

Statement Before The
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Thursday, February 11, 2021

1:30 PM

Via Videoconference

in consideration of

SB 560

RELATING TO RANKED CHOICE VOTING.

Chair NISHIHARA, Vice Chair ENGLISH, and Members of the
Senate Public Safety, Intergovernmental, and Military Affairs Committee

Common Cause Hawaii supports SB 560, which establishes ranked choice voting (RCV) for special federal elections and special elections of vacant county council seats.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through voting modernization efforts such as adopting RCV.

RCV is a simple electoral reform that ensures fair and efficient elections. In a traditional election, the candidate with the most votes wins, even if they do not receive a majority of the votes. This means voters often feel disengaged and are left to choose between the “lesser of two evils,” or vote for the candidate they feel has the best chance of winning, rather than supporting their favorite candidates.

RCV promotes positive, inclusive and fair elections, which encourages a diversity of candidates. The Hawaii Democratic Party’s Party-Run Presidential Primary employed RCV in 2020. There are 30 jurisdictions that are using or have adopted some form of RCV. See https://www.fairvote.org/data_on_rcv#research_snapshot.

With RCV, voters rank candidates from favorite to least favorite. On Election Night, first choice votes are counted to determine who voters like the best. If a candidate receives a majority of votes, they win. If no candidate receives a majority, the candidate with the fewest first-choice rankings is eliminated. If your favorite candidate is eliminated, your vote is instantly counted for your next choice. This repeats until one candidate reaches a majority and wins.

In RCV elections, you always get to vote for your favorite candidate, even if they do not have a good chance of winning. If your favorite candidate gets eliminated, then your vote immediately counts for your next choice. You can truly vote your conscience without worrying about wasting your vote. Ranking your 2nd, 3rd, and 4th choices will never hurt your favorite candidate. It simply amplifies your voice in the process.

Cities that have RCV elections have seen a steady increase in voter turnout. When voters feel their vote will matter, they turn out in greater numbers.

In RCV elections, candidates often need 2nd and 3rd choice votes to win a majority of the vote. As such, they will ask for your first-choice vote, but if another candidate is your favorite, they will also ask for your second and

third choices. Candidates are not likely to get your second or third choice vote if they have been engaging in negative “mudslinging” personal attacks against your favorite candidate.

RCV will require voter education to implement successfully. Common Cause Hawaii hopes that the Office of Elections and Clerks’ Offices are provided with sufficient public education tools to implement RCV and will work cooperatively with the community to disseminate information about RCV.

Thank you for the opportunity to testify in support of SB 560, and Common Cause Hawaii respectfully urges the committee members to pass SB 560 out of your Committee. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii

SB-560

Submitted on: 2/8/2021 8:19:27 PM

Testimony for PSM on 2/11/2021 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan B Roberts Emery	Testifying for Green Party Hawai'i	Support	No

Comments:

The Green Party of Hawai'i would like to add our support to the growing call for Ranked Choice Voting ("RCV"), in the State of Hawai'i. The Green Party of the United States has Instant Runoff Voting ("IRV") in its platform under Electoral Reform:

" b. Enact Instant Runoff Voting for chief executive offices like Mayor, Governor, and President and other single -seat elections. Under IRV, voters can rank candidates in their order of preference (1,2,3 etc) IRV ensures that the eventual winner has majority support and allows voters to express their preferences knowing that supporting their favorite candidate will not inadvertently help their least favored candidate. IRV thus frees voters from being forced to choose between the lesser of two evils, and saves money by eliminating unnecessary run-off elections."

The Green Party of Hawai'i would love to help our state develop truly progressive voter reform that will allow every voter to vote their preference in a ranked choice manner. RCV tends to increase voter turnout and allows the state to do away with costly primary elections. One ballot, one election. The state of Maine used Ranked Choice voting in the 2020 Senate Race as well municipalities in California, Colorado, New York, New Mexico, Utah, Oregon, Michigan, Massachusetts and Minnesota . The League of Women Voters as well as a broad spectrum of state political parties, all support Ranked Choice Voting. If we are going to be a democratic state legislature, we must allow the voters more options to choose from. The more options we are given the more solutions we can find to solve the problems we face as a global society, and more importantly the State of Hawai'i.

We encourage our state legislature to be on the right side of history and pass SB560 through this committee.

The Green Party of Hawai'i

Susan RobertsEmery



AMERICANS FOR DEMOCRATIC ACTION

OFFICERS	DIRECTORS			MAILING ADDRESS
John Bickel, President	Melodie Aduja	John Miller	Bill South	P.O. Box 23404
Alan Burdick, Vice President	Juliet Begley	Jenny Nomura	Zahava Zaidoff	Honolulu
Dave Nagajji, Treasurer	Stephanie Fitzpatrick	Stephen O'Harrow		Hawaii 96823
Doug Pyle, Secretary	Jan Lubin	Lyn Pyle		

February 8, 2021

TO: Honorable Chair Nishihaara and PSM Committee Members

RE: SB 560 Relating to Ranked Choice Voting

Support for hearing on February 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 560 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





LATE

Testimony on SB560 Relating to Elections
By Rob Richie, FairVote Action President, February 10, 2021

Dear Chair Clarence K. Nishihara and the Senate Public Safety and Intergovernmental Affairs committee

I am writing to express FairVote Action's general support for SB560 regarding ranked choice voting in certain vacancy elections. This bill would mean that even in a crowded field, such as those often seen in such 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. SB560 is straightforward to implement with Hawaii's current voting equipment and its scope of affected contests addresses specific instances in Hawaii elections where ranked choice voting would clearly provide greater assurance that the outcome reflects 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).

In recent years, RCV has made major progress. Just in the past 12 months:

- 1) Five Democratic presidential primaries and caucuses relied on RCV ballots, including the Hawaii Democratic primary, with remarkably high (over 99.8%) rates of valid ballots and high voter use of rankings;
- 2) Maine and Alaska have adopted RCV for all future presidential elections, and Maine used it successfully in November 2020
- 3) All six cities voting on RCV passed it, by an average victory margin over 20%
- 4) Several new cities starting using RCV, including New York City for all its vacancy elections.

SB560 would improve elections 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

FairVote

ACTION

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, RCV has prevented an unfair outcome due to the majority splitting the vote.

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 federal district courts in Maine in 2018 and 2020. RCV is being used in one state and 21 cities, and will be used in the next election in a second state and at least eight more cities

In 2018, 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.

FairVote ACTION

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 RCVResources.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 SB560. SB560 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 recent mayoral elections 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.

See links to:

- [Report on use of RCV ballots in 2020 presidential primaries, including Hawaii](#)
- [Summary of scholarly analysis of ranked choice voting](#)

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		

SB-560

Submitted on: 2/8/2021 12:48:41 PM

Testimony for PSM on 2/11/2021 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Philip T. Rapoza	Individual	Oppose	No

Comments:

I oppose

SB-560

Submitted on: 2/8/2021 2:35:35 PM

Testimony for PSM on 2/11/2021 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Kingdon	Individual	Support	No

Comments:

I support ranked-choice voting for any and all elections. It is a very egalitarian method and actually incentivizes moderation and civility in campaigns and elected officials. I encourage legislators to look at the State of Maine, where ranked-choice voting has been broadly implemented and has been very effective at optimizing the democratic process:

<https://www.maine.gov/sos/cec/elec/upcoming/rcv.html>

<https://www.npr.org/2020/10/07/921287288/how-maines-ranked-choice-voting-system-works>

Thank you for your consideration.

David Kingdon

Wailuku

SB-560

Submitted on: 2/8/2021 2:53:27 PM

Testimony for PSM on 2/11/2021 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Individual	Support	No

Comments:

Aloha Senators,

I support SB 560.

Mahalo,

Michael Golojuch, Jr.

SB-560

Submitted on: 2/8/2021 3:03:04 PM

Testimony for PSM on 2/11/2021 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
tlaloc tokuda	Individual	Support	No

Comments:

- Dear Committee,
-
- Ranked Choice Voting (RCV) is a simple electoral reform that ensures fair and efficient elections. In a traditional election, the candidate with the most votes wins, even if they do not receive a majority of the votes. This means voters often feel disengaged and are left to choose between the “lesser of two evils,” or vote for the candidate they feel has the best chance of winning, rather than supporting their favorite candidates.
- RCV promotes positive, inclusive and fair elections, which encourages a diversity of candidates. The Hawaii Democratic Party’s Party-Run Presidential Primary employed RCV in 2020. The Hawaii Democratic Party’s Party-Run Presidential Primary employed RCV in 2020. There are 30 jurisdictions that are using or have adopted some form or RCV. See https://www.fairvote.org/data_on_rcv#research_snapshot.
- With RCV, voters rank candidates from favorite to least favorite. On Election Night, first choice votes are counted to determine who voters like the best. If a candidate receives a majority of votes, they win. If no candidate receives a majority, the candidate with the fewest first-choice rankings is eliminated. If your favorite candidate is eliminated, your vote is instantly counted for your next choice. This repeats until one candidate reaches a majority and wins.
- In RCV elections, you always get to vote for your favorite candidate, even if they do not have a good chance of winning. If your favorite candidate gets eliminated, then your vote immediately counts for your next choice. You can truly vote your conscience without worrying about wasting your vote. Ranking your 2nd, 3rd, and 4th choices will never hurt your favorite candidate. It simply amplifies your voice in the process.

- Cities that have RCV elections have seen a steady increase in voter turnout. When voters feel their vote will matter, they turn out in greater numbers.
- In RCV elections, candidates often need 2nd and 3rd choice votes to win a majority of the vote. As such, they will ask for your first choice vote, but if another candidate is your favorite, they will also ask for your second and third choices. Candidates are not likely to get your second or third choice vote if they have been engaging in negative “mudslinging” personal attacks against your favorite candidate.
- RCV will require voter education to implement successfully. We hope that the Office of Elections and Clerks Offices are provided with sufficient public education tools to implement RCV and will work cooperatively with the community to disseminate information about RCV.
- Mahalo for the opportunity to testify in support of SB 560, and we respectfully urge the committee members to pass SB 560 out of your Committee.

Tlaloc Tokuda

Kailua Kona, HI 96740

SB-560

Submitted on: 2/8/2021 11:09:16 PM

Testimony for PSM on 2/11/2021 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Nishihara, Vice Chair English and Committee on Public Safety, Intergovernmental and Military Affairs,

Please support Ranked Choice Voting (RCV) SB560.

Cities that have RCV elections have seen a steady increase in voter turnout. When voters feel their vote will matter, they turn out in greater numb

RCV promotes positive, inclusive and fair elections, which encourages a diversity of candidates. The Hawaii Democratic Party's Party-Run Presidential Primary employed RCV in 2020. The Hawaii Democratic Party's Party-Run Presidential Primary employed RCV in 2020. There are 30 jurisdictions that are using or have adopted some form or RCV. See https://www.fairvote.org/data_on_rcv#research_snapshot.

RCV will require voter education to implement successfully. We hope that the Office of Elections and Clerks Offices are provided with sufficient public education tools to implement RCV and will work cooperatively with the community to disseminate information about RCV.

Thank you for your time and attention to this bill. I appreciate the opportunity to provide testimony in support of SB560.

Mahalo,

Caroline Kunitake

SB-560

Submitted on: 2/9/2021 6:20:54 AM

Testimony for PSM on 2/11/2021 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Anderson	Individual	Support	No

Comments:

This testimony is in support of HB679, HD1.

A poll in September 2019 showed a majority of local residents felt that Hawaii's elected officials do not care what they think and generally do not have high ethical standards. This must change for people to have confidence in our government. Further, Oahu residents stated accountability was "essential or very important for the city to address in the next two years" in a 2019 Service Efforts & Accomplishments Report by the Office of the City Auditor.

HB 670, HD1 will show that government takes ethics seriously. Public employees are also public servants. They cannot defraud the public and destroy our confidence in government and still reap the benefits of their criminal misconduct. If this were to occur, then the only losers are the people and democracy.

HB 670, HD1 is **not** about punishment or retribution. It is about ethics and restoring the public's trust in government. HB 670, HD1 is not about revenge, because families of the convicted governmental employees who rely on the pensions are protected under the bill. HB 670, HD1 provides that, upon the convicted governmental employees' passing, their pensions may be awarded to the designated beneficiaries. Due process is afforded, and pension is only forfeited pursuant to court order, under HB 670, HD1.

In these dire economic times for our state, Hawaii cannot and should not have to afford the pensions of individuals who have defrauded this state and betrayed the public trust.

Much concern is given to what the convicted government employee (and the employee's family) may lose if the pension were to be lost. OF more importance is the consideration that much is lost by the public - the people - when a government employee abuses his/her/their position of power, trust, and authority. As we have seen, democracy is fragile; people need to have confidence in our government. Please act to restore that trust through ethics reform.

Thank you for the opportunity to testify in support of HB 670, HD1, and I respectfully urge the Committee members to pass HB 670, HD1 out of Committee.

SB-560

Submitted on: 2/9/2021 9:28:18 AM

Testimony for PSM on 2/11/2021 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Edward B Hanel Jr	Individual	Support	No

Comments:

Concur with Common Cause Hawaii comments regarding SB560. As a registered Democrat, I participated in the party's Ranked Choice Voting (RCV) process throughout the 2020 Hawaii Democrat Party Presidential Primary from start to finish. At first, the process didn't make sense to me. As I sat through the process of selecting candidates at the precinct level, I realized that each voter had to think about the reasons for supporting the ultimate selection to be forwarded up the party chain. There can be no dispute that the process takes more time than voting for only one candidate. But the increased interest and discussion caused by the process is a victory for democracy. I support SB560 as a means to increase voter participation in Hawaii's electoral process.

SB-560

Submitted on: 2/9/2021 11:18:17 AM

Testimony for PSM on 2/11/2021 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Donna P. Van Osdol	Individual	Oppose	No

Comments:

Dear members of the Committee:

I oppose this bill solely because other candidates belonging to any other minority political party may never have a chance to possibly win in any type of election with ranked voting. In essence, this bill does not allow for fair play.

I believe the citizens of Hawaii really do not want a government that is totally tyrannical or dictatorial, and in my opinion, ranked voting will pave the way, unfortunately.

Thank you for your time and consideration.

TESTIMONY to:

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Thursday, February 11, 2021

1:30 PM -- State Conference Room via Zoom

Submitted in **OPPOSITION** by: Mary Smart, Mililani, HI 96789

I most strongly OPPOSE SB 560. It will complicate and confuse elections even more than we experienced in the 2020 elections which resulted in delayed results and [20-30% of Democrats](#), [29 – 39% of Unaffiliated](#) voters, and [70% of Republicans](#) question the validity of the “certified” results. There is still pending litigation because of the irregularities as a result of a new process (mail-in voting) and extended election period due to early voting. Even more doubt will result where there are unseen computations such as this bill proposes, that will determine the election outcome. If a physical audit of the election of the ballots is required for ranked choice voting, human review will be nearly impossible. Using a machine audit would introduce the same time of errors of the original count. Although the bill only addresses special elections, it would surprise no one if there is a follow-on attempt to extend this practice to all elections.

We don't need a new way to vote. Hawaii's handling of 2020 voting was particularly egregious by not having precinct level voting that is fast and effective (minimal wait times). Instead, there were only two Election Day voting locations on Oahu – the island with the greatest population. My 95 year old father-in-law had to wait 4 hours in line to exercise his constitutional right to vote. Many individuals were unable to spend that amount of time and ended up being disenfranchised by the vote-by mail (reduced voting locations) mandate. The first results of the vote were delayed until around 11:30 pm. That was highly unusual and very questionable about why the delay happened. Once the polls closed, the early vote and early mail in vote count could have been reported.

Going to all vote by mail requires the ballot to be in the mail well in advance of Election Day to ensure it is received and counted. This reduces the amount of time a voter has to determine the best candidate. Many early voters in the 2020 election wished they could [change their ballots](#) when they learned new details about their candidate prior to November 3, 2020. Many voters doubt the integrity of the vote-by-mail and early voting process. Therefore, there will always be a large demand for in-person voting. The switch to vote by mail was made while approximately 50% of Hawaii residents chose to vote in person on 2016 and 2018 Election Days. Most of the recent changes in our election laws only served to make the results more questionable – and SB 560 is no different.

I have worked in the computer security field of employment. I understand that malware, accidental or intentional malicious code, hardware/firmware, removable memory drives, and remote access intervention (internet) can manipulate data and give a false outcome. There is a very real possibility that that occurred during the 2020 election and elections held prior to that date. Those who understand the vulnerabilities of computer processing (vote tabulation) would know that the results would always be questioned. It is a well known quote often attributed to Communist Joseph Stalin that has played out for decades, [“Those who vote decide nothing. Those who count the vote decide everything.”](#) My question is why doesn't the leadership of Hawaii know about these vulnerabilities and develop measures to protect the vote instead on implementing measures that weaken the process. Is it due to practiced incompetence as a government official once stated?

We already know that a complicated ballot will result in voter confusion and an increased number of spoiled ballots – which essentially disenfranchises a valid voter. If this proposed process is ever extended to a situation with multiple offices being voted, that would make the voting process even more stressful for the voters and discourage their participation. We want more participation, not less.

Keep the voting process simple. One candidate from each party can be on the general election ballot and we just vote for one person. Returning to precinct voting on Election Day is also an improvement over the current process. Fix what is broken. Don't break more processes.

Do not pass SB 560. This bill needs to die in committee.

SB-560

Submitted on: 2/9/2021 5:24:38 PM

Testimony for PSM on 2/11/2021 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Best	Individual	Support	No

Comments:

- Ranked Choice Voting (RCV) is a simple electoral reform that ensures fair and efficient elections. In a traditional election, the candidate with the most votes wins, even if they do not receive a majority of the votes. This means voters often feel disengaged and are left to choose between the “lesser of two evils,” or vote for the candidate they feel has the best chance of winning, rather than supporting their favorite candidates.
- RCV promotes positive, inclusive and fair elections, which encourages a diversity of candidates. The Hawaii Democratic Party’s Party-Run Presidential Primary employed RCV in 2020. The Hawaii Democratic Party’s Party-Run Presidential Primary employed RCV in 2020. There are 30 jurisdictions that are using or have adopted some form of RCV. See https://www.fairvote.org/data_on_rcv#research_snapshot.
- With RCV, voters rank candidates from favorite to least favorite. On Election Night, first choice votes are counted to determine who voters like the best. If a candidate receives a majority of votes, they win. If no candidate receives a majority, the candidate with the fewest first-choice rankings is eliminated. If your favorite candidate is eliminated, your vote is instantly counted for your next choice. This repeats until one candidate reaches a majority and wins.
- In RCV elections, you always get to vote for your favorite candidate, even if they do not have a good chance of winning. If your favorite candidate gets eliminated, then your vote immediately counts for your next choice. You can truly vote your conscience without worrying about wasting your vote. Ranking your 2nd, 3rd, and 4th choices will never hurt your favorite candidate. It simply amplifies your voice in the process.

- Cities that have RCV elections have seen a steady increase in voter turnout. When voters feel their vote will matter, they turn out in greater numbers.
- In RCV elections, candidates often need 2nd and 3rd choice votes to win a majority of the vote. As such, they will ask for your first choice vote, but if another candidate is your favorite, they will also ask for your second and third choices. Candidates are not likely to get your second or third choice vote if they have been engaging in negative “mudslinging” personal attacks against your favorite candidate.
- RCV will require voter education to implement successfully. We hope that the Office of Elections and Clerks Offices are provided with sufficient public education tools to implement RCV and will work cooperatively with the community to disseminate information about RCV.
- Thank you for the opportunity to testify in support of SB 560, and we respectfully urge the committee members to pass SB 560 out of your Committee.

SB-560

Submitted on: 2/10/2021 12:49:46 PM

Testimony for PSM on 2/11/2021 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stacie M Burke	Individual	Support	No

Comments:

I support SB 560.

Mahalo for your time.

Stacie Burke

LATE

Senator Clarence K. Nishihara, Chair
Senator J. Kalani English, Vice Chair
Senate Committee on Public Safety, Intergovernmental, and Public Affairs

Testimony of Jame K. Schaedel

Thursday, February 11, 2021

Opposition against Senate Bill No. 560 - Relating to Ranked Choice Voting

WRITTEN TESTIMONY ONLY

Honorable Chair, Vice Chair and Members:

Thank you for the opportunity to offer testimony in **opposition** against Senate Bill No. 560. This bill would allow the Office of Elections and the county clerks to use the Ranked Choice Voting (RCV) method for special federal elections and to fill vacant county council seats.

I offer this testimony as a private citizen.

I am disappointed that my Senator co-sponsored this bill. Is the first primary introducer still bitter, holding on to the past, and disappointed that Congressman Charles Djou won the special election to fill the vacancy created when then Congressman Neil Abercrombie resigned from Congress to run for Governor? Is my Senator trying to ensure that a certain former member of the Honolulu City Council, who resides in District 1, cannot win a special election again with only 18.52% of the vote if the current incumbent decides to run for Governor again?

Is this a partisan attack against the minority party in Hawaii? Is the majority party still content with President Clinton winning with 43% of the popular vote in 1992? Is the majority party still content with handing our state's electoral votes to a Republican if the National Popular Vote Interstate Compact is ever ratified by a majority of states? Remember, the last Republican that won in Hawaii was President Reagan in 1984. But also recall that Hawaii voted for Governor Dukakis in 1988, but President Bush won with 53.4% of the popular vote. Something to think about...are you scratching your head yet?

Is this bill a prelude to use the RCV method for all elections in Hawaii in the future?

I understand that these are very speculative questions. I wholeheartedly believe in the 50% +1 of votes cast principle to ensure there is a clear winner in nonpartisan races at the county level. However, I am very skeptical of the first primary introducer's intentions.

On March 1, 2019, then Representative Cynthia Thielen, a moderate Republican, and the second longest serving member in the chamber, after Speaker Emeritus Calvin Say, rose on the floor of the House of Representatives to declare a potential conflict of interest during the Third Reading

of House Bill No. 210 (2019), House Draft No. 1. An excerpt from the 24th day of the House Journal is provided below:

Representative Thielen rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. Ruling on a potential conflict. Mr. Speaker, had ranked voting been in place, I would not be here," and the Chair ruled, "no conflict."

Representative Thielen continued and asked that the Clerk record a no vote for her, and the Chair "so ordered." (HI House Journal. L 30., R sess. 2019, 1 March 2019, 293)

Representative Thielen recognized the threat the RCV method would have on Republican candidates in Hawaii two years ago. Her seat is now held by a member of the Democratic Party. My opposition to this bill is that it is a "vehicle" that can be easily amended and morphed into a bill that could be used to placate the current Senator from Puna. Again, speculation, like my speculative questions above. However, may I conveniently remind you that the state Representative who introduced House Bill No. 210 (2019) is now your colleague in the Senate, representing Puna.

I am making a broad assumption that the majority party leadership in the Senate would prefer a healthy opposition from the minority party. A minority party represented by moderate Republicans who are fiscally conservative, especially during a pandemic when the state has limited tax revenue. A minority party represented by Republicans that oppose progressive Democratic policies that continue to encourage the elimination of the middle class and the shuttering of small businesses in this state.

If you allow this bill to move forward, and if an amended version allowing other elections to be applied ever ends up on the Governor's desk, you will not have our party to use as a scapegoat in the next decade. You will have less or zero elected Republicans in the Legislature to point your fingers at to deflect the blame for your party's failed progressive policies. You will have a boring Senate without Senator Slom or Senator Fevella.

I implore your Committee to defer this bill. Kill this "vehicle" and focus on the issues that really matter to our neighbors right now. Fix the issues with our outdated, antiquated unemployment system. Help small business owners recover, encourage vaccination, and promote and push forward sound policy that will allow our struggling economy to recover.

Respectfully,

Jame K. Schaedel
Former Secretary, Hawaii Republican Party