

Testimony from:  
Josh Daniels<sup>1</sup>

In **OPPOSITION** to H.B. 1273

March 17, 2023

North Dakota Senate Committee on State and Local Government

**Common misconceptions about ranked choice voting**

Dear Chair & members of the committee,

I write to you as a former Republican elected Clerk & Auditor for Utah County, a former congressional staffer, political campaign director, and policy director at the conservative Libertas Institute think tank.

I write in opposition to H.B. 1273, which would prevent any community in North Dakota from using alternative voting methods, including approval voting (which citizens of Fargo voted to use in 2018, and which has been implemented in its municipal elections since 2020) and ranked choice voting (which is not currently used in any North Dakota cities). As a former local official, it is concerning that legislators would override local control and force a mandate on cities that might want to try an alternative voting method. However, I want to focus this testimony on dispelling common misconceptions about ranked choice voting (RCV).

**Ranked choice voting – sometimes known as “instant runoff voting” – is easy to understand and supported by voters who use it.** In every city and state that uses RCV, voters report that they understand and support it.<sup>2</sup> For example, exit polling in Utah found that 81% of first-time RCV voters found RCV easy to use and 88% were satisfied with the method used to cast their ballot.<sup>3</sup> In Alaska, 92% of voters said they received instructions on how to rank their choices and 79% said RCV was “simple.”<sup>4</sup> In 2022, a majority of Virginia primary voters who used RCV in Republican congressional primaries reported that they prefer RCV to single-choice elections.<sup>5</sup>

This is also borne out in ballot data and academic research, which show strong understanding of the ballot and high rates of ranking. Understanding of RCV is comparable to plurality voting and better than the “top-two” voting used in California and Washington.<sup>6</sup> Researchers have found no evidence of racial or ethnic differences in understanding of RCV.<sup>7</sup>

This is not a surprise – we rank things everyday, and voters quickly learn how to rank candidates with quality voter education.

**Ranked choice voting empowers more voters to make a difference in the outcome.** The ability to rank actually increases the number of voters who have a say in the final outcome: since 2004, 73% of voters in RCV contests ranked the winning candidate in their top three, even if the winner wasn’t their first choice.<sup>8</sup> Compare this to the number of voters whose vote does not impact the final outcome in typical choose-one elections – all voters whose favorite candidate is not one of the top two.

---

<sup>1</sup> Josh Daniels is the former Republican elected Clerk & Auditor for Utah County. Josh administered ranked choice elections for the first time in Utah on behalf of multiple cities in a pilot project for 2019 & 2021. His career has been in public policy and government relations at the local, state, and national levels. He is a former congressional staffer, political campaign director, and policy director at the conservative Libertas Institute think tank. He holds a J.D. from the University of Houston Texas Law Center and a B.A. from Brigham Young University.

<sup>2</sup> FairVote. 2020. Exit Surveys: Voters Evaluate Ranked Choice Voting. <https://fairvote.app.box.com/s/hlzeu53uw0nrw9yzhbjk4flx2uf9x4fg>

<sup>3</sup> Survey shows positive response to ranked choice voting. The Daily Herald. (2021).

<https://www.heraldextra.com/news/local/2021/nov/18/survey-shows-ranked-choice-voting-got-positive-response-in-pilot-test/>

<sup>4</sup> Alaska Exit Poll Results – New Election System. Patinkin Research Strategies. (2022).

[https://alaskansforbetterelections.com/wp-content/uploads/2022/11/Patinkin\\_Alaska\\_Exit\\_Poll.pdf](https://alaskansforbetterelections.com/wp-content/uploads/2022/11/Patinkin_Alaska_Exit_Poll.pdf)

<sup>5</sup> See “Measuring the Effects of Ranked Choice Voting in Republican Primaries” by the Center for Campaign Innovation (2022)

<sup>6</sup> 2014 Eagleton Poll California RCV Survey Results. FairVote. (2021). <https://www.fairvote.org/2014-survey-results>.

<sup>7</sup> Self-Reported Understanding of Ranked-Choice Voting. Donovan, T., Tolbert, C. and Gracey, K. (2019), Social Science Quarterly, 100: 1768-1776. <https://doi.org/10.1111/ssqu.12651>.

<sup>8</sup> See “consensus value” under “Data on RCV in Practice” by FairVote

Much attention has been drawn to the small number of “inactive,” or “exhausted,” ballots – which occur when a voter does not express a preference between the candidates in the final round of an RCV election. Voters are not forced to rank all candidates in an RCV race, just as they are not forced to use both votes in the vote-for-two municipal elections common in North Dakota and some other states.

For example, in Bismarck’s 2020 city commissioner election, voters had the option to vote for up to two candidates but only 72% of voters used both votes. Similarly, in RCV, voters have the freedom to determine how many candidates they want to support and some voters will exercise their right to abstain from ranking candidates they do not like. All ballots in RCV contests are counted completely to the full extent that voters choose to express their preferences; no ballot is “thrown out.”

This can also be compared to a two-round runoff system. Like RCV, runoffs find a majority winner but also require two separate contests – doubling election administration costs and requiring voters to visit the polls twice. Many voters do not return for a runoff; in fact, turnout declined between the primary and runoff in 266 of the 276 scheduled federal primary runoff elections from 1994 to 2022, by an average of 40%.<sup>9</sup> In contrast, the rate of inactive ballots across all RCV contests is ~7% – a vast improvement in voter voice.

Two-round runoffs also place an additional burden on military and overseas voters. For this reason, six states currently use RCV for these voters (Alabama, Arkansas, Georgia, Louisiana, Mississippi and South Carolina). In those states, military and overseas voters are allowed to rank their ballots rather than voting in two separate elections.

**Ranked choice voting elections can be implemented smoothly, and tabulated instantly and transparently.**

Approximately 13 million voters in 64 jurisdictions across the U.S. vote using ranked choice voting. The majority of these jurisdictions, including 20 cities in Utah, release RCV results the night of or day after the election. This includes large cities like Salt Lake City and smaller towns of only a few hundred voters. Where results have been slower, it has been to allow time for absentee ballots to come in, which has nothing to do with RCV or the way the votes are counted.

Further, RCV results can be counted or verified via a hand-count, for example by the Virginia GOP in recent conventions to nominate now-Gov. Glenn Youngkin and congressional candidates.

With the growth of RCV and increasing knowledge of this voting method, there are also best practices and resources available to city or state elections officials tasked with implementing RCV elections, on topics including but not limited to ballot design, voter outreach and education, candidate education, tabulation, and election security.<sup>1011</sup>

**Ranked choice voting is a proven voting method that works for voters, municipalities, and election administrators alike.**

I urge you to allow municipalities to take advantage of it if they wish – or at least not close the door on its use in North Dakota before it has even been tried. Thank you for your time and consideration.

Sincerely,

Josh Daniels

Fmr. Utah County Clerk  
Saratoga Springs, UT

[j.alden.daniels@gmail.com](mailto:j.alden.daniels@gmail.com), 801-234-0676

---

<sup>9</sup> Primary Runoff Elections and Decline in Voter Turnout, 1994-2022. Rose, J. (2022) <https://fairvote.org/report/primary-runoffs-report-2022/>

<sup>10</sup> Reports. Ranked Choice Voting Resource Center. (2023) <https://www.rcvresources.org/reports>

<sup>11</sup> Ranked Choice Voting in Practice. National Conference of State Legislatures. (2022) <https://www.ncsl.org/elections-and-campaigns/ranked-choice-voting-in-practice-implementation-considerations-for-policymakers>