Good afternoon.

My name is Steven Davis, and I am providing neutral testimony on my own behalf as a citizen of Kansas. I have a bachelor's degree in mathematics from the University of St. Mary in Leavenworth and I currently live in Lawrence. I also worked at the Legislature as an office assistant during the 2017 session, so some of you may recognize my face from around the building. Electoral reform is an interest of mine, but I wasn't able to attend the earlier presentations because of my day job, so I apologize if I repeat anything you've already heard.

At the outset, I want to praise the committee for considering ranked-choice voting and holding a hearing on this potential reform. As I'm sure you've heard throughout the day, ranked choice voting has several advantages over our current system, such as increased voter participation and satisfaction, as well as allowing for greater support for a wider variety of candidates.

My testimony should not be construed as discouraging you from exploring ranked-choice voting or as an endorsement of the current plurality system. However, I would like to draw your attention to a few potential drawbacks that should be addressed when implementing ranked-choice voting and to suggest a better alternative that avoids those pitfalls.

Apart from concerns such as the increased difficulty of counting ballots, the lack of preliminary results, and the greater likelihood of ties, contested elections, and lawsuits, one lesser-known consequence of ranked-choice voting is an increase in the number of spoiled ballots. Unfortunately, Kansas already ranks sixth in the nation for discarded ballots despite our relatively small population. (http://abcnews.go.com/amp/Politics/wireStory/uncounted-kansas-ballots-fuel-fears-kobachs-proposals-49370819)

Ranked-choice voting will only exacerbate the problem, and in one jurisdiction led to a 600% increase in spoiled ballots. (http://scorevoting.net/French2007studies.html) Elections for at-large candidates with multiple vacancies, as well as write-in votes, which are likely to become more common with ranked-choice voting, will complicate ballots even further.

Voters are only human, and as the complexity of ballots increases, the likelihood of mistakes increases as well. One small mistake can invalidate a very long ballot, which may either discourage voters from taking advantage of ranked-choice voting or from completing their ballots. Even if voters decide to fill out the entire ballot once again, the increased voting times will lead to longer lines and may turn away voters who aren't willing or able to wait in line to vote. If ranked-choice voting is implemented, county election offices must ensure that enough ballots are printed and that voters are not disenfranchised by waits and long lines.

Even when ballots are successfully submitted, the question of voter intent is more complicated, for instance, when the voter has incorrectly indicated his support for the same candidate twice. If the Legislature passes a ranked-choice voting bill, I strongly recommend including guidelines for structuring ballots and for discerning voter intent, including a default option for voters to choose only one candidate rather than ranking them, especially in races with just two candidates. Writing those standards in statute rather than an administrative regulation will provide more public confidence in the process and ensure votes are canvassed and counted properly.

Finally, if the Legislature does pursue ranked-choice voting, a primary election would serve as an excellent pilot program because voters' preferences are likely to be more nuanced and there may be a larger field of candidates running. Furthermore, write-ins are not allowed in a primary election as long as at least one candidate has filed, which means shorter, simpler ballots (KSA 25-213(b)). Most political parties also employ some form of preferential voting in their presidential primaries and would likely be amenable to the process.

If ranked-choice voting is implemented in general elections, there are two races that will require some additional attention: governor and secretary of state. Multiple statutes relating to petitions determine the threshold for the number of signatures based on the number of votes cast for governor or secretary of state. (See K.S.A. 10-1116c, 12-1231, 19-4605 and -4606, 20-2901, 25-302a, 22-3001, 25-3504, 25-4005, 38-528, 38-546, 68-518c, 68-5,103, and 80-933) The Legislature should clarify what constitutes a "vote" for these statutes: a ballot, a first-choice vote, or a vote for one of the candidates remaining when one candidate wins a majority.

Even more importantly, results from the gubernatorial race determine which parties are eligible to participate in the primary election and which parties remain officially recognized. According to K.S.A. 25-202, a party's candidate for governor must receive at least 5% of votes cast in order for the party to participate in the primary election. Similarly, K.S.A. 25-302b states that a party's candidates for statewide office must each receive at least 1% of the total vote cast for the party to remain recognized.

Although ranked-choice voting may seem at first blush to provide an advantage to third-party candidates, if the law is not implemented properly, it may cause those parties to lose their official recognition. Of course, if the Legislature imposes unreasonable barriers for third parties to access the ballot, it opens the state up to more lawsuits. (See, for instance, *Constitution Party of Kansas v. Biggs*, 813 F.Supp.2d 1274 (2011), affirmed sub nom *Constitution Party of Kansas v. Kobach*, 695 F.3d 1140 (2012))

An example of this principle can be seen in Table 1, where the total votes and the number of votes cast for each candidate varies at different points throughout the process. Any ranked-choice law will have to address these concerns in order to safeguard the rights of political parties and provide clear guidance to petition circulators.

Table 1: Ranked-Choice Voting for Kansas Governor

Candidate	Round 1		Round 2		Round 3		Round 4	
	Votes	Percent	Votes	Percent	Votes	Percent	Votes	Percent
A (major)	47,000	47.0%	47,000	47.1%	47,000	47.7%	47,500	49.7%
B (major)	46,400	46.4%	46,400	46.5%	46,400	47.1%	48,000	50.3%
C (minor)	4,900	4.9%	4,900	4.9%	5,100	5.2%	-	0.0%
D (minor)	900	0.9%	1,500	1.5%	-	0.0%	-	0.0%
E (independent)	800	0.8%	-		-		-	
Total Votes	**100,000**	100.0%	**99,800**	100.0%	**98,500**	100.0%	**95,500**	100.0%
Abstentions	1,000	1.0%	1,200	1.2%	2,500	2.5%	5,500	5.4%
Total Ballots	**101,000**		**101,000**		**101,000**		**101,000**	

Primary Eligible
Stays Recognized

In light of all these concerns, I want to draw the committee's attention to a better alternative: approval voting.

Approval voting allows voters to indicate their support for any number of candidates. It can be implemented with current ballots and machines; the only change is that instead of marking one candidate, you can mark as many as you want. In fact, we already use a version of it for races where candidates are elected at large by allowing voters to vote for fewer candidates than the number of vacancies.

It turns out there is nothing wrong with also allowing voters to vote for more candidates than the number of vacancies. With approval voting, voters are not splitting their support because voting for a candidate is always beneficial for that candidate. Approval voting still satisfies the one-person, one-vote principle because no one voter has any greater impact than any other. The results are easy to understand and can be compiled partially before the final canvass just like the current system. Approval voting also results in 80% fewer spoiled ballots and significantly higher voter satisfaction. (http://scorevoting.net/French2007studies.html)

Adopting approval voting would be an easy way to allow voters to vote sincerely, to support as many candidates as they like, and it would require no additional investment in voting machines or software. If the committee instead chooses to support ranked-choice voting, I encourage you to give full consideration to the concerns I have discussed.

I will be happy to answer any questions the committee has.

(For more information, see https://electology.org/approval-voting-versus-irv)

8 Ways Approval Voting Prevails

What is Approval Voting?

Approval Voting is an alternative voting method used to elect positions where there is a single winner. The voter can choose (no ranking) any number of candidates. Most votes wins.

Vote for one or more candidates The candidate with the most votes wins	
ELEANOR ROOSEVELT Incumbent	◯
CESAR CHAVEZ Labor Organizer	⬤
WALTER LUM Publisher	◯
JOHN HANCOCK Physician	◯
MARTIN LUTHER KING, JR. Minister	⬤
ANNA MAE PICTOU AQUASH Indigenous Rights Organizer	⬤

How does Approval Voting prevail?

1. Expressive ballots → The option to choose multiple candidates lets voters say more about how they feel.

2. More honest voting → Voters can ALWAYS choose their favorite. That's because, if they want, they can still hedge their bets with compromise candidates to prevent their least favorite from winning.

3. Independents and third parties get more accurate support → Voters can choose their honest favorites—even Independents and third parties. Finally, these candidates can get the fair support they deserve.

4. Favors Centrist winners → Centrist candidates avoid vote splitting under Approval Voting and get favored. And that's good because these candidates appeal to the widest breadth of voters.

5. A reason to reform ballot access → Major parties partially lose incentive to restrict ballot access. And voters gain a reason to fight it.

6. Encourages access to debates → With Approval Voting, Approval polling makes more sense. And debate venues can see when non–major candidates have legitimate support so that they're not excluded.

7. Ready to go → Approval Voting is so simple that it works on current voting machines.

8. Expands the issues → Alternative candidates with support under Approval Voting can bring popular issues to the table that were previously ignored.