

SB-427-SD-2

Submitted on: 3/11/2019 12:07:32 AM

Testimony for JUD on 3/11/2019 2:00:00 PM

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

Comments:

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



Testimony on SB427 SD2 Relating to Elections
By Rob Richie, FairVote Action President, March 8, 2019

Dear Chair Lee and members of the Judiciary Committee:

I am writing to express FairVote Action's general support for SB 427 SD2, regarding ranked choice voting in certain vacancies. This bill 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. While FairVote Action also supports a similar bill HB210, we especially like SB427's language at this time because it is easier to implement with current voting equipment and because its scope of affected contests addresses specific instances in Hawaii elections where ranked choice voting would have provided greater assurance that the outcome reflected a majority decision rather than a plurality one.

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.

SB427 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 costly, inefficient runoff elections. In RCV elections, 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 with RCV will always have a majority of the vote when matched head-to-head against their final opponent. These winners usually win the most first choices as well. When a candidate initially in second place wins, it means that RCV prevented an unfair outcome due to the majority splitting the vote.

FairVote ACTION

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 seven 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. 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.

Importantly, Hawaii election officials seem ready to implement the provisions of SB427. While narrower than the provisions in HB210, SB427 addresses the specific problem of fair outcomes in 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. Turnout hit an all-time high, and more than three times as many voters chose to rank at least six candidates as only one.

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%	Defeated
	16,260 votes	18,831 votes	
Will Hoar Independent	2.4%	Defeated	
	6,753 votes		

March 9, 2019

TESTIMONY IN SUPPORT OF SB 427 RELATING TO RANKED CHOICE VOTING

TO: Chair Chris Lee, Vice Chair Joy San Buenaventura and Members of the House Committee on the Judiciary

FROM: Barbara Polk, on behalf of the Board of Common Cause Hawaii

Thank you for introducing and hearing SB427. Common Cause Hawaii strongly supports it.

The public is so used to “winner take all” elections that we assume the process is democratic. But it is not. When there are multiple candidates, typically the majority of voters have *not* selected the “winner,” but have given their votes to someone else. There is no way of knowing whether the “winner” is acceptable to a majority of the voters in that election: it is possible that most find that candidate acceptable, but the opposite may be true instead. Ranked Choice Voting solves this problem allowing voters to make clear their preferences.

The advantages of Ranked Choice Voting are several:

The winner under this system has the assurance that s/he has at least some degree of support from a majority of voters.

Voters are able to vote their true first choice, even when they know that person is unlikely to win. At present, to do so is to “waste” their vote.

Voter participation may increase for the reason above.

Votes from second, third or lower place ranking give the ultimate winner information about their constituency, permitting better representation by alerting him/her to the strength of emerging or minority ideas and concerns.

Campaigns tend to be less negative. Candidates must avoid being dismissive of opponents, since they may need the second, third, or lower place votes of opponents’ supporters.

There may be the fear that voters will not understand the process; however, that has not proven to be the case in places where Ranked Choice Voting has been introduced. It will, however, take voter education about this new system.

Ideally, Ranked Choice Voting would also be applied to primary elections, where the same problems occur with the “winner take all” approach.

Thank you for the opportunity to testify in SUPPORT of SB 427. We urge its passage.



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March 8, 2018

TO: Honorable Chair Lee and JUD Committee Members

RE: SB 427 SD2 Relating to Ranked Choice Voting

Support for hearing on March 11

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support SB 427 SD2 as it would establish ranked-choice voting for special federal elections and special elections of vacant county council seats. First-past-the post elections where there are a number of candidates from one Party and only one candidate from a second Party give the advantage to the minority Party candidate; this is not democratic. This bill sets up a more democratic system. We may even want to think about using it in primary races.

Thank you for your favorable consideration.

Sincerely,

John Bickel, President



SB-427-SD-2

Submitted on: 3/10/2019 1:56:34 PM

Testimony for JUD on 3/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

SB-427-SD-2

Submitted on: 3/9/2019 3:37:43 PM

Testimony for JUD on 3/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jun Shin	Individual	Support	No

Comments:

I support this. Rank choice voting is very much needed as it allows for everyone to be able to pick who they want for public office in elections without being concerned about "wasting your vote" or spoiling your vote. I've also talked to and seen on social media and other platforms, individuals who don't feel that their vote matters at all, and we can never forget that our voter turnout is super low as well. Ranked choice allows an opportunity for voters to select and rank several candidates based on who they think would be the best representative for them and if their first choice doesn't make it, their selection of who they want after that are taken into consideration in the calculation. It's awesome, but I hope that the legislature expands this to include state offices, and to make this for all elections and not just the special ones. Thank you.

Jun Shin

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LATE

SB-427-SD-2

Submitted on: 3/11/2019 10:40:45 AM

Testimony for JUD on 3/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
D. Choy	Individual	Support	No

Comments:

Good Morning Esteemed Chair and members of the committee,

I applaud this bill for proposing ranked choice voting. Ranked choice voting should eventually be enacted for all elections for two key reasons:

First, it is a tool for depolarization of politics. When parties and candidates must appeal to the whole electorate to achieve a majority vote, they temper their stances, platforms, and rhetoric, or risk alienating large swaths of voters who otherwise might pick them as their second, or third preference. Elections become less about partisan antics and more policy. Candidates must craft ideas and visions that consider a plethora of views, experiences, and issues. Politicians' base voters become less important and the acrimony that is poisoning this country will fade away. It seems nationwide, the most vocal people who are opposed to ranked choice voting are those who benefit from increasingly hateful polarization.

Second, it is the closest thing we can get to truly representative democracy short of proportional representation. The current system effectively allows the slimmest margin to win the race sometimes with a bare plurality of votes which essentially ignores the voices of the majority of voters split among other candidates. Ranked choice voting allows the voters to clearly state their entire voting preferences to determine a true winner via a majority vote. If you truly wish to represent the people in this building of the people, then the preferences of those people should be respected.

It is troublesome that virtually all the testimony in opposition to original House draft was from registered Republicans. Why are Republicans opposed to election reform and increased political competition, especially in a state they often decry as politically monopolistic? Furthermore, under the current system, their numbers have steadily dwindled to single digits, so why not shake up the system, after all isn't that why they voted for Trump?

Finally, one common argument against ranked choice voting is that it is more complex in how people vote. Perhaps it is with its complicated formulas, but increased complexity is no excuse to settle for less representative government. Simplicity is a hereditary dictatorship, do those who complain about complexity want that?

This is a good start for ranked voting in Hawaii and I urge you to pass it with strong support.

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Submitted on: 3/9/2019 12:36:44 PM

Testimony for JUD on 3/11/2019 2:00:00 PM

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

Comments:

The companion HB718 died in the House. It did not receive a hearing. This bill also needs to die now. It is a joke, but not good enough for Saturday Night Live. It is way too radical. We are electing representatives to various bodies. This is serious. We are not ordering food in a restaurant where we get to select one or two items from various categories. For example, menu number 1 gives me a mixed plate with one side with one choice, or with two choices, or with three choices. Menu number 2 gives me a mini or a regular plate, with one protein and one side with additional charges if i want more protein and/or more sides. Please stop this idiocy now.

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Submitted on: 3/10/2019 8:35:10 PM

Testimony for JUD on 3/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Smart	Individual	Oppose	No

Comments:

I am in STRONG OPPOSITION to SB 427 SD2. This is a direct attack on diversity. I keep hearing that diversity is our strength but this bill is an example of a big bully shutting down all dialog and ramming "group think" down our throats. California has this concept -- and everyone is abandoning California because it has become one of the worst states in which to live and raise a family. We don't need California's bad ideas to be imported to our beautiful state. This bill subverts the ability of small political parties to compete on a level playing field in the public square. The party system exists to provide people of like mind an opportunity to assemble, share ideas, develop viable solutions to current problems through public policy and reach out to the community through campaigning and debate. In a state that is dominated by one party, the sharing of different ideas and solutions will be shut-down. Few new ideas or innovations will come forward. The general public sees that the Democrats appear to be a controlled voting block. The needs of the constituency are regularly ignored. This bill is among the worst ideas being considered by the legislature this session -- and there are plenty of bad bills. Vote NO and keep Hawaii welcoming to everyone and protect our public square so we remain a government by the people and for the people.

SB-427-SD-2

Submitted on: 3/11/2019 7:18:38 AM

Testimony for JUD on 3/11/2019 2:00:00 PM

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

Comments:

I oppose this bill because if it becomes law, it will confuse voters. If enacted, it will not necessarily produce the outcome that voters want. The bill is predicated on the assumption that voters like A better than B and B better than C, etc. However, often, voters deem all candidates to be terrible choices and they vote for the least undesirable candidate. Therefore, the voters ought to be able to express their real view with a "none of the above" choice. This bill does not allow for it. Note that a vote for "none of the above" differs from simply not voting in a particular contest or leaving blank a choice on ballot measures. If enough "none of the above" votes are cast it will be a signal to come up with better choices and that the status quo is unacceptable.

If implemented, a voter will be in the uncomfortable predicament of whether or not to cast ballots for second, third, etc. choices for candidates whose platforms and past performance are opposite to the views of the voter. Rank-choice voting might work if multiple desirable candidates are on the ballot, but it will be a disaster and worse than the simple voting system we have now if we continue to see the same quality choices. "If it ain't broke don't fix it." Vote NO on SB427.

SB-427-SD-2

Submitted on: 3/9/2019 3:10:39 PM

Testimony for JUD on 3/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments: