Bill number SB 368
Opponent
Elaine Stephen
Self. Happen to be Co-Lead for [Rank the Vote Kansas](#).

Chairman Thompson and Distinguished Members of the Senate Federal and State Affairs Committee,

My name is Elaine Stephen and I testify as a conservative independent constituent of Senator Blasi. I also happen to be one of the co-leaders for a fledgling nonpartisan group called Rank the Vote Kansas. Rank the Vote Kansas would like to see ranked choice voting implemented in Kansas and is just starting the process of talking about the voting method with Kansans.

I would like to speak for a moment about how ranked choice voting can benefit Kansans and why, at the very least, I ask you not to ban the method.

Our entire United States government is based on the idea of **"Majority rules, minority rights,"** but that is not how the last two Kansas gubernatorial elections have turned out.

In 2018, there were five candidates for governor and the winner received less than a majority with only 48.03% of the vote. The independent and Libertarian candidates garnered 9.02% of the vote, wider than the 5.07-point difference between the top-two vote getters. While we cannot be certain whom those voters would have marked as second choices if we had had ranked choice voting, I am sure that some of the candidates in that election, like Vice Chair Kloos, might have an idea about their supporters' preferences.

In 2022, the gubernatorial race was again won with less than a majority of the vote, with the 3.13% of the vote going to the independent and Libertarian candidates, again exceeding the 2.21% split between the top two vote-getters.

How does this continued vote-splitting uphold "Majority rules, minority rights?"

Vote-splitting does not just threaten the idea of majority rule but also election integrity in general. How can we say we are protecting election integrity when we insist on using a voting method where someone can run deliberately to pull votes from another candidate? We have seen situations resembling this in more than one Kansas election. For example, those from Kansas's 4th Congressional District may remember the 2018 primary race between Congressman Ron Estes and Candidate Ron M. Estes.
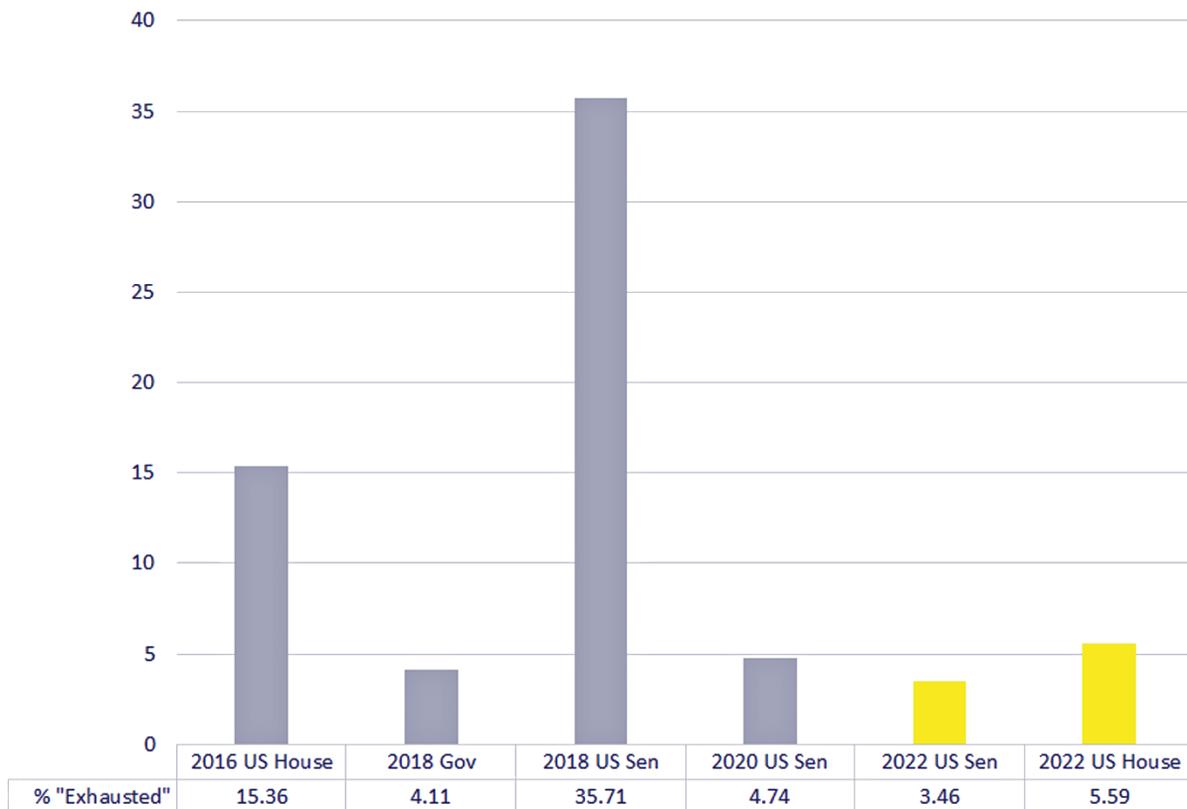
I know that some of you are concerned about the two ranked choice congressional races in which Democrats won and about whether Republicans can fare well with ranked choice voting. To see how conservatives fare with ranked choice voting, we can look to Australia which has used the method since 1912. Like our government, Australian government tends to be divided into left and right. Since the 1913 election right after ranked choice voting was implemented, the Australian political right has been part of the governing coalition over 68 out of the 110 years. For those concerned that ranked choice voting produces moderate candidates, Virginia showed this simply is not so when it nominated and elected conservative stalwarts Glenn Youngkin and Winsome Sears with ranked choice voting.

The 2022 Alaskan congressional race was an anomaly that cycle given that a Republican governor, Republican senator, and heavily Republican legislature were also elected. **Republicans were actually well-served by ranked choice voting, especially when they took advantage of the opportunity ranked**

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choice voting provides to campaign positively and grow their support. Republicans also did better when they asked voters to use the system and rank more than one choice.

As for the Maine race in which Golden won, Golden (D) and Poliquin (R) were separated in the first round of tabulation by only 2000 votes. There were two independent candidates who got ten times that number. Like Palin in Alaska, Poliquin told his voters not to rank subsequent choices which, like in Alaska, led to an artificially high number of exhausted ballots for Republicans.

In general, ranked choice voting elections tend to have fewer exhausted ballots, or ballots on which voters do not vote for one of the top-two vote-getters, than do multi-candidate races with plurality voting. For example, the four multi-candidate statewide races in Alaska prior to ranked choice voting had between 4 and 36% of voters who did not vote for one of the top two, whereas, after ranked choice voting was implemented, the rate was between 3 and 6%.

	2016 US House	2018 Gov	2018 US Sen	2020 US Sen	2022 US Sen	2022 US House
% "Exhausted"	15.36	4.11	35.71	4.74	3.46	5.59

Picture: % of voters not voting for one of the top-two vote-getters in statewide Alaskan races

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We also find that **voters who use ranked choice voting understand it, find it easy to use, and would generally like to continue using the method.**

Jurisdiction	Year	Key Stats
[Alaska](#)	2022	**85%** said RCV simple. **62%** support new primary system.
[Maine](#)	2018	**61%** supported keeping or expanding RCV
[Minneapolis, MN](#)	2021	**88%** found RCV simple. **76%** want to continue using RCV.
[New York City](#)	2021	**95%** found ballot simple. **77%** supported using RCV in future
[Utah municipal voters](#)	2021	**86%** satisfied w/voting experience. **81%** found RCV easy
[Virginia Republicans](#)	2022	**56%** who voted in RCV primaries preferred them to single-choice elections.

Lastly, one of the biggest advantages to ranked choice voting is that, by incentivizing candidates to appeal to a broader base and not turn off opponents' supporters, ranked choice voting leads to positive campaigning that is easier on voters, candidates, and candidates' families. How many otherwise excellent public servants are deterred from running for office by wanting to protect their families from the mud-slinging? How much easier would it be to interact with constituents if politics were more collaborative than combative? After all, you all ran for office to help your communities, not get griped at by them.

To conclude, ranked choice voting has great potential for Kansas. Even if the state as a whole is not ready to switch to ranked choice voting right now, smaller jurisdictions might want to try it at some point as several do in Utah. Political parties might want to consider using it in their primaries as the Virginia GOP does and as the USVI GOP is doing in their presidential primary. Given how ranked choice voting can protect election integrity and give rule back to the majority, I respectfully ask that you vote no on SB 368.

Thank you for your time and consideration and I stand for questions when appropriate.

Gratefully,
Elaine Stephen

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Frequently Asked Questions

Q. Doesn't ranked choice voting delay election results? A. Ranked choice voting results can be calculated as soon as all ballots are in hand. Results took longer in Alaska and Maine because those two states permit a longer window for receipt of ballots postmarked by Election Day. Just like Kansas has a 3-day window, Alaska has a 2-week window and Maine has a 1-week window.

Q. Is ranked choice voting transparent? A. Yes, ranked choice voting can actually be as or more transparent than plurality voting elections. Alaska livestreamed their tabulation process through their local PBS station. Maine livestreamed their tabulation process on Facebook. Most places that use ranked choice voting also make the cast vote records publicly available so that anyone can recalculate.

Q. Does ranked choice voting disadvantage minority voters and candidates? A. No, ranked choice voting actually helps to level the playing field for minority voters and candidates. Minority voters tend to rank more candidates, thereby taking better advantage of the options. Minority candidates do not have to worry about being pressured to drop out if another minority candidate is in the race for fear of splitting the minority vote.

Q. Is ranked choice voting prone to more errors by election administrators? A. No, ranked choice voting often gets the blame for errors that had nothing to do with ranked choice voting. The error in Oakland was due to a human failing to check one box on an election machine. The error in New York was due to election administrators failing to clear test votes from their machines before starting official calculations. Either of these errors could have happened using other voting methods.

Q. Wouldn't all voting machines in Kansas have to be replaced to run ranked choice voting? A. Actually, voting machines in 96 of Kansas's 105 counties can run ranked choice voting elections with only a simple software update. For more information on Kansas's readiness to run ranked choice voting elections, see the Ranked Choice Voting Resource Center's [state assessment](#).

Q. Do voters have to rank all the candidates on their ballot? A. No, voters can rank as few candidates as they like or as many as their ballot allows. Just like voters in our current plurality elections choose to undervote in certain races, voters are free to make the same choices in ranked choice voting elections. Just as in plurality elections, a person can make a statement by refraining from voting.

Q. Does ranked choice voting meet the "one person, one vote" criterion? A. Yes, with ranked choice voting, a person's vote transfers between rounds until sticking with their final competing choice. The Alaska Supreme Court found that ranked choice is indeed Constitutional in [Kohlhaas v State of Alaska](#).

Q. Can ranked choice voting elections be audited? A. Yes. Ranked choice voting elections can be audited similarly to plurality voting elections. Risk limiting audits can also be done and a risk limiting audit was actually performed on the 2020 Kansas Democratic presidential primary that used ranked choice voting.