



**STATE OF HAWAII**  
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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. 210  
RELATING TO ELECTIONS

January 31, 2019

Chair Lee and members of the House Committee on Judiciary, thank you for the opportunity to provide comments on House Bill No. 210. 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; and 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. 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 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.

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.

TESTIMONY  
ON BEHALF OF THE LIBERTARIAN PARTY OF HAWAII  
c/o 1658 Liholiho St #205  
Honolulu, HI 96822

January 29, 2019

RE: HB210 to be heard Thursday January 31, in Room 325, at 2:00 PM  
**SUPPORT**

To the members of the House Committee on Judiciary

Ranked order voting is a great way to allow voters to vote for someone rather than against them. It should encourage more people to run for office who might not feel they can beat either of two better known and financed candidates.

Aloha



Tracy Ryan  
For The Libertarian Party of Hawaii

**HB-210**

Submitted on: 1/29/2019 9:48:53 PM

Testimony for JUD on 1/31/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brett Kulbis	Honolulu County Republican Party	Oppose	No

Comments:

**HB-210**

Submitted on: 1/30/2019 9:29:08 AM

Testimony for JUD on 1/31/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Mather	Individual	Support	No

Comments:

Aloha Chair Lee & Committee Members,

My name is Jen Mather and I am a resident of Lahaina, Maui. I am a member of the Green Party of Hawai'i. I support the measure to use rank choice voting for state elections. Preferential voting will guarantee that the true will of the people will be upheld through our election process.

Mahalo,

Jen Mather

**HB 210 Late**



**LATE**

Testimony on House Bill 210 Relating to Elections  
By Rob Richie, FairVote Action President, January 30 2019

Dear Chair Lee and members of the Judiciary 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



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



the roadmap to implementing RCV smoothly and efficiently, as detailed by the Ranked Choice Voting Resource Center at [RankedChoiceVoting.org](http://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](mailto: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		

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To: The House Committee on Judiciary  
From: Brodie Lockard for the Common Cause Hawaii Board  
Date: Thursday, January 31, 2019, 2:00 pm

**In strong support of HB 210**

Dear JUD Chair Lee, Vice Chair San Buenaventura and Committee Members—

Common Cause Hawaii strongly supports HB 210.

In Ranked-Choice Voting, as with other ranked election methods, each voter ranks the list of candidates in order of preference. Under a common ballot layout, the voter marks a '1' beside the most preferred candidate, a '2' beside the second-most preferred, and so forth, in ascending order.

The mechanics of the process are the same regardless of how many candidates the voter ranks, and how many are left unranked. In some implementations, the voter ranks as many or as few choices as they wish, while in other implementations the voter is required to rank either all candidates, or a prescribed number of them.

Better Elections

RCV improves the relationship between candidates and votes.

- Promotes Fairness. Results are grounded in majority rule, meaning the winner is more representative.
- Fosters Civility. RCV encourages civil elections. Candidates have more incentives to debate the issues.
- No Spoiler Effect. Voting for a candidate in third place or lower doesn't "split the vote" for the majority.
- Saves money. RCV saves the time and needed for runoff elections.

Ranked choice voting ensures that elected leaders in special elections will be more likely to represent the interests of Hawaii voters.

How Ranked Choice Voting Could Work in Special Elections in Hawaii

Currently, special elections for U.S. House elections in Hawaii are conducted in one round, without a primary. The winner is the candidate who wins the most votes, even if that vote total is far less than half of the votes. That means a candidate can win election to federal office with less than 40% of the vote.

Using ranked choice voting in special elections for the U.S. House would start when that election is not consolidated with a regularly scheduled primary or general. With ranked choice voting, voters would rank the candidates in order of choice, from first to last. If a candidate has a majority of first choices, they win like in any election. If not, then the

candidate with the fewest votes is defeated. Votes for the defeated candidate instantly count for their second choice. That repeats until a candidate wins with a majority. Until Hawaii has precinct-level voting equipment ready to get an “instant runoff” result (as done in Bay Area cities), ranked choice voting would be used in tandem with vote-by-mail elections.

Please pass HB 210 and bring Hawaii to the forefront of modern election practices.

Thank you for the opportunity to testify.

Brodie Lockard  
Board Member, Common Cause Hawaii

**LATE**

**HB-210**

Submitted on: 1/30/2019 8:07:16 PM

Testimony for JUD on 1/31/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ramona Hussey	Individual	Support	No

Comments:

Representatives,

I fully support HB210 to institute Ranked Choice Voting. This is our opportunity to make real and important change in how our elections are held. Allowing voters to rank their votes encourages people to vote their real choices, rather than trying to vote strategically. Thus more people will be in support of those candidates who receive the most votes. The State of Maine has proven it works! Let's do it, Hawaii!

**LATE**

**HB-210**

Submitted on: 1/30/2019 9:48:08 PM

Testimony for JUD on 1/31/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Brown III	Individual	Support	No

Comments:

Aloha Chair Lee, Vice Chair San Buenaventura, and Members,

I strongly support this measure. Ranked Choice Voting is a key, progressive, election reform that can make our democracy more fair and more representative. It has been well received and successful in the places that have enacted such a system. FairVote summarizes it best: "Candidates do best when they attract a strong core of first-choice support while also reaching out for second and even third choices. When used as an "instant runoff" to elect a single candidate like a mayor or a governor, RCV helps elect a candidate that better reflects the support of a majority of voters. When used as a form of fair representation voting to elect more than one candidate like a city council, state legislature or even Congress, RCV helps to more fairly represent the full spectrum of voters."

Additionally, in recent years, we've encountered an uptick in negative campaign tactics from certain candidates in local races. RCV limits such negativity, as it is advantageous for candidates to try to positively reach as many different voters as they can.

Please vote YES on this much needed reform!

Mahalo nui,

Joey Brown, Kailua, HI

**LATE**

**HB-210**

Submitted on: 1/31/2019 12:09:37 PM  
Testimony for JUD on 1/31/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Smart	Individual	Oppose	No

Comments:

Do not pass this bill. We need to have a choice between opposing positions on various programs and issues -- not a choice between shades of gray. This is especially important in a state that is dominated by one party. Hawaii must be open to a debate of ideas - not shut down dialogue on controversial topics.