

# Testimony on HB 2013

## By Elaine Stephen, Rank the Vote Kansas co-leader

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[HB 2013](#) proposes “requiring a runoff election between the top two candidates whenever a candidate for a statewide office fails to receive a majority of the votes cast at a general or special election.” Ensuring that candidates win office with support from a majority of voters is a worthy goal that we support. There are two voting methods that ensure candidates enter office with support from at least 50% of voters: delayed runoff elections and ranked choice voting (RCV, also known as Instant Runoff Voting).

While delayed runoff elections may at first appear simpler than ranked choice voting, they are more complicated logistically and come with costs to the state, to local jurisdictions, and to voters. These costs affect budgets, staff, logistics, community cohesion, and voting rights.

Ranked choice voting will ensure that candidates win with majority support in the one general election, return faster results, strengthen our communities, and give voters the freedom to better express their preferences without splitting the results.

This presentation will cover concerns about delayed runoff elections, explain ranked choice voting, and answer frequently asked questions about RCV.

## Runoff Considerations

### Cost to state

#### *Monetary*

- The 2020 Senate delayed runoff election in Georgia cost an estimated \$75 million according to [Kennesaw State University researchers](#).

#### *Frequency*

- The last three gubernatorial elections would have required runoffs.

2022

D-Laura Kelly	49.54%
R-Derek Schmidt	47.33%
I-Dennis Pyle	2.03%
L-Seth Cordell	1.10%

2018

D-Laura Kelly	48.03%
R-Kris Kobach	42.96%
I-Greg Orman	6.50%
L-Jeff Caldwell	1.90%
I-Rick Kloos	0.62%



2014

D-Paul Davis	46.1%
R-Sam Brownback	49.8%
L-Keen Umbehr	4.0%

- We’re in a time when races are tighter so frequent runoffs can be expected. The very system of runoffs can [increase the number](#) of candidates who run and therefore the frequency of runoffs.

**Staff**

- The State Board of Canvassers must tabulate and certify final results for federal and state offices by the first day of the month after the election. Counties are required to submit their results to the State Board by the second Tuesday after election day, so with a delayed runoff election that would be the third Tuesday in December with the State Board of Canvassers required to tabulate and certify final results by New Year’s Day.
- Any recounts would add to the burden on state and local election workers during the holiday season.
- Delayed runoff elections would cut in half the amount of time the incoming administration has to prepare.

**Cost to administrators & counties**

**Monetary**

- Delayed runoff elections require all the poll workers, voting machines, polling places, advance ballots, public education, etc that other elections do. A delayed runoff election would increase election costs by about 50%. For example, FY 2022 Revised [Elections Operation budget for Sedgwick County](#) is \$1.1 million. That covered both the primary and general elections. Adding on a 3<sup>rd</sup> election would bring the total to roughly \$1.65 million. (\$1.1 million divided by 2 elections = \$0.55 million/election x 3 elections = \$1.65 million) While this is extremely oversimplified, this is one county out of 105 and, for this county alone, the Elections Office budget of \$1.9 million (FY 2022 Revised) would increase by 29%.
- [Voter turnout for delayed runoff elections](#) tends to be significantly lower than for the general election, making delayed runoff elections a higher cost per voter than other elections. Only Georgia and Louisiana currently use delayed runoffs after general elections. The 2022 Georgia Senate delayed runoff election saw a 10% drop in turnout from the general election.

**Labor**

- Recruiting more poll workers for another all-day election plus early voting. Local jurisdictions already [struggle to recruit enough](#) poll workers for our elections.
- Preparing for a delayed runoff election while simultaneously trying to finalize, audit, and certify the general election.
- Voter awareness. This would include last minute ad buys, mailers, and updating digital assets so that voters know when, where, and why they need to vote again. In an [ad market](#) already-saturated with Black Friday commercials, ad costs would be quite high and organic digital reach lower.
- Effect of increased election negativity on elections staff. It is already difficult to find and retain elections staff due to adversarial treatment from the community, as [noted by Secretary Schwab](#). The increase in tension from a delayed runoff election would add to the challenge.



- Elections workers not really getting Thanksgiving off due to early voting, receiving absentee ballot requests, mailing absentee ballots, etc. During an active election, both state and county elections staff would also need to be available to respond to ethics violations and other potential problems.
- Finalizing, auditing, & certifying delayed runoff election results in weeks before Christmas, despite having worked almost nonstop since well before the August primary.

### **Logistics**

- Polling place availability for unpredictable runoffs. In the last two weeks of November, many churches ordinarily used for early voting will have gatherings scheduled. Whether or not a delayed runoff election is needed wouldn't be known until general election results are in, not giving community organizations time to open their space for polling.
- Time to print new ballots and mail absentee ballots with enough leeway for voters to return them.
- Do all absentee voters remain absentee or vote in person for the delayed runoff election? With only about three weeks between the general and a delayed runoff, voters would not have sufficient time to request and return absentee ballots. This short window would especially disadvantage voters in rural areas who live further from polling places and ballot drop boxes.

## **Cost to voters**

### **Social**

- Campaign ads during Thanksgiving football would add a different dimension to family gatherings.
- Delayed runoff elections increase election negativity. ([article 1](#), [article 2](#), [article 3](#))
- Strain from longer election season and the uncertainty until results are final. The partisan tension is higher during campaign season and tends to dissipate after the general election. With a delayed runoff election, that tension would continue past the general election, through Thanksgiving, and into December.

### **Equal opportunity. Delayed runoff elections disproportionately disadvantage people who are:**

- [Lower income](#)
- [Less educated](#)
- [Further from polling places](#)
- [Disabled](#)

As you can see, delayed runoff elections would significantly increase election costs for both the state and local jurisdictions, burden already strained election workers, increase campaign negativity, and add to the challenges many voters already face in exercising their responsibility to vote.

# Ranked Choice Voting (aka Instant Runoff Voting)

## Advantages

- RCV can also ensure candidates win with [majority support](#). Two thirds of winners in single-winner ranked choice voting elections win with a majority of votes cast. In the remaining third, winners achieve support from a majority of voters who express a preference between the finalists. With the drop in voter turnout for delayed runoff elections, votes for delayed runoff winners usually total less than 50% of the total votes in the original general election. By preventing the drop off in turnout from delayed runoff elections, RCV winners gain broader support overall.
- Election integrity. By eliminating the spoiler effect, RCV can protect races from being [deliberately split](#).
- [Better turnout](#) than delayed runoff elections: Sen. Murkowski won with a higher percentage of the general election vote numbers than did Sen. Warnock.
- RCV leads to [more civil political environments](#). Secretary of State Scott Schwab said that the contention around our elections [contributed to the resignation](#) of our Sedgwick County Election Commissioner. The way that ranked choice voting leads to more positive campaigning and consensus should help mitigate that concern after implementation.
- Faster: RCV results can be tabulated as soon as the last ballots are received. With the current system in Kansas, that would be the Friday after election day. With a delayed runoff election, all ballots would not be in until the first Friday after the first Tuesday in December.
- Voters are better able to express their preferences without disadvantaging their second choice candidate who might have a better chance of winning. Having more choice and voice improves voter satisfaction with elections, and the majority of voters who have used RCV [support](#) the method.

## How Ranked Choice Voting Works

From our [website](#)

Rank candidates in order of preference. Fill in one circle per candidate and one circle per choice.

	1st Choice	2nd Choice	3rd Choice	4th Choice
Pepsi	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Dr. Pepper	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Coke	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Root Beer	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Our current system of voting is called "first-past-the-post" or "plurality" voting. It allows citizens to vote for only one option even if many candidates are running for the same office, creating the Spoiler Effect. The spoiler effect happens when voters do not vote for their favorite candidate, but vote for a more popular candidate they think can win. Otherwise, they may feel they wasted their vote.

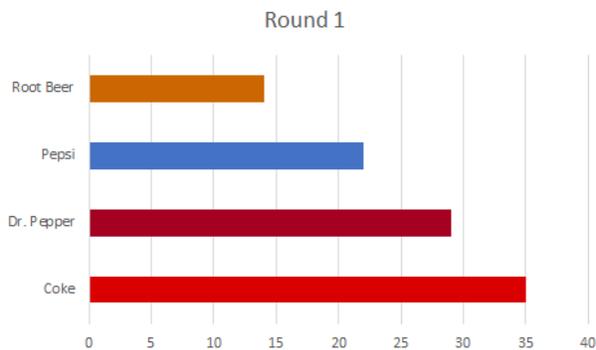
Ranked choice voting is a voting system that prevents the spoiler effect. Instead of voting for only one candidate, voters rank the choices from their favorite (1st choice) to their least favorite (last choice). If the voter's first choice is not popular, that's okay! If their first

choice does not have enough votes to do well, their vote will go to their next choice. The process continues until a candidate has more than half of the votes (50% plus 1).



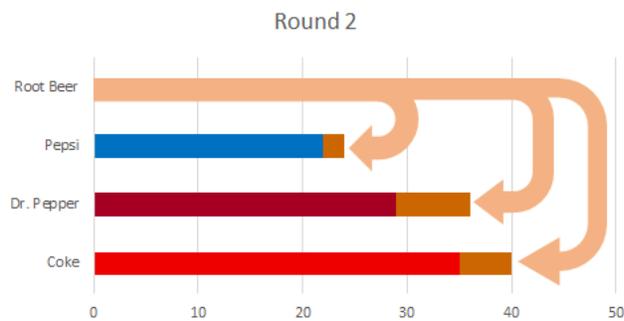
Ranked choice voting is similar to what we do when ordering soft drinks. We say things like "I'd like Coke, but if they don't have Coke I'd take a Pepsi." We give our first choice as well as what we'd prefer if that first choice isn't available.

To give folks a chance to try ranked choice voting, we conducted a sample poll asking their favorite soft drink.



**Round 1: First Choice Votes Talled**

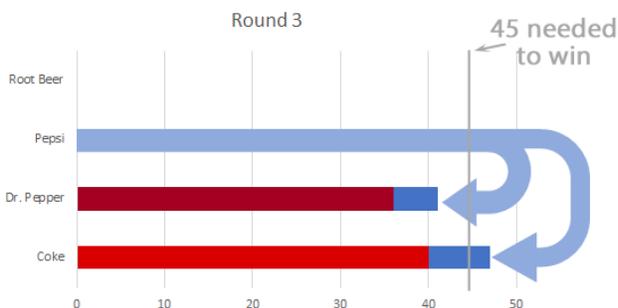
One hundred people took our soft drink poll. When we counted the first-choice results, no soft drink had half of the votes (50% plus 1). Coke came in first, followed by Dr. Pepper, Pepsi, and then Root Beer.



**Round 2: Choice with Fewest Votes Eliminated**  
 Since no soft drink had a majority of the votes in Round 1, the candidate with the least number of first-choice votes (Root Beer) was eliminated. Voters who ranked Root Beer first had their votes counted towards their second choice.

Half the voters who put Root Beer as their first choice selected Dr. Pepper as their second choice. Some selected Coke as their second choice and fewer selected Pepsi. After votes were distributed, Coke was still in the lead.

Half the voters who put Root Beer as their first choice selected Dr. Pepper as their second



**Round 3: Final Winner Selected**

Since no soft drink had a majority after Round 2, the candidate ending Round 2 with the fewest votes (Pepsi) was eliminated and their voters' next choices were counted.

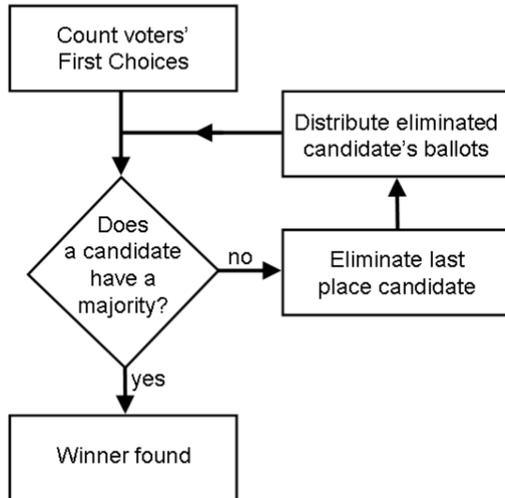
Because Pepsi got two votes from Root Beer in Round 2, those two voters had their third choices counted when Pepsi was eliminated in Round 3.

Ten of Pepsi's votes went to Dr. Pepper, and 14 of Pepsi's votes went to Coke, putting Coke over the 51 votes needed to win the contest.



Congrats! We selected a choice that we know is preferred by more than half of the voters! Everyone voted for their favorite choice, and no one felt like their vote was wasted.

## IRV counting flowchart



## Practical Considerations

Much of this information comes from the [2021 State Readiness Assessment](#) conducted by the Ranked Choice Voting Resource Center.

The costs for implementing RCV are:

- New voting machines in 16 counties. These counties have ES&S Legacy M100 & M650 machines that date back to the mid-2000s: Bourbon, Cherokee, Dickinson, Edwards, Franklin, Gray, Greenwood, Harvey, Lincoln, Montgomery, Osborne, Pawnee, Phillips, Rawlins, Scott, Stafford
- Software update for existing voting machines in 89 counties. These machines are otherwise RCV-capable.
- Poll worker and administrator education and training. There are national nonpartisan nonprofit organizations who specialize in helping with this, the main one being the [Ranked Choice Voting Resource Center](#).
- Public education. Much can be done by volunteers. Rank the Vote Kansas can help. Since RCV is used for student government elections at K-State, many alumni should be familiar with the process.
- Longer ballots & slightly higher mailing costs. Only a fraction of races on any ballot have more than two candidates and only those races would require more space on ballots.

With current Unisyn elections equipment in 24 Kansas counties, Kansas would be limited to 3 choices while 5 is the optimal number of allowed rankings. This may be fixable if Unisyn issues an update. All ballots across the state would need to have the same number of ranking options.

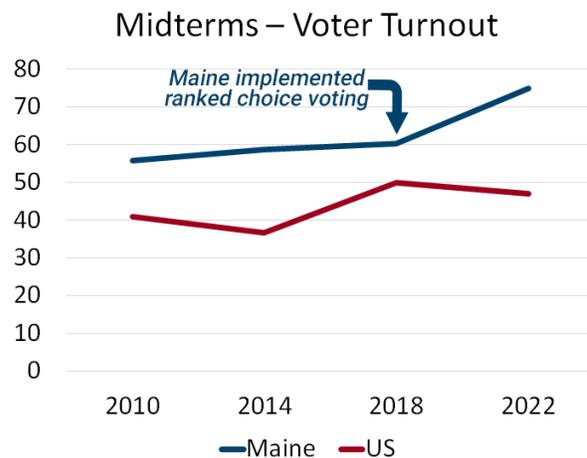


## FAQ

- Why did election results take longer in Alaska than most other states?** Election results take longer in Alaska because the state accepts absentee ballots up to 2-3 weeks after the election as long as they were postmarked by election day. That delay has nothing to do with RCV. Even with the wait for ballots to arrive from the Bush, Alaska’s results were tabulated [November 23](#). Georgia’s delayed runoff election results were not in until the delayed runoff election was held on December 6. In Maine, ranked choice results were tabulated on Tuesday, [November 15](#). Ranked choice voting results can be tabulated as soon as all ballots have been received and do not need to be run if a candidate receives a majority in the first round.
- Is ranked choice voting too complicated for voters?** The vast majority of voters in RCV elections find RCV simple to use and would prefer to use it again.

Jurisdiction	% Voters who found RCV to be Very Simple or Somewhat Simple to Use
Alaska	<a href="#">79%</a> (2022)
Maine	<a href="#">74%</a> (2018)
Minneapolis, MN	<a href="#">92%</a> (2017)
New York City	<a href="#">78%</a> (2021)
San Francisco, CA	<a href="#">87%</a> (2005)
Utah municipal voters	<a href="#">81%</a> (2021)

- Does ranked choice voting decrease turnout?** RCV does not decrease turnout. The many different factors that affect turnout in elections make it difficult to assess the impact of RCV on turnout, however, there does appear to be an [increase](#). There is often a slight dip in turnout numbers the first time ranked choice voting is used. By the second time it’s used, turnout rebounds and starts to increase.



Data from the [Maine Department of the Secretary of State](#)

- Does ranked choice voting require a change to the Kansas Constitution?** Attorney General Schmidt said that RCV would not require a change to the Kansas Constitution. On June 1, 2020, Attorney

General Schmidt [replied](#) to a request from Kansas State Representative Adam Smith who asked "whether ranked-choice election methodology would be in violation of Article 4, § 1 of the Kansas Constitution and whether language would need to be added to the Kansas Constitution 'to clarify and allow ranked-choice election methodology' for calculating election results." Attorney General Schmidt answered that "we conclude that Article 4, § 1 of the Kansas Constitution prescribes the physical manner in which votes may be cast, but does not prescribe the manner in which votes are to be allocated to the candidates." The means that ranked choice voting would not require any change to the Kansas Constitution since "the Kansas Constitution is silent on the manner in which votes are allocated to the candidates."

- ***Are exhausted ballots a problem?*** Most RCV elections have only about 2% of ballots exhausted when they fill in all allowed rankings. When voters choose not to use the full number of rankings allowed, the exhaustion rate runs about 13%. An exhausted ballot is similar in effect to voters not choosing one of the final two candidates. In our current plurality system, voters may find themselves in the same situation. For example, 9% of voters in the 2018 gubernatorial election voted for someone other than Governor Kelly or Attorney General Kobach. In the 2022 Georgia Senate delayed runoff election, 10% of the general election voters did not vote in the delayed runoff, another way voters may not get a say on the final two candidates.
- ***Does ranked choice voting violate one person one vote?*** No, ranked choice voting complies with one person one vote. Just like the old caucus system we used to have instead of primaries, a vote transfers from one candidate to the next until being tallied under the voter's final, highest-ranking choice. The Alaska Supreme Court stated in their [opinion for Kohlhaas v Alaska](#), "Nothing in the Alaska Constitution prohibits voting in this way. The constitution does not define or limit the term 'vote.' Black's Law Dictionary defines a vote as '[t]he expression of one's preference or opinion in a meeting or election by ballot, show of hands, or other type of communication.' A ranked-choice vote is an expression of preference that contains more information than a single-choice vote: I prefer Candidate Alpha best, but if Candidate Alpha cannot win, then I prefer Candidate Bravo to Candidate Charlie. Because a ranked-choice vote contains more information than a single-choice vote, it requires a more elaborate calculation to determine the winner. But it is still a single vote, cast by a single voter, that in the end is counted for a single candidate."
- ***Does ranked choice voting benefit one party over another?*** No, ranked choice voting is simply a process change that more clearly expresses the will of the voters. Since it is only a process change, RCV is being used in [districts](#) all over the country:
  - Utah has a local options bill. 23 municipalities used RCV in 2021.
  - The state of Maine has used RCV since 2018.
  - The state of Alaska used RCV for the first time in 2022. Candidates who adapted to the system fared better than those who didn't. There was a candidate in the special election for Rep Young's seat who encouraged their supporters to only rank one choice which led to the higher than expected number of exhausted ballots and their supporters not being as influential in the results as they otherwise would have been.
  - Nevada has voted in favor of RCV in the first of two elections necessary for RCV to be adopted by the state.
  - Virginia used RCV for their Republican gubernatorial primary and the consensus candidate who emerged won the general election. Virginia currently has five bipartisan [RCV bills](#) pending in their legislature to expand use of RCV in the state.

- Several cities in Minnesota have used RCV since 2009. Minneapolis was the first city in Minnesota to adopt RCV and the number of cities using the system has now grown to five.
  - New York City has adopted RCV for its municipal primaries. The first use was in 2021.
  - Several cities in California use RCV. San Francisco has used RCV since 2004. Other cities in California include Albany, Berkeley, Oakland, Palm Desert, and San Leandro.
  - Other municipalities using RCV include Telluride CO, Basalt CO, Takoma Park MD, Santa Fe NM, Las Cruces NM, Arden DE, Benton Co OR, Corvallis OR, Cambridge MA, Easthampton MA, Burlington VT, and Portland ME.
- ***Does ranked choice voting disadvantage minorities?*** No, as explained in a [2021 FairVote research report](#), ranked choice voting can actually help level the playing field for voters and candidates of color. RCV is one remedy being used for districts in violation of the Voting Rights Act because it helps ensure that blocs of voters, including voters of color, are not split when multiple candidates of that demographic run for the same office.

We appreciate efforts to ensure that elected officials in Kansas win with support from a majority of the electorate. With its lower cost, faster results, voter satisfaction, increased campaign civility, and greater ease for elected officials, we hope that you will consider implementing ranked choice voting to facilitate winners receiving a broad base of voter support.

Respectfully submitted by  
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