

31 January 2024

Senate Bill No. 368

Opponent

Andrew Booze

I am representing myself. I am also a member of Rank the Vote Kansas.

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Chairman Thompson and Members of the Committee,

As a member of Rank the Vote Kansas, a registered Republican, and an active Kansas voter, I believe Senate Bill No. 368 to be unnecessary, and even counterproductive, to the administration of elections in the state of Kansas.

First, this bill is unnecessary to prevent ranked-choice voting methods for being used in elected offices governed by the statutes of Kansas. The Kansas Statutes Annotated (K.S.A.) Chapter 25 contains a number of mandates which assume a plurality-winner, first-past-the-post (FPTP) form of voting. For example, K.S.A. [25-614](#) requires that voters designate “by a cross or check mark” their preferred candidate on a ballot, but a ranked-choice ballot would require voters to rank their preferred candidates instead, which is impossible with these ballot instructions. K.S.A. [25-616](#), 617, and 618 also require this when designating the form of general election ballots, even at the municipal level. Finally, similar requirements are established for primary elections in K.S.A. [25-213](#) and 213a.

K.S.A. [25-702](#) additionally requires that a plurality vote govern elections for “any officer” and separately for the combined ticket for governor and lieutenant governor, while ranked-choice voting methods would require a majority vote for those elections. This defeats the purpose of ranked-choice voting methods, as one candidate receives a plurality of first-choice votes by definition. A municipality wanting to use a ranked-choice voting system would not be able to do so, even if this bill is not passed.

Even if the bill was necessary to eliminate ranked-choice voting methods in the state of Kansas, that would not be an outcome that would improve Kansas elections. While many others can and will testify about the outcomes of ranked-choice voting, I want to point out what I believe is the best individual case for Kansans: that ranked-choice voting eliminates the spoiler effect.

For example, since 2016, the Kansas gubernatorial election has been won with a minority of the vote, unlike many other Kansas elections (and even previous gubernatorial elections). In all three gubernatorial elections since 2016, the sum of the votes for third-party or independent candidates has added up to more than the difference between the major party candidates. Unlike plurality-winner FPTP voting methods like the one we have now, ranked-choice voting methods require a majority of the vote to win, and the ranking system allows voters to vote for third-party candidates while being sure their vote will be re-allocated to other candidates in the order they prefer. Establishing a ranked-choice voting method would allow people to vote their conscience while still ensuring majority rule, making it a better system than our current one.

I, like all of you, share the ambition to make elections more participatory, more democratic, and more secure. However, banning ranked-choice voting methods does none of those things, and is also unnecessary. I respectfully ask you to vote no on Senate Bill No. 368.

Thank you for your consideration of my testimony on this matter.

Andrew Booze