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TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS  
TO THE HOUSE COMMITTEE ON FINANCE  
ON HOUSE BILL NO. 638, HD 1  
RELATING TO ELECTIONS

March 3, 2011

Chair Oshiro and members of the House Committee on Finance, thank you for the opportunity to testify on House Bill No. 638, HD 1. The purpose of this bill is to provide for instant run off voting.

The Office of Elections takes no position on this bill. It recognizes that this is a significant policy issue for the Legislature. The Office of Elections would like to note that this bill would have a significant impact on the county elections, which utilize special elections held in conjunction with the primary election, and that a subsequent run off special election, in conjunction with the general election, is required if a candidate does not obtain a majority at the initial special election. As such, we would defer to the counties as to any public policy issues that the counties may wish to raise as to the manner in which their elected officials such as mayor and council members are elected.

Thank you for the opportunity to testify on House Bill No. 638, HD 1.



HAWAII

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March 1, 2011

TO: Chair Marcus Oshiro, Vice Chair Marilyn Lee  
Members of the House Committee Finance

FROM: Americans for Democratic Action/Hawaii  
Barbara Polk, Legislative Chair

TESTIMONY IN SUPPORT OF HB 638 RELATING TO ELECTIONS

Americans for Democratic Action/Hawaii supports HB 638 that seeks to implement the method of instant run-off voting (IRV) for non-partisan and special elections. Although Americans are used to assuming that the person with the highest number of votes should be elected, we also believe that an elected politician should have majority support. When more than two candidates are running for an office, a candidate with a small percentage of the vote may be elected, and the majority support belief be violated. The elected candidate does not necessarily represent the electorate.

To ensure majority support of the elected candidate, instant run-off voting seeks to identify the winner by allowing voters to rank up to four candidates for an office. If no candidate wins a majority of first place votes, candidates with the least votes are defeated and their votes redistributed to the remaining candidates according to the next highest choice of each voter. This process continues until one candidate has a majority of votes. Only one vote per voter is counted at any given time.

Another advantage of IRV is that it eliminates the "spoiler effect" in which a third candidate may "spoil" the possible win of one of the stronger candidates (e.g., Bush, Gore, Nadar). In addition, a voter can vote for his most preferred candidate, even if he knows that that candidate is unlikely to win, without "wasting" his vote. As a result, IRV would provide us with a better understanding of the opinions of voters, even when it did not change the outcome.

We have recommended three substantive amendments to this bill to improve its implementation. (Please see attached page of proposed amendments).

The first amendment suggests deleting all of Section 11-C except the first sentence and modifying that sentence to make instant runoff voting method applicable to all nonpartisan county elections. The wording in the draft in part (1) appears to eliminate all elections other than special elections, while (2) is unclear as to its intent and the final sentence appears to be redundant.

The second amendment deletes the provision that tabulation of votes cease after four rounds of elimination and redistribution of votes. There is no need to stop at that point, and when there are many candidates, doing so may result in a situation similar to the current one, in which a candidate can be elected without a majority of the vote.

The third amendment adds a method of streamlining vote counting, by eliminating at one time all candidates who have no chance of winning (that is, even if they received all the votes of all candidates with fewer votes). This provision allows the vote counting to proceed more speedily.

We would urge that instant runoff voting be available for use in primary elections as well, since it is often the case that there are multiple candidates such that no candidate wins a majority of votes. The fact that a candidate may not represent a majority of his or her party may be one cause of low voter turnout in general elections.

Thank you for hearing this bill. Americans for Democratic Action/Hawaii supports its passage.

Amendments to HB 638 HD 1 proposed by  
Americans for Democratic Action/Hawaii  
Barbara Polk, Legislative Chair  
March 1, 2011

**Section 11-C Instant runoff voting method; application.** (a) The instant runoff voting method shall be used in all non-partisan contests for county office.:

- (1) ~~In which no primary election was held; and~~
  - ~~(2) In majority election contests for a special election that would normally require a runoff election if no candidate receives a majority of the votes cast in the special election.~~
- ~~If the instant runoff voting method is used in a special election, the special election shall only consist of one election contest and no subsequent separate runoff election shall be held.~~

**Section 2-A(b)** If at the end of the initial count, no candidate receives a majority of the first choice votes cast, the county clerk shall declare that no candidate has received a majority of first choice votes and that the candidate with the fewest first choice votes and candidates receiving fewer than one per cent of the first choice votes, if any, are deemed defeated. The county clerk shall transfer the first choice votes for the defeated candidate(s) to the candidates who received the next highest ranking on each ballot containing first choice votes for the defeated candidate(s). If after the first round of transferring votes no candidate has received a majority of votes cast for the office, the process of eliminating candidates, transferring votes, including previously transferred votes, to candidates still in the race, and tabulating results shall continue until one candidate receives a majority of the votes cast. ~~If after the fourth round of tabulation no candidate has received a majority of the votes cast, then the candidate with the most first choice votes following the fourth round of tabulation shall be declared the winner, regardless of whether that candidate has received a majority of the votes cast.~~ Blank, and spoiled, and exhausted ballots votes shall not be tabulated in determining the majority. [Note: "exhausted ballots are defined in section 11-B.]

To facilitate ballot counting in any round, the elections officer may simultaneously eliminate all candidates with no mathematical chance of winning. A candidate has no mathematical chance of winning if the sum total of all votes credited to that candidate and any candidate with fewer votes is less than the number of votes credited to the candidate with the next greatest number of votes.



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**House FIN Committee**  
**Chair Marcus Oshiro, Vice Chair Marilyn Lee**

**Thursday 3/3/11 at 10:00 AM in Room 308**  
**HB 638 HD 1 – Instant Runoff Voting**

**TESTIMONY**

Nikki Love, Executive Director, Common Cause Hawaii

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Chair Oshiro, Vice Chair Lee, and Committee Members:

**Common Cause Hawaii supports HB 638 HD 1, which establishes instant runoff voting.**

Under the current system, the majority does not always rule in our elections. Our existing plurality system of voting (in which the candidate with the highest number of votes wins) breaks down when there are more than two candidates on the ballot. In several recent elections with many candidates on the ballot, we saw winners emerge with far less than 50% of the vote.

There is a better way: instant runoff voting. With instant runoff voting, voters rank their preferences of candidates on the ballot (first choice, second choice, etc.). If one candidate receives more than 50% of the first-choice votes, then that candidate wins. But if nobody receives a majority of the first-choice votes, the instant runoff tabulations begin. The last place candidate is eliminated and ballots are revisited. If a voter's first choice has been eliminated, those voters' second-choice rankings are added to the totals. Eliminations and re-counting continues until a winner emerges with a majority of the vote.

This system is used successfully in San Francisco, Oakland, Berkeley, Memphis, Minneapolis, Santa Fe, North Carolina, and other locations (see next page). Instant runoff voting lets voters accurately express their preferences, allows many candidates to run without fear of distorting the outcome, helps prevent the "spoiler" effect, and may even help bridge the partisan divide and reduce negative campaigning, because a candidate hoping to be a voter's second choice would hold back from mudslinging against a voter's first choice. Most importantly, it ensures that the winner was elected by a clear majority of the voters.

Please see attached for more information: (1) Jurisdictions using IRV; (2) FAQs for voters from Alameda County, CA.

**We urge the committee to pass HB 638 HD 1. We also recommend the amendments proposed by Americans for Democratic Action / Hawaii. Mahalo for the opportunity to submit testimony.**

### State and local governments currently using IRV

- San Francisco, CA (adopted 2002, first used 2004; Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender, and Members of the Board of Supervisors)
- Oakland, CA (adopted 2006, first used 2010; for mayor, city council and other city offices)
- Berkeley, CA (adopted 2004, first used 2010; for mayor, city council and other city offices)
- Arkansas (adopted 2005, first used 2006; only overseas voters in runoffs)
- Hendersonville, North Carolina (adopted 2007 and 2009 as pilot; multi-seat variations for city council)
- Louisiana (adopted and first used 1990s; only for overseas and military voters in federal and state runoffs)
- Minneapolis, MN (adopted 2006; first used in 2009 for mayor and city council)
- North Carolina (for judicial vacancy elections; adopted 2006, used in statewide election and three county-level elections in 2010)
- San Leandro, CA (adopted 2000, first used 2010; for mayor and city council)
- South Carolina (adopted and first used 2006; only for overseas voters in federal and state runoffs)
- Takoma Park, MD (adopted 2006, first used 2007; for mayor and city council)

### Upcoming implementations (as of November 2010)

- Telluride, CO (adopted 2008; scheduled for November 2011 for mayoral elections)
- Springfield, IL (adopted 2007; scheduled for November 2011 for overseas voters)
- St. Paul, MN (adopted 2009, scheduled for November 2011)
- Memphis, TN (adopted 2008; scheduled for 2011 for electing city council and other offices)
- Portland, ME (adopted 2010; scheduled for 2011 for electing mayor)

### International Governments

- Australia, to elect its House of Representatives since 1949 and to elect most state and territory lower houses.
- London, to elect its mayor since 2000. Also, several other UK cities use IRV to elect their mayors.
- Hong Kong's Legislative Council has 4 functional constituencies that use a preferential elimination system
- Bosnia, for certain sub-national elections, since 2000.
- Bougainville, first used IRV for presidential elections in December 2008.
- Fiji, since 1997.
- Papua New Guinea, since 2001.
- The Republic of Ireland, to elect its president since 1922.
- Malta, to elect its president since 1921.
- Sri Lanka, to elect its president since 1978.
- India, indirectly for president and to fill vacancies.
- Conservative Party in Canada for leadership elections.
- Progressive Conservative Party of Alberta, Canada for leadership elections.
- Liberal Party of New Zealand (Optional Preferential Voting)
- Labour Party in the UK for leadership elections.

Source: <http://www.fairvote.org/where-instant-runoff-is-used>

## Frequently Asked Questions for Voters - Alameda County, California

### What is Ranked-Choice Voting?

Ranked-Choice Voting or "Instant Run-Off Voting," allows voters to rank up to three candidates, in order of preference, when marking their ballots. Ranked-choice voting eliminates the need for run-off elections, and is approved for use in Berkeley, Oakland and San Leandro.

### Who is elected using a Ranked-Choice Voting ballot?

Berkeley voters use Ranked-Choice Voting to elect the Mayor, Members of the City Council, and the City Auditor. Oakland elects its Mayor, City Council members, City Attorney, City Auditor, and School Directors using Ranked-Choice Voting. San Leandro uses Ranked-Choice Voting to elect its Mayor and City Council members.

### How are Ranked-Choice votes counted?

With Ranked-Choice Voting, if a candidate receives a majority (50%+1) of the first-choice votes cast for that office, that candidate will be elected. However, if no candidate receives a majority of the first-choice votes cast, an elimination process begins. The candidate who received the fewest first-choice votes is eliminated. Next, each vote cast for that candidate will be transferred to the voter's next-ranked choice among the remaining candidates. This elimination process will continue until one candidate receives a majority and is deemed the winner.

### How Do I Mark The Ranked-Choice Voting Ballot?

The Ranked-Choice ballot card is designed in a side-by-side column format and lists the names of all of the candidates in three repeating columns. This format allows a voter to select a first-choice candidate in the first column, a second-choice candidate in the second column, and a third-choice candidate in the third column. Voters will connect the head and tail of the arrow next to the name of the candidate they choose.

### Must I rank three candidates for each office?

No. A voter may—but is not required to—rank three choices for each office. If there are fewer than three candidates for the same office, or to rank fewer than three candidates, you may leave any remaining columns blank.

### If I really want my first-choice candidate to win, should I rank the candidate as my first, second and third choice?

No. Ranking a candidate more than once does not benefit the candidate. If a voter ranks one candidate as the voter's first, second and third choice, it is the same as if the voter leaves the second or third choice blank. In other words, if the candidate is eliminated that candidate is no longer eligible to receive second or third choice votes.

### Can I give candidates the same ranking?

No. If a voter gives more than one candidate the same ranking, the vote cannot be counted. Only one candidate can represent the voter's first, second, or third choice.

### Will there be a subsequent run-off?

No, Ranked-Choice Voting eliminates the need for run-off elections.

### What if I have further questions?

If you have further questions about ranked-choice voting, please call the Alameda County Registrar of Voters Office at (510) 272-6933.

Source: <http://www.acgov.org/rov/rcv/faq.htm>

FairVote – The Center for Voting and Democracy, 6930 Carroll Ave., #610, Takoma Park, MD 20912 (301) 270-4616, / www.fairvote.org / rr@fairvote.org

**Instant Runoff Voting in Hawaii**  
**Written Testimony by FairVote's Rob Richie on H.B. No. 638**  
*House Committee Finance Hearing, March 3, 2011*

Summary of Testimony

HB 638 is a sensible, constitutionally proven response to controversial one-round elections in Hawaii where winners have taken office with far less than 50%, with at least the possibility of that victory dependent on not having to face off against their strongest opponent in a one-on-one race. Adoption of instant runoff voting (IRV) is directly responsive to these controversies, as it is designed to allow that one-on-one comparison without all the costs associated with requiring voters to return for a second election.

I recommend two amendments in the current language of HB 638 to improve the rules governing how IRV ballots are tallied. I also review how instant runoff voting works and why it has been adopted by so many jurisdictions in recent years.

Background on Witness

Thank you to the committee for holding this important hearing and my opportunity to testify by writing in support of the legislation designed to improve current methods of voting in Hawaii by adopting instant runoff voting (IRV) for certain elections in Hawaii.

As background, my name Rob Richie. I have been executive director of FairVote – The Center for Voting and Democracy since 1992. FairVote is a nonprofit, nonpartisan organization that pursues research, strategic outreach and education in order to promote fair access to political participation, fair elections, and fair representation. We have been directly involved in IRV's adoption, implementation and evaluation in several cities.

Background on Instant Runoff Voting

Instant runoff voting (also known as "preferential voting" in Australia, "the alternative vote" in the United Kingdom and "ranked choice voting" in several American cities) was invented in the United States in 1870. With the rise of optical voting equipment, IRV has become an increasingly popular election reform.

IRV has been adopted in at least one city in the United States in every November election since 2004, most recently in the largest city in Maine (Portland) for mayoral elections and for city elections in St. Paul (MN). Voters in numerous other cities have approved IRV, usually by landslide margins, in cities like Memphis (TN), Minneapolis (MN), Oakland (CA), San Francisco (CA), Sarasota (FL), Berkeley (CA), Santa Fe (NM), Ferndale (MI) and Takoma Park (MD). In addition, San Leandro (CA) used IRV last year after adopting it by statute, and North Carolina has had several elections with it after the state adopted a pilot program to encourage

cities to use IRV. Colorado in 2008 approved similar legislation, and two of its cities today are slated to use IRV in their next election and Fort Collins (CO will vote on whether to do so in April. Additionally, Arkansas, Louisiana and South Carolina use IRV ballots in primary elections to ensure their military and overseas voters are able to participate in runoff elections.

Recommended by Robert's Rules of Order for postal elections, IRV is used for electing officers in dozens of major private associations, including the American Political Science Association, the Academy of Motion Pictures to select the "Best Picture" Oscar and approximately 60 colleges and universities for student government elections. Internationally, Australia and Ireland are among nations with a long history of successful use of IRV for national elections, and it is used for some elections in several other countries, including the capital of New Zealand (Wellington). Since 2000 a simplified, two-choice version of IRV has been used to elect the mayor of London, and IRV will be on the ballot on May 5<sup>th</sup> as the subject of the only second national referendum in British history.

The principle of IRV – elimination of weak candidates, followed by a new round of voting or counting – is also often used for electing party and legislative leaders, including earlier this year the chair of the Republican National Committee; among parties using IRV itself for national nomination contests are Canada's Liberal Party and the United Kingdom's Labor Party.

This is not to say that IRV elections are never controversial. They can be. One candidate wins an IRV election, and everyone else loses. In close elections held with a new system, losing candidates and their backers may direct their disappointment at the method of voting. Jurisdictions also can make decisions in implementation that can create concerns. That said, however, the clear trend continues to be toward more places using IRV – and lessons from those elections are as a whole highly encouraging.

#### How Instant Runoff Voting Works

Instant runoff voting is a one-person, one-vote system designed to uphold the principle of majority rule in elections for one seat. In an IRV election, voters each have only one vote, gain the option to rank the candidates in their order of preference (1, 2, 3). If no candidate wins the share of votes necessary to win on the first count (typically a majority), those rankings are used simulate a series of runoff elections, with the last-place finisher eliminated before each new round of counting.

In a traditional runoff, voters select a single candidate and then are asked to return to the polls for a second election between the top two finishers. With IRV, voters' ballots initially are counted for their first choice candidate, just like the first round of a runoff. In an instant runoff, their ballot counts for their highest ranked candidate in the runoff (meaning their first choice if that candidate has advanced, but otherwise their first backup choice in the runoff). Most voters typically have their ballot only count for their first choice, as that candidate advances to the final round, but if there is a chance that your first choice candidate will not make the runoff, you should indicate a backup choice if you have one.

To win most IRV elections, a candidate must receive a majority of voters' first choice rankings. If there is no immediate winner, the candidate with the fewest votes is eliminated. Ballots cast for that candidate are then added to those of the remaining candidates according to which

candidate is ranked next on that ballot. (The IRV counting process sometimes is shortened by immediately reducing the field to two if there is no first round winner and electing the candidate in the top two who has more support among voters.)

The principles governing how IRV works are common to our experience, from how legislators pick their legislative leaders to how Democratic caucus attendees in Iowa vote for president to how children select ice cream cones: in all these cases, you have a backup choice if you can't help (or get) your first choice.

*Note that every voter has only one vote, and no ballot ever counts for more than one candidate at a time.* Indicating a lesser preference never counts against the chances of your higher choice. If I go to an ice cream shop and ask for a chocolate ice cream cone and purchase it, I eat one ice cream cone. If I go to the shop and ask for mint chocolate and am told it is unavailable, I might settle on vanilla as a second choice. In either case, I eat one and only one ice cream cone!

### Instant Runoff Voting Compared to Plurality Voting Rules

Instant runoff voting seeks to uphold the principle of majority rule in one trip to the polls. There is a long history of winners of America's highest offices needing a majority of the vote, including many congressional elections in our nation's early years, but the demands of holding separate elections have led most states and jurisdictions to declare the candidate with a mere plurality of the vote (even if that is dramatically less than 50%) as the winner. When multiple candidates seek the same office, the likelihood of a low non-majority outcome increases, and the results can look more like a roll of the dice than a coherent democracy. When a candidate wins with less than 50 percent of the vote, it means that more voters will have cast ballots against, rather than for, the winner. That brings their mandate directly into question, while being able to win without majority support can make it harder for voters to hold elected officials accountable.

Hawaii uses plurality voting without primaries for some very important elections, such as special elections for seats in the U.S. House of Representatives. Doing so has certain consequences that IRV would avoid. Consider an election between "Candidate A" and "Candidate B." These are the results:

Candidate A = 55% - Winner

Candidate B = 45%.

With two candidates, the candidate with more votes has a majority, and the election is a straightforward one. But suppose a third candidate had entered the same race. Now the result might become:

Candidate A – 35%

Candidate B = 45% - Winner

Candidate C = 20%

The same voters go to the polls, but because of a "split vote" caused by the "spoiler" Candidate C, you have a different winner. A separate runoff election would be designed to avoid this split vote. An instant runoff would avoid it as well.

Compared to plurality voting, IRV has valuable benefits.

*IRV avoids unrepresentative winners:* No candidate would win over strong majority opposition, as can happen with plurality elections – in fact, plurality voting can result in election of an unrepresentative candidate who is the last choice of a majority of voters.

*People won't talk of "wasting their vote" and "spoilers":* IRV avoids the "spoiler" dynamic – where two candidates split the majority vote, allowing a candidate the majority of voters oppose to be declared elected. Voters can vote their heart and their head without having to make strategic calculations.

*Candidates in a big field will reach out to more voters.* As one example, a candidate in the first IRV election in Takoma Park (MD) put it quite simply: "Even if I knew a voter supported another candidate, I would stop to talk with them and ask them for their second choice."

#### IRV compared to a Separate Runoff Election

Here are some comparison between holding two rounds of election, which can be another approach to avoid the problems of "split votes" and "spoilers" in plurality voting elections:

- *Voter turnout and holding one election, not two.* IRV eliminates the need for a second election by using the rankings voters have already provided on the initial ballot. Turnout often declines sharply in runoff elections, as was the case in 112 of 115 federal primary runoffs in 1994 to 2008, where the median average decline in turnout was more than a third of the first round vote. With IRV candidates and organizations can maximize their get-out-the-vote efforts for a single election, which can be especially important in communities of color. Voters who have difficulties getting to the polls due to limited mobility, childcare, or other reasons will also benefit from a single election.
- *IRV saves taxpayer dollars.* Based on estimates using the old lever machines in New York City, for example, runoff election costs approximately \$15 million to administer with a maximum exposure of another \$7 million in matching funds. IRV can bring new expenses if one wants to avoid any manual tallies of ballots, but the bulk of those expenses are one-time costs for upgrades of voting equipment that will be far less than the costs of even a single citywide runoff in a major city Cary (NC), a jurisdiction of more than 100,000, saved money in its very first election with IRV in 2007.
- *IRV reduces the impact of campaign spending.* Campaign spending was a featured reason for voting rights challenges to runoffs in the 1980s. Runoffs take place as little as two weeks after the first election. There is a premium on quickly raising and spending money for television ads and voter mobilization activities. In addition, one-on-one races make negative attacks more effective, as it is a "zero sum" choice for voters. When backing IRV, the San Francisco Ethic Commission reported that independent expenditures – heavily for negative ads – actually quadrupled in its city's runoff elections.

- *IRV reduces negative campaigning.* IRV provides an incentive for candidates to reduce negative campaigning because candidates may need the second ranking of their opponents' supporters to win. Candidates improve their chances to win by building coalitions and finding common ground with backers of other candidates. This quality should not be overstated, as candidates still will often run vigorous campaigns designed to earn the most first choices support, but they can run at least somewhat less attack-oriented campaigns with candidates who share many views on issues.
- *IRV helps absentee voters/military voters:* Runoffs often provide too short a time to determine who has made the runoff, print absentee ballots, mail them and have absentee voters return the completed ballot – particularly challenging for overseas voters like those serving in the military. IRV means one decisive election.

### Answers to Common Questions about IRV in Practice and in Theory:

There is no shortage of questions about an idea that is new to many people. Here are answers to a few common questions about IRV.

*Instant runoff voting is constitutional:* Every voter has one vote, even though they are given the additional freedom to indicate more than one choice. Just like with runoff elections, every voter has one, and only one, vote count in each round of counting. Courts have unambiguously upheld the system; it does not violate the one-person, one-vote rule. FairVote can provide a copy of court decisions in Michigan, a unanimous ruling in 2009 by the Minnesota Supreme Court dismissing a legal challenge to IRV and a federal court ruling in 2010 upholding San Francisco's version of IRV.

*Instant runoff voting is fair to voters and candidates:* No voter gets more votes than anyone else. If one voter's ballot counts for a second choice, it is no different than a voter coming back to the polls for the second round of a traditional runoff even though his or her first choice candidate failed to advance to the runoff. It still puts a premium on the ability to win first choices, however, meaning that no candidate will ever "sneak" in with only second choice support. And of course, the current system can be unfair since a single candidate can be declared the winner even if a majority of the constituents in fact oppose that candidate.

*Instant runoff voting is simple for nearly all voters:* When hearing about ranking candidates, some people worry that IRV might be confusing to less informed voters. But millions of voters from a variety of background vote with IRV for important governmental offices without difficulty. In 2008 report, our report with the New America Foundation on racial minorities and ranked choice voting with reassuring findings for those concerned about equity in the electoral process.

Implementation of IRV in U.S. cities has proven again and again how well voters handle ranking ballots once you have a good ballot design, clear instructions and well-trained pollworkers. In the very first election with IRV in Oakland's mayoral race last year, turnout surged far beyond what it had been in its 2006 election in June (also a hotly contested race), and more voters at the polls cast a valid ballot than in the 2006 race with plurality voting – with more than 99.5% of mayoral voters casting a valid first choice and a far lower percentage of voters skipping the race.

Spoiled ballot rates in San Francisco, which has a very diverse electorate, show that more than 99% of voters in nearly every race cast valid ballots, even with close to half of voters now voting by mail without a chance to correct any errors at the polls. San Francisco has also demonstrated that in its most contested races, most voters use their maximum number of rankings. Finally, exit polls done by political science professors during the first usage of IRV in San Francisco (CA), Minneapolis (MN), Hendersonville (NC) and Cary (NC) indicate that strong majorities of voters preferred the new IRV system to their previous system and it was nearly universally found to be easy to use, even if they hadn't heard about the system before voting.

*Instant runoff voting can be effectively administered, including options without updating voting equipment:* Both of the two major voting equipment vendors have run IRV on one of their optical systems. Currently, only Sequoia (now owned by Dominion) is offering IRV readiness in its latest optical scan machines, but Dominion's latest system under federal review will be ready to run IRV elections. The technology behind the latest generation of optical scan should make upgrades eminently feasible or temporary "workaround" solutions involving exporting ranking data into commercial, off-the-shelf software such as Microsoft Excel for doing the tally.

While upgraded software can make administering IRV easier and should be pursued where it is possible, jurisdictions can administer IRV elections without upgrades of hardware or software. In the first IRV elections in Minneapolis (MN) in 2009 and Cary (NC) in 2007, for example, the local precinct workers did not do IRV tabulation. They only counted first choices on election night, using machines just as they do on a traditional plurality election. When an IRV tabulation was needed (in the event that no candidate was the first choice of a majority), it was done separately, at a central location.

Wake County (NC) election officials were very pleased with how the count went in 2007 and reported that use of IRV saved Cary (NC) thousands of dollars. In 2009, the North Carolina State Board of Elections developed a new means to do the central count on its existing optical scan equipment that would not involve any changes requiring re-certification, would avoid any manual counting of ballots and would allow an exact comparison between the tallies for different rankings the precinct and at the central counting. In 2010, North Carolina was able to administer a statewide election for a judicial office vacancy with 13 candidates and more than 1.9 million IRV ballot. A December 2010 Associated Press story about the election ended this way: "[State elections director Gary] Bartlett said there were no major problems with the count and voters got to participate in picking the winner. 'Whether you like it or not, it worked,' he said."

Minneapolis (MN) in 2006 passed a charter amendment by a vote of 65% to 35% to use IRV for mayor, city council and certain other offices. It used IRV in these elections in November 2009. Patrick O'Connor, who oversaw implementation of IRV in Minneapolis in 2009, said about his experience: "I have had the great fortune to be a small part of what could easily be considered the most significant civic exercise in the history of Minnesota government: the implementation of the first Ranked Choice Voting election in Minneapolis and in Minnesota. We proved that it could be well administered, quickly and accurately counted, and that voters had little problem with the concept."

#### IRV for Vacancy Elections – Examples from New York

Given that you are focusing in particular on the value of using IRV in vacancy elections, I wanted to share this excerpt from testimony provided in New York in 2009:

*EXCERPT FROM 2009 TESTIMONY IN NEW YORK CITY:*

<< *Instant Runoff Voting for Filling Vacancies in New York City:* IRV is well-suited to special elections for single-member seats. Currently, special elections in New York City are nonpartisan: there are no party primaries, and each candidate makes up their own party name. In off-cycle special elections, the winning candidate often receives significantly less than majority support. Since voter turnout is traditionally very low in special elections, and the number of candidates very high (since there is no primary to narrow the selection), the actual number of voters electing the winner is very small.

Vacancies occur in New York City with regularity, with, as of June 2008, nearly 10% (five members) of the current city council first elected in a special election. Turnout is often low in these elections, and winners can take office with a relatively low share of the vote. Recent city council members first elected in a special election include:

- Anthony Como, 2008 Special Election: 30<sup>th</sup> Council District, 32%
- Mathieu Eugene, 2007 Special Election: 40<sup>th</sup> Council District, 34%
- Maria Del Carmen Arroyo, 2005 Special Election: 17<sup>th</sup> Council District, 50%
- Vincent Gentile, 2003 Special Election: 43<sup>rd</sup> Council District, 30%
- Sara Gonzales, 2002 Special Election: 38<sup>th</sup> Council District, 33%
- Joel Rivera, 2001 Special Election, 15<sup>th</sup> Council District, 56%

The Citizens Union already has come out with a policy paper on "*Filling Vacancies in Elected Offices and Residency Requirements*" which advances instant runoff voting for vacancy elections as a solution. Instant runoff voting to fill vacancies could be presented as a pilot program, a way to introduce IRV city elections before a first citywide election with IRV in 2013. >>

Recommended Amendments

In addition to offering to answer any questions you might have about the bill, I wanted to urge two amendments to the language, as also shared with Rep. Keith-Agaran;

- In Section 2b. (on page 4), the following sentence should be deleted: "If after the fourth round of tabulation no candidate has received a majority of the votes cast, then the candidate with the most first choice votes following the fourth round of tabulation shall be declared the winner, regardless of whether that candidate has received a majority of the votes cast."

Reason for change: The problem with keeping this language is that if there are several strong candidates, the count might have more than two candidates remaining after the 4<sup>th</sup> round. If this provision had been in place in Oakland, for example, Mayor Jean Quan would have been defeated in 2010 even though she won the IRV election against her top opponent when the field was reduced to two. (Note: I assume that the basis for the provision is that rankings are limited to four, but the number of counting rounds is unrelated to the number of rankings.)

- I would add the following section 2c: "To facilitate ballot counting in any round, the elections officer may simultaneously eliminate all candidates with no mathematical chance of winning. A candidate has no mathematical chance of winning if the sum total of all votes credited to that candidate and any candidate with fewer votes is less than the number of votes credited to the candidate with the next greatest number of votes."

Reason for Change: This allows a candidate to take place quicker. In last spring's U.S. House race, for example, the field would have reduced from 16 candidates to three after the first count, as only the top three candidates had a mathematical chance to win.

### Concluding Remarks

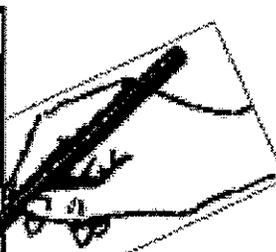
In conclusion, I believe IRV is a desirable pro-democracy reform. Voters can quickly learn to use it effectively – which involves just following directions in a careful ballot design. It has been administered by elections official around the U.S. and the world, and can certainly be done in Hawaii.

The evidence from IRV elections as they have been taking place around the United States and voters' positive reaction to it as a ballot measure underscore its value. There of course are lessons to learn from IRV implementations in the United States that I am happy to discuss in more detail, and, just like any other single reform, it hardly is a panacea for all problems with our electoral process. But particularly when applied to specific problems experienced under current rules, IRV holds great promise for Hawaii and its voters.

## Appendix A: Example of an IRV Ballot Used in Cary, North Carolina

### How to Fill Out Cary's New Ballot: Mark a Different Candidate for Each Choice

For TOWN COUNCIL AT LARGE - One Seat			
Fill in one oval per choice	You may choose to provide up to three back-up choices		
VOTE for your 1st choice here	1st ↓ Mark your 2nd choice here	2nd ↓ Mark your 3rd choice here	3rd ↓ Mark your 3rd choice here
Benjamin Franklin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Thomas Jefferson	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Betsy Ross	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Name: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



For more information, see [www.CaryVotes123.com](http://www.CaryVotes123.com) or call Wake Co Board of Elections at 919-4340

Mark your 1st choice, then you may mark 2nd and 3rd choices as back-ups. Your back-up choices will never hurt your 1st choice. Back-up choices are only reviewed if an "instant runoff" occurs and your first-choice candidate gets eliminated and is not in the runoff.

## APPENDIX B: TESTIMONY ABOUT IRV IN SAN FRANCISCO

Date: November 18, 2007  
 To: Honorable Dan Larson, Senator, Minnesota State Senate  
 From: Richard DeLeon, Professor Emeritus of Political Science, San Francisco State University

### REQUESTED WRITTEN TESTIMONY ON SELECTED ASPECTS OF SAN FRANCISCO'S EXPERIENCE WITH INSTANT RUNOFF VOTING (IRV) – WITH SUPPORTING EVIDENCE ATTACHED.

**(1) IDENTIFICATION:** My name is Richard DeLeon. I am professor emeritus of political science at San Francisco State University, where I have taught since 1970. See C.V. (Attachment 1)

[Contact info: E-mail: [rdeleon18 at comcast.net](mailto:rdeleon18@comcast.net) ]

### **(2) BACKGROUND ON THE IMPLEMENTATION OF IRV IN SAN FRANCISCO:**

In the March 5, 2002 local election, San Francisco voters voted 55% to 45% to approve Proposition A, a charter amendment providing for the election of all citywide offices and members of the board of supervisors using ranked ballots and instant runoff voting. The city's leading civic think tank, the San Francisco Planning and Urban Research Association (SPUR), published what I believe is the best pre-election description and analysis of Proposition A and key pro and con arguments, see Attachment 2 below.

(A) In the November 2, 2004 election, San Francisco voters in each of seven districts used IRV to elect their representative on the eleven-member Board of Supervisors. The Board is the legislative body for the consolidated City and County of San Francisco.

(B) In the November 8, 2005 election, San Francisco voters used IRV for the first time to elect winners in citywide races for assessor-recorder, treasurer, and city attorney.

(C) San Francisco State University's Public Research Institute (PRI) conducted exit polls of polling-place and absentee voters in both elections. Other organizations, like the Chinese American Voter Education Committee (CAVEC), sponsored similar exit polls that yielded similar results, but in my opinion the PRI polls provide the best and most reliable (and most publicly accessible) empirical evidence regarding voter opinions about the actual practice and experience of using IRV in local elections.

[On the 2004 exit poll, see "An Assessment of Ranked-Choice Voting in the San Francisco 2004 Election: Final Report" (May 2005).

URL: [http://pri.sfsu.edu/reports/SFSU-PRI\\_RCV\\_final\\_report\\_June\\_30.pdf](http://pri.sfsu.edu/reports/SFSU-PRI_RCV_final_report_June_30.pdf).

On the 2005 exit poll, see "An Assessment of Ranked-Choice Voting in the San Francisco 2005 Election: Final Report" (July 2006).

URL: [http://pri.sfsu.edu/reports/SFSU-PRI\\_RCV\\_final\\_report\\_July\\_17\\_2006.pdf](http://pri.sfsu.edu/reports/SFSU-PRI_RCV_final_report_July_17_2006.pdf)

Also see SFSU Press Release, "Public support for ranked-choice voting remains high in San Francisco" (Dec 15, 2005).

URL: <http://www.sfsu.edu/~news/prsrelea/fy05/044.htm>.]

(D) More recently, San Francisco voters in November 2006 used ranked ballots and IRV once again to elect members to the Board of Supervisors; and in November 2007, for the first time, to elect the city's mayor, district attorney, city attorney, and sheriff. Note: The city's Department of Elections (DOE) still has not completed the official count of the Nov 2007 vote, owing mainly to complications in election administration forced by a directive of the California Secretary of State regarding lack of certification of the voting machines used by the city. See Attachment 3 for a San Francisco Examiner story describing the problems (which have nothing to do per se with ranked choice ballots or IRV), and also the DOE's own most recent report at: [http://www.sfgov.org/site/elections\\_index.asp?id=68997](http://www.sfgov.org/site/elections_index.asp?id=68997)

**(3) On the whole, based on my own analysis of the November 2004 exit poll data, IRV in San Francisco passed the test of actual political practice with flying colors.**

[See my "San Francisco and Instant Runoff Voting: An Analysis of the SFSU/PRI Exit Poll Data Assessing Voter Opinions about Ranked Choice Voting in the November 2004 Board of Supervisors Elections: Working Paper" (September 11, 2005). URL: <http://www.sfusualsuspects.com/Rich%20DeLeon%27s%20Working%20Paper%20on%20IRV%20in%20SF%20--%20Sept%2011%202005.pdf>

**PRINCIPAL FINDINGS AND CONCLUSIONS:**

(A) The city's voters – specifically, those who voted in one of these seven district elections -- clearly understood the system and the mechanics of how it works.

(B) They were much more likely to vote for their preferred candidate under the new IRV system than under the old December runoff system.

(C) Voters were less likely, on net, to see their votes as wasted.

(D) There is little evidence in the exit poll data that IRV reduced the level of negativity in campaigning.

(E) Voters overwhelmingly preferred the new IRV system to the old December runoff system by a ratio of more than five to one.

(F) These general findings hold for virtually all politically relevant subgroups in the city's voter population. **Liberals and conservatives, Democrats and Republicans, whites and non-whites, men and women, young and old, rich and poor, and so on – all preferred IRV to the old December runoff system.** The level of support for IRV did vary, ranging from moderate among African American and Latino voters to very strong among White and Asian voters.

[See Attachment 4, "Questions and Answers," Tables 1-6, and Tables A-E.]

**(4) Based on initial studies of IRV in the November 2005 citywide elections, the city's voters continue to prefer IRV to the old December runoff system by a margin of over three to one.**

[See PRI report and SFSU Press Release, cited above.]

(A) A study by Christopher Jerdonek (of FairVote) provides **strong evidence that IRV significantly boosted voter turnout** in the city's most disadvantaged racial minority neighborhoods over typical turnout rates in December runoff elections.

[See Christopher Jerdonek, "Study: San Francisco IRV elections show big improvement in voter turnout" (February 4, 2006). URL: <http://www.fairvotemn.org/node/257>]

(B) An analysis and commentary by DeLeon, Jerdonek, and Hill shows how the city's **Asian voters**, in particular, were able to use IRV effectively to overcome divided loyalties and split endorsements to elect an Asian-American candidate as Assessor-Recorder.

[See Attachment 5: "Instant Runoff Voting Gives Ethnic Communities Greater Say in Elections" New America Media Commentary (March 15, 2006).]

(5) **In my opinion, IRV is particularly well-suited to cities like San Francisco** that have a high degree of racial, ethnic, social and cultural diversity, a high level of political activism and mobilization, and multiple axes of political conflict. In an era of extreme partisan polarization, legislative gridlock, and obsessive single-issue politics, I welcome any electoral reforms such as IRV that encourage a more subtle & complex style of politics that can deal with conflict & diversity through coalition-building, accommodation, & compromise.

(6) **On the other hand, I have seen no evidence that IRV discourages candidates from taking strong and clear positions on the issues or from engaging in sharp debates.** In the November 2004 Board elections, for example, the battles in District 1 and District 11, in particular, were brutal knock-down drag-outs. Politics is a blood sport in San Francisco, and the old saying that "truce is stranger than friction" in this city still applies, even under the civilizing inducements of IRV.

(7) **One thing I especially like about IRV is that it discourages two-stage Janus-faced political campaigns, the first to place a candidate in the runoff, the second tailored to conquer the one remaining rival.** Under IRV, elections are truly a "one-day sale," and the candidates must place all their cards on the table and deal with a much wider range of issues and constituencies if they hope to win. The exit poll evidence suggests that the voters themselves are gladly willing to bear the additional burden of gathering more information and doing their political homework a bit earlier to be able to make informed decisions in November rather than waiting until December.

(8) **One last comment:** For the purpose of facilitating implementation of IRV elections, it is hard to overstate the importance of San Francisco's home rule powers as a **consolidated city and county government**. In California, county governments perform election administration services for county cities and places. In other Bay Area cities like Berkeley and Oakland, where voters have approved IRV for their local elections, the actual implementation has been delayed indefinitely and for a variety of reasons by Alameda County election administrators. San Francisco's DOE has faced problems implementing IRV, but seeking the approval of a separate group of county-level government officials was not one of them.

Respectfully submitted,  
Richard E. DeLeon

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 02, 2011 12:21 PM  
**To:** FINTestimony  
**Cc:** ndavlantes@aol.com  
**Subject:** Testimony for HB638 on 3/3/2011 10:00:00 AM

Testimony for FIN 3/3/2011 10:00:00 AM HB638

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Nancy Davlantes  
Organization: Individual  
Address:  
Phone:  
E-mail: [ndavlantes@aol.com](mailto:ndavlantes@aol.com)  
Submitted on: 3/2/2011

**Comments:**

Mahalo for this opportunity to present testimony in support of House Bill 638 which would provide for the use of instant runoff voting for all elections in which no primary election is held and in all special elections.

Under the current system, the majority does not always rule; several recent elections with many candidates on the ballot produced winners who tallied far less than 50% of the vote.

With instant runoff voting, voters get one vote and one ballot, but get to rank candidates in order of preference. If no candidate wins with a first-choice majority, the candidate with the least votes is eliminated and their supporters' second choices are distributed to the remaining candidates in an "instant runoff." This process would continue until one candidate has a majority. In effect, there is a runoff without the cost of another election.

Instant runoff voting may even help bridge the partisan divide and reduce negative campaigning, because a candidate hoping to be a voter's second choice would hold back from mudslinging against a voter's first choice. Most importantly, it ensures that the winner was elected by a clear majority of the voters.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Wednesday, March 02, 2011 4:14 PM  
**fo:** FINTestimony  
**Cc:** babyjean@hotmail.com  
**Subject:** Testimony for HB638 on 3/3/2011 10:00:00 AM

Testimony for FIN 3/3/2011 10:00:00 AM HB638

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Ronnie Perry  
Organization: Individual  
Address:  
Phone:  
E-mail: [babyjean@hotmail.com](mailto:babyjean@hotmail.com)  
Submitted on: 3/2/2011

Comments:

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 02, 2011 10:37 AM  
**To:** FINTestimony  
**Cc:** reachbrianbell@yahoo.com  
**Subject:** Testimony for HB638 on 3/3/2011 10:00:00 AM

Testimony for FIN 3/3/2011 10:00:00 AM HB638

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Brian Bell  
Organization: Individual  
Address:  
Phone:  
E-mail: [reachbrianbell@yahoo.com](mailto:reachbrianbell@yahoo.com)  
Submitted on: 3/2/2011

**Comments:**

Aloha Chair Marcus R. Oshiro and members of the Committee:

It is with great excitement that I submit my testimony in support of HB 638. Our current system of voting allows minority vote gathering candidates to win an election and for the majority to be disappointed with the results.

Instant runoff would allow the voters to rank their candidates and would help to establish a majority decision. This would enable voters to more accurately express their choices in their elected representatives.

I hope that this committee will strongly support this enlightened piece of legislation that has worked so well in other places.

Mahalo for considering my testimony.

Brian Bell  
4626 Sierra Dr.  
Honolulu, HI 96816  
808-227-7087

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Wednesday, March 02, 2011 10:20 AM  
**To:** FINTestimony  
**Cc:** palmtree7@earthlink.net  
**Subject:** Testimony for HB638 on 3/3/2011 10:00:00 AM

Testimony for FIN 3/3/2011 10:00:00 AM HB638

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: janice palma-glennie  
Organization: Individual  
Address:  
Phone:  
E-mail: [palmtree7@earthlink.net](mailto:palmtree7@earthlink.net)  
Submitted on: 3/2/2011

**Comments:**

This legislation would help improve the democratic process through better voting practices.  
Please give your support for this bill.  
Mahalo.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Wednesday, March 02, 2011 7:07 AM  
**To:** FINTestimony  
**Cc:** neil@hawaii.edu  
**Subject:** Testimony for HB638 on 3/3/2011 10:00:00 AM

Testimony for FIN 3/3/2011 10:00:00 AM HB638

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Neil Frazer  
Organization: Individual  
Address:  
Phone:  
E-mail: [neil@hawaii.edu](mailto:neil@hawaii.edu)  
Submitted on: 3/2/2011

**Comments:**

I believe this bill will lead to election outcomes that better represent voters' wishes.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Wednesday, March 02, 2011 1:17 AM  
**To:** FINTestimony  
**Cc:** web@cartoonistforchrist.org  
**Subject:** Testimony for HB638 on 3/3/2011 10:00:00 AM

Testimony for FIN 3/3/2011 10:00:00 AM HB638

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Lee McIntosh  
Organization: Individual  
Address:  
Phone:  
E-mail: [web@cartoonistforchrist.org](mailto:web@cartoonistforchrist.org)  
Submitted on: 3/2/2011

### Comments:

Mr. Chair and Members of the Committee on Finance:

Aloha, my name is Lee McIntosh. I live in Kau on the Big Island. I am not in favor of HB 638, which establishes IRV for certain elections. IRV gives some voters the ability to cast more votes than others, unnecessarily complicates voting, makes selecting candidates to vote for much more difficult and time consuming now that they have to be ranked, discourages voter participation, requires unnecessary expenses for voter education at a time when the State is facing a deficit, and does not even ensure that a candidate receives more than 50% of the vote. Blank and spoiled ballots should also be included in the total percentage of votes cast. This is nothing more than an attempt by certain individuals to change the rules because they are alarmed that Djou and Berg won their special elections. We must impress the importance of voting in that your single vote must be wisely cast. IRV makes a mockery of our system and turns voting into a game. Please refrain from changing our form of voting to suit the whims of a particular political party or special interest group! Thank you for the opportunity to testify on HB 638.