

Date: February 1, 2024

Bill number: SB368

Opponent

Richard Pund

Self

Chairman Thompson and members of the committee,

I oppose SB368 which would ban ranked choice voting (RCV) in all Kansas elections. I believe that the state should go in the opposite direction and explicitly allow the use of RCV in our elections.

I'd first like to point out the similarities between RCV and the plurality elections that we currently use. Even though we don't use a ranked ballot, voters still rank candidates when we're deciding who to vote for. We'll vote for our first choice in the August primary, and if they progress to the general election we'll cast another ballot for the same candidate in November. Like RCV, our vote sticks with our first choice as long as they're in the running. If they lose in the primary, we'd either vote for our second-choice candidate or leave our ballot blank. Again, this is exactly how RCV works, except the voter would only need to go to the polls once to accomplish the same thing. Along with all of its other benefits, RCV is basically a faster and more efficient way to achieve what we're doing now.

As the text of SB368 states, if no candidate receives a majority of first-choice votes the RCV tabulation process eliminates last-place candidates "until a candidate receives a majority of the votes cast." This is exactly why I think we should be using it, because it solves a big problem that we have with our elections today. We all know how Governor Kelly won re-election with less than 50% of the vote. This isn't some aberration, it's just how plurality works when there's a close election. If we used RCV for our state elections, it would ensure that the winning candidate has majority support regardless of how many are on the ballot.

If the state allowed local governments to use RCV, it would provide an opportunity to save a significant amount of time and money. Because we know plurality doesn't work well with a crowded ballot, there are statutes that trigger an open primary when enough candidates file for a non-partisan office. State statute triggers this when more than three candidates file for a seat, but my city Overland Park goes further and requires a primary when there are more than two. In 2021, we had a citywide mayoral primary because four candidates filed to run. I estimate it cost Overland Park over \$100,000 to narrow the field from four candidates down to two. If we allowed the use of RCV for non-partisan elections, then we could skip the primary and put all four candidates on the general election ballot. This is a clear way to make our government more efficient. I'd hope that any lawmakers who want to save taxpayer dollars would agree.

RCV is also one solution to a problem that we have with our at-large elections. There is currently a federal Voting Rights Act lawsuit against Dodge City, alleging that their at-large elections discriminate against Latino voters. I've read that the trial date is later this month.

Similar cases in other parts of the country have found that at-large plurality does violate our voting rights, as it allows a simple majority bloc of voters to completely shut out the opposition from having any representation. If the court has the same finding in the Dodge City case, then we should probably stop using it in our state, right? If the state wants to maintain an option for at-large local elections that doesn't violate our voting rights, then multi-winner RCV would fit the bill.

RCV is no longer some fringe, unproven idea. It is used in elections in over 20 states, both red and blue, in jurisdictions covering over ten million voters. I hope the members of this committee will oppose SB368 with me and instead work to allow RCV in our state.

Thank you for your time,

Richard Pund
Overland Park