Testimony from
Eric Wilson

In OPPOSITION to H.B. 1273

March 17, 2023

North Dakota Senate Committee on State and Local Government

Dear Chair Roers, Ranking Member Barta, Committee Members,

Ranked Choice Voting & Party Primaries

As the North Dakota Senate considers legislation to ban or otherwise limit the use of ranked choice voting (RCV) or instant runoff voting in state elections, I encourage you to consider the unintended consequences of this drastic step that would limit the opportunity for more grassroots conservatives to have a say in nominating candidates.

I have been a consultant for many Republican campaigns and active in the Republican Party of Virginia, where I served on the state central committee from 2020 - 2021. I believe the Republican Party - and voters all over - can benefit from ranked choice voting. Virginia shows exactly why.

With the rise of new media, grassroots candidates with limited establishment support have become more competitive. This has led to a proliferation of crowded primary fields. Between 2000 and 2018, the number of primaries with more than 3 candidates at the federal level has tripled. These nomination contests result in more nominees winning with a plurality – rather than a majority – of support.

In Virginia, the political parties have historically enjoyed broad leeway to determine the method of nomination for their candidates. This includes party-run processes like conventions which are held in a single location on a single day, or so-called firehouse primaries held at multiple locations with flexible timing. The parties may also opt for a state-run primary election with a plurality winner and no runoff requirement.

In 2021, Virginia Republicans adopted an "unassembled" convention which employed ranked choice voting to nominate their statewide candidates. It worked. We had the strongest ticket we've ever nominated according to many party insiders.

Following the success of that process, which led to the nomination of Virginia Republicans' first statewide elected officials in more than a decade, three congressional district party committees adopted RCV in 2022. In the 8th, 10th, and 11th congressional districts, Republicans nominated their candidates via RCV.

Virginia's 10th Congressional District also neighbors the 7th Congressional District, sharing portions of Prince William County. Republicans in the 7th opted for a state-run primary. This

offered a unique opportunity to test the effects of the method of nomination on candidate images and voter perceptions of campaign quality.

In the 10th Congressional District, 84% of voters described the campaign as positive compared to just 59% in the 7th Congressional District. Two-thirds of voters in the 10th rated the candidates as having run a mostly positive campaign, with an additional 18% saying the race was somewhat positive.

Because the nomination contest in the 10th Congressional District was considered more positive than in the 7th, Hung Cao, the Republican nominee chosen via RCV, emerged with 86% favorability among voters. In the 7th, Yesli Vega's favorability among primary voters was just 64%.

Cao was also better known by voters with 94% name identification compared to 77% for Vega in the 7th. This is likely due to the fact that in the RCV firehouse primary, voters were able to indicate preferences for each candidate and researched all of the options. Indeed, 97% of ballots had enough preferences to be counted for all nine rounds.

By removing incentives to attack candidates, the RCV firehouse primary in the 10th District also benefited those candidates who did not win. Jeanine Lawson, who finished second behind Cao, had a +59% net favorability. Brandon Michon, the third place finisher, had +54% net image.

Contrast this with images of the runners up in the 7th District. State Senator Bryce Reeves, considered the frontrunner for much of the contest, finished with the highest unfavorability rating we measured at 27%. While he still has a net +25% positive image, Reeves faces a contested primary to retain his newly redrawn Senate district this year.

In the general election, Cao outperformed expectations in his blue district by 4 percentage points, and is now considered a candidate for statewide office. In contrast, Vega performed on par with expectations and lost a tossup seat by 4 points.

Proponents of ranked choice voting cite more positive campaigns and more informed voters as one of the method's key benefits. Some observers credit the usage of RCV in the 2021 Virginia Republican unassembled convention that nominated now-Governor Glenn Youngkin as a key factor in GOP victories.

For lawmakers considering election reforms that give individual voters – not the party establishment – more say over party nominees, a wholesale ban on RCV is shortsighted. While RCV in general elections is typically unnecessary in our two-party system, it has proven to be a valuable tool in nominating competitive conservatives in the GOP primary.

I urge you to oppose this bill to preserve the opportunity to use ranked choice voting, for all the benefits described above.