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Testimony from:  
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**In OPPOSITION of** HB 1273, “An Act relating to the prohibition of ranked-choice and approval voting”

March 17, 2023

Senate State and Local Government Committee

Chair Roers, Vice Chair Barta and members of the committee,

Thank you for considering my testimony. My name is Matthew Germer, and I conduct research on election reform for the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government across a variety of policy areas, including election reform. This is why House Bill 1273 is important to us.

When it comes to election reform, lawmakers should be focused on improving the voting experience for eligible voters and ensuring that elections are worthy of public trust. At the same time, state-level officials should recognize the value of local control over elections and allow cities and counties to use the electoral format that best suits their unique needs. House Bill 1273 undercuts these principles by prohibiting localities from using ranked-choice voting (RCV) and approval voting to conduct their elections.

In RCV or approval voting elections, voters answer more than just “who is your favorite candidate?” Rather, they answer “how do you feel about each candidate relative to the others?” The difference between these questions may seem subtle, but the result is substantially more voice for the voter. If voters are comfortable with more than one candidate, they can say so. If they prefer a lesser-known candidate, they can show support without worrying about the spoiler effect. And because the vote-tallying system places a premium on majority support, voters have more opportunities to contribute to that victory.<sup>1</sup> In short, RCV and approval voting empower voters.

Importantly, these voting systems are able to provide these benefits without substantial drawbacks. Concerns over “disenfranchisement” are unfounded and do not hold up to scrutiny.<sup>2</sup> Under RCV and approval voting, voters are empowered to vote for as few or as many candidates as they wish. If a voter chooses to vote for only one candidate and that candidate turns out to be unpopular, their vote means no less under these systems than it does under a winner-take-all system.<sup>3</sup> In fact, RCV and approval voting benefits these very voters the most by offering them the chance to support additional candidates



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and contribute to the final outcome of the election. RCV and approval voting give all voters more power, not less.

House Bill 1273 is particularly concerning because it undermines limited-government principles by imposing top-down restrictions on local elections, and in doing so strips power away from voters. While it is understandable to have concerns about the way votes are cast and counted, the conservative approach should be to let each locality decide for itself how to select its leaders. RCV and approval voting are well-tested systems that have been around for decades, and they have been used to great success around the country and the world.<sup>4</sup>

We encourage North Dakota to take a similar approach to Utah, which has allowed its localities to experiment with RCV to great success. Overwhelming majorities there show satisfaction with the system and found it easy to use.<sup>5</sup>

Unfortunately, HB 1273 prevents North Dakotans from ever choosing to enjoy the benefits of RCV or approval voting in their own cities and counties. Accordingly, we encourage the Legislature to uphold conservative principles and oppose this bill.

Thank you for your time,

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<sup>1</sup> Matthew Germer, "Restoring Losers' Consent: A Necessary Step to Stabilizing Our Democracy," *R Street Policy Study* No. 240, September 2021. <https://www.rstreet.org/wp-content/uploads/2021/09/Final-No.-240.pdf>.

<sup>2</sup> "Ranked-Choice Voting," Lawyers Democracy Fund, Jan. 31, 2023. <https://lawyersdemocracyfund.org/other-issues/ranked-choice-voting>.

<sup>3</sup> Barry Fagin, *Comparing Approval Voting and Ranked Choice Voting*, Independence Institute, April 2021. [https://i2i.org/wp-content/uploads/IP-2-2021\\_g.pdf](https://i2i.org/wp-content/uploads/IP-2-2021_g.pdf).

<sup>4</sup> Ishaan Tharoor, "Other countries use ranked-choice voting. Has its moment in the U.S. arrived?," *The Washington Post*, June 23, 2021. <https://www.washingtonpost.com/world/2021/06/23/ranked-choice-voting-global/>.

<sup>5</sup> Robert Gehrke, "Polling shows the public liked ranked choice voting, but Robert Gehrke explains why expanding it might be tough," *The Salt Lake Tribune*, Nov. 15, 2021. <https://www.sltrib.com/news/politics/2021/11/15/polling-shows-public>.