RCV), RCV encourages a more genuine democratic process whereby voters rank candidates in the order of their preference.

Elimination rounds guarantee that the eventual winning candidate has the broadest possible support. This system also ensures that voters whose preferred candidate(s) is not elected still have a say in the shaping of the outcome.

Candidates do best when they attract a strong core of first-choice support while also reaching out for second and third choices. RCV helps elect a candidate that better reflects the support of a majority of voters.

RCV also promotes encourages civil elections, as candidates have more incentives to debate the issues.

RCV eliminates the spoiler effect, as voting for a candidate in third place or lower does not "split the vote" for the majority. This encourages people to vote for the candidates that actually reflect their values, without worrying about who is more "electable."

Finally, RCV would save the state money, as the elimination round nature of the election eliminates

the necessity for a primary. Considering Hawaii's abysmal turnout for primary elections, streamlining the process only makes sense.

I encourage you to pass this bill as is, and not to modify it or change its language to create a "Jungle Primary" system as is the case in California. Jungle primaries are messy and complicated and do not save money. A true RCV system is far superior. Mahalo.

You can [edit this submission](#) and [view all your submissions](#) easily.

From: Randy Gonce <noreply@jotform.com>
Sent: Sunday, February 24, 2019 6:58 PM
To: FINtestimony
Subject: Re: Testimony in SUPPORT of HB210 HD1 - Randy Gonce



Testimony in SUPPORT of HB210 HD1

Name	Randy Gonce
Email	rgonce@my.hpu.edu
Subject	Testimony in SUPPORT of HB210 HD1

Testimony Aloha Chair Luke, members,

I support a system of Ranked Choice Voting in the State of Hawaii. Because of the instant run-off feature of Ranked Choice Voting (RCV), RCV encourages a more genuine democratic process whereby voters rank candidates in the order of their preference. Elimination rounds guarantee that the eventual winning candidate has the broadest possible support. This system also ensures that voters whose preferred candidate(s) is not elected still have a say in the shaping of the outcome.

Candidates do best when they attract a strong core of first-choice support while also reaching out for second and third choices. RCV helps elect a candidate that better reflects the support of a majority of voters.

RCV also promotes encourages civil elections, as candidates have more incentives to debate the issues.

RCV eliminates the spoiler effect, as voting for a candidate in third place or lower does not "split the vote" for the majority. This encourages people to vote for the candidates that actually reflect their values, without worrying about who is more "electable."

Finally, RCV would save the state money, as the elimination round nature of the election eliminates the necessity for a primary. Considering Hawaii's abysmal turnout for primary elections, streamlining

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You can [edit this submission](#) and [view all your submissions](#) easily.

HB-210-HD-1

Submitted on: 2/25/2019 1:48:51 PM

Testimony for FIN on 2/26/2019 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stefani jeremiah	Individual	Oppose	No

Comments:

HB-210-HD-1

Submitted on: 2/26/2019 1:36:35 PM

Testimony for FIN on 2/26/2019 12:30:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Dr Marion Ceruti	Individual	Oppose	No

Comments:

HB 210 is just another power grab by the Hawai'i Democratic Party to ensure that no other party's candidates appear on the general-election ballot. This is what communist countries do - one part rule - where the people have limited or essentially no choices. It is unnecessary to complicate the ballot like this. So many Hawai'i citizens of voting age already do not vote in elections - because of the perception that their vote does not count and they cannot make a difference. This bill will prevent the Republican and Libertarian parties from fielding their presidential candidates in the 2020 general election and their voices will not be heard in 2020. Vote NO on HB 210. Stop the power grab.

LATE

HB-210-HD-1

Submitted on: 2/26/2019 2:18:58 PM

Testimony for FIN on 2/26/2019 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Emil Svrčina	Individual	Oppose	No

Comments:

Fellow citizens - legislators

I oppose this bill because:

1. There is no money saving if both Primary and General elections remain anyway.
2. There is no way for the people to recall disastrous election results.
3. There is 65 years old one party dominance naturally almost bankrupting state of Hawaii – therefore debate of contrasting and opposing positions/ideas on important issues is essential for our survival, to educate the constituents, and to reverse this dangerous economical, intellectual and emotional trend.