

Senate State & Local Government Committee
March 17th, 2023

Greetings, members of the Committee, I'm Jed Limke and I'm submitting testimony in **strong opposition** to HB 1273.

In 2015, Fargo held a special election for City Commissioner in which six candidates ran and a single winner was elected—with roughly **four out of every five** Fargo voters **NOT** voting for him.

In the next regularly scheduled election in 2016, we elected two city commissioners in a multi-seat election and, in their cases, roughly **seven out of ten voters did NOT vote for the first place finisher**—and it was even *worse* for the runner up.

To address this, I, along with other Fargo citizens, led the charge to collect signatures for and eventually pass an approval voting Home Rule Charter amendment for Fargo, purposefully targeting the general election to get the most Fargoans as possible to weigh-in on the decision... and weigh-in they did.

In response to a simple, direct, **four-sentence initiative** that appeared on the ballot in plain language, **over 30,000 voters approved the measure...** and we've used it for our elections ever since. Voters understood what they had read, understood what they wanted, and overwhelmingly voted "yes" to adopt *approval voting*.

Approval voting gives voters the freedom to say "yes" or "no" to every candidate instead of just one or two. If you only like one, you only have to vote for one. If you like more than one, you can approve them all. If you're worried your favorite doesn't have a chance, you can safely still vote for him or her—plus a couple more, if you'd like. **In the end, the person with the most votes wins, just as they always have.**

With approval voting, voters can always freely support as many or as few candidates as they wish and focus on their own **individual preferences** without worrying about group think or "electability." There's no need to go through several rounds of counting or several rounds of voting to determine the winners, either—it's just simple. So simple, in fact, it's compatible with every piece of election equipment across the state.

30,092 Fargo citizens understood what they were being asked.

30,092 Fargo citizens voted "yes" on this issue.

30,092 Fargo citizens chose *approval voting*—**overwhelmingly**.

I strongly oppose HB 1273 and humbly urge this committee to make a DO NOT PASS recommendation.

Sincerely,



Doesn't approval voting "dilute the vote?"

Absolutely not. Under approval voting, every voter has the power and privilege of voting for all candidates they support, whether it just one or a few. From the voter's perspective, they get to show full support to every candidate they believe in—our old method absolutely did not allow this—it was diluted in comparison to approval voting.

For example, imagine a three way race for mayor in Bismarck where we have **two red** candidates and **one blue** candidate running. Even if the majority of Bismarck is **red**, with **two red candidates** running for that constituency under the old system—plurality—votes get *diluted* and there's a strong chance that simply by having multiple, engaged candidates that appeal to the same voters, they will inadvertently **split the vote** and hand the victory to the **blue candidate**. Under approval voting, this example goes differently. Voters can vote for any and all the candidates that appeal to them, so in this example, with a majority of Bismarck voters being **red**, the majority will see their votes make a true impact on the outcome and elect a **red candidate** that **reflects their will**.

Candidates should win because they are **popular and earned their support**—not because *other* candidates did or didn't run.

Approval voting is far more representative of the voters and is not a dilution whatsoever.

What about "one person, one-vote?"

One person, one vote pertains to the power a voter holds when voting, not the election method they use, so long as all voters are treated equally. Courts have consistently upheld that alternative election methods do not violate this principle. **Every voter still gets one ballot and, therefore, one vote.**

What's "plurality?" What's "majority?"

A *plurality* is the largest group of unified voters in an electorate. The plurality *may* be a *majority* (i.e. over 50% of the electorate) but not necessary. All majorities are pluralities, but not all pluralities are majorities. In fact, a *majority* may not even exist in an electorate. Imagine rock, paper, and scissors voters. None of the groups represents a majority of the electorate and, therefore, a majority would not exist in that case. *No voting method can guarantee a majority winner where there are more than two candidates*—not plurality, not approval, not RCV.

What is "vote-splitting?"

Vote-splitting is an electoral effect in which the distribution of votes among multiple similar candidates reduces the chance of winning for any of those candidates, increasing the chance of winning for a dissimilar candidate. It is also sometimes referred to as the "spoiler effect." Consider famous races like Clinton v. Bush, Sr. v. Perot in 1992 or Bush, Jr. v. Gore v. Nader in 2000—these are oft-cited examples of *vote-splitting*.

Fargo MAYOR - 2022	Votes	% of Voters
Mahoney	9,755	60.84%
Preston	4,837	30.17%
Roers Jones	3,741	23.33%
Dabar	2,729	17.02%
Borgie	1,353	8.44%
Fercho	924	5.76%
Elliott	575	3.59%
Scattered Write-ins	36	0.22%

* There were 16,033 voters in the 2022 June Election

Fargo COMMISSIONER - 2022	Votes	% of Voters
Kolpack	6,439	40.16%
Piepkorn	5,845	36.46%
Carlson	4,854	30.28%
Plecity	4,682	29.20%
Johnson, A.	4,006	24.99%
Benson	3,720	23.20%
Alier	3,268	20.38%
Shiil	3,130	19.52%
Johnson, V.	2,572	16.04%
Thompson	2,484	15.49%
Krieger	1,675	10.45%
Tweeden	1,178	7.35%
Marinov	1,022	6.37%
Magin	845	5.27%
Deery	702	4.38%
Scattered Write-ins	40	0.25%

* There were 16,033 voters in the 2022 June Election

Fargo COMMISSIONER - 2020	Votes	% of Voters
Strand	10,393	55.27%
Preston	9,893	52.61%
Grindberg	9,196	48.90%
Krystosek	3,787	20.14%
Rymph	3,360	17.87%
Shaffer	3,095	16.46%
Aboah	2,976	15.83%
Scattered Write-ins	155	0.82%

* There were 18,805 voters in the 2020 June Election

Fargo Approval Voting Initiative - November, 2018	Votes	% of Voters
YES	30,092	63.52%
NO	17,282	36.48%

Fargo City Measure No. 1 HOME RULE CHARTER AMENDMENT

Shall the Home Rule Charter of the City of Fargo be amended so that 'City officials will be elected so that each voter may vote for all the candidates the voter approves of in each race. Candidates receiving the most votes will be elected until all necessary seats are filled in each race. For each candidate's result in each race, the reported vote percentages are calculated by taking the number of votes for that candidate divided by the total ballots cast.' All as provided in the Notice of Proposed Home Rule Charter Amendment as published in THE FORUM on the 3rd day of September 2018?

SHALL SUCH AMENDMENT BE APPROVED?

YES Means you approve the measure as summarized above.

NO Means you reject the measure as summarized above.