

Members of the Senate State and Local Government Committee, thank you for hearing my testimony. My name is Joseph Kennedy. I live in north Fargo, am a voter, serve regularly as an election clerk, and am a math teacher and instructional designer. Last semester, my curriculum included a unit on the mathematics of voting; my institution stresses civic engagement and I taught this unit specifically so students could have a stronger understanding of how different voting methods impact elections. I speak in opposition to HB 1273 specifically because it unduly restricts the will of citizens and it prevents a proven solution to some problems in today's political arena.

I support alternate voting methods, and thus oppose HB 1273 because, first, ranked choice voting and approval voting respect the fundamentally American democratic tradition that the will of the people (majority rule with minority rights) be observed. Each of these methods respects the plurality criterion, that the ultimate winner must receive a plurality of votes, and each of these methods gives more power to each individual citizen to determine how their vote is allocated. Forcing citizens who wish to have this power to make *only* a single choice takes away both the rights of the majority and the minority of citizens.

Second, ranked choice voting and approval voting reduce the likelihood a single-issue candidate will be elected. When I vote for a city commissioner, or school board member, or legislator, I expect them to solve multiple problems, across the breadth of civil society. Under the plurality-only voting mechanism, a candidate who is passionate about just one issue, and knowledgeable *only* about that issue, can be elected. While they may do a fine job on that one issue, and properly represent those who voted for them, they are not able to effectively do the rest of their job. Approval voting in particular makes it much harder for such a single-issue candidate to be elected, as decades of research and evaluation of elections using approval voting have shown.

Finally, and most importantly, these voting methods reduce partisanship and rancor. Like you, I'm tired of baseless accusations, insults, and hostility from the primary to the halls of legislation. Since 1985, we've known both by observation and through mathematical proof that approval voting almost always results in more centrist candidates being elected; in theory a Nash equilibrium can exist and in practice extremist candidates cannot gain the approval of enough voters to be elected. These methods also reduce the "hold your nose and vote for someone" factor, as Alaska's recent elections have shown.

Even as amended, HB 1273 prevents citizens of North Dakota from making an informed choice to have a different voting system, even if they see success in Fargo, or Alaska, or St. Louis, or Minneapolis, or Maine – this law tells North Dakotans they simply don't get to use a system that is democratic, fair, and might lead to greater consensus.

Proponents of this bill have brought up three arguments in favor of taking away voter's rights; I wish to address these as well.

It has been claimed we should not allow approval voting because a candidate can be elected without a majority of the votes. This is a non-unique argument; under the prior system a candidate was often elected without a majority of the votes. In Fargo in 2014: Tim Mahoney was elected with only 28.85% of the vote, and Dave Piepkorn with 20.56% of the vote, in an election with only 7 declared candidates. In 2016, elected were Tony Grindberg (16.09%) and John Strand (14.91%), and in 2018, the winners were Tony Gehrig (receiving 3,998 votes, or 17.97%) and Dave Piepkorn (3,683, or 16.55%). Using approval voting, in 2020, Fargo citizens elected John Strand, who received approval from 24.25% of

those voting (10,393 voters) and Arlette Preston, who was approved by 21.25% of voters. In 2022, Denise Kolpack received at least 31.43% of the vote, and Dave Piepkorn received at least 28.53% - despite 15 declared candidates running. That is almost double the number of voters expressing confidence in these candidates than the winning candidates received in 2018.

Supporters of HB 1273 claim approval voting is unfair or confusing. Jodi Plecity for example, has noted “not one person was for this type of election voting” but that is not my experience as a citizen nor as an election clerk. It might be that all approximately 5,000 Fargoans who voted for her feel this way, but in 2018, more than 30,000 citizens clearly felt approval voting was fair. As to confusing? Before 2020, when a voter in Fargo went to the polls in a primary election, they could vote for ONE gubernatorial candidate from any party, and ONE U.S. representative but only from the SAME party, and then ONE candidate for mayor, but TWO candidates for Commission, and THREE or FOUR School Board candidates, but only ONE judicial candidate for a particular seat. That is certainly more confusing than, “vote for all the people you feel would do a good job.”

Finally, the argument has been made that these methods of voting don't allow “all citizens [to] have an equal vote.” This is simply untrue – last year, every Fargo voter was able to vote in approval of none, one, two, or all 15 of the City Commission candidates if they wished. This appears to be the reason Rep. Koppelman introduced this bill, according to his prior testimony but not once ony does he explain why this method leads to an unequal vote. That's because it does not. When the U.S. Supreme court stated “one person, one vote” in Reynolds vs. Sims, they made it clear that no one person's vote should inherently have more weight than any other person's vote – neither approval voting nor ranked choice voting mean person A's vote means more than person's B.

Voting comes down to a simple question: “Do you think this person would do a good job?” Americans want elected officials to do a good job. Approval voting and ranked choice voting allow voters to express their confidence that a particular person can do that. I respectfully request this committee honor the wishes of voters who just want our citizen-legislators do a good job, and recommend a DO NOT PASS vote on House Bill 1273.