



Tuesday, March 25, 2025

Senate Judiciary Committee
North Dakota State Capitol
600 East Boulevard Avenue
Bismark, ND 58505

Re: Campaign Legal Center’s Opposition to House Bill 1297

Dear Members of the Senate Judiciary Committee,

On behalf of Campaign Legal Center (“CLC”), we write to express our strong opposition to House Bill 1297 (“HB 1297”), which, if passed, would deny voters across the state access to widely used and sensible election reforms.

CLC is a nonpartisan, nonprofit organization with extensive experience in voting rights and democracy advancement. CLC has supported the adoption of reforms that promote equitable representation, including ranked choice voting.¹

This testimony briefly describes the benefits of ranked choice voting, responds to common concerns, and explains the harms HB 1297 would cause. North Dakota communities deserve the opportunity to decide for themselves whether to use ranked choice voting, or approval voting, and this bill unnecessarily intrudes on that local decision-making.

I. Background on and Benefits of Ranked Choice Voting

Ranked choice voting (“RCV”) makes a simple yet powerful change to how voters vote. Instead of selecting just one candidate in each race, RCV gives voters the power to rank candidates in order of preference: first choice, second choice, and so on.

¹ Consistent with CLC’s expertise and experience, this testimony focuses on the benefits of ranked choice voting.

In an election to select a single winner, the candidate with the majority of first-choice rankings wins. If no candidate wins a majority of first-choice rankings, then an “instant runoff” occurs: the candidate who received the fewest first-choice preferences is eliminated, and voters who chose the now-eliminated candidate have their ballots added to the totals of their next-choice candidate. This process repeats until one candidate receives a majority of the votes and is declared the winner.² For voters, the process is as simple as ranking their preferred candidates.

Studies show that RCV has many beneficial effects.³ *First*, RCV ensures that no vote is wasted and every ballot counts: in any election requiring an instant runoff, if a voter’s first choice cannot win, then their vote still counts for their next choice candidate. This frees voters to more fully express their preferences without pressure to vote for a candidate that others think is more electable.

Second, RCV reduces negative campaigning, and rewards candidates who run civil campaigns.⁴ Candidates are incentivized to appeal to more people so that even if they aren’t a voter’s first choice, maybe the voter will rank them second or third.⁵ This can, in turn, reduce political polarization.⁶

Third, RCV promotes majoritarian outcomes *and* ensures fair minority representation. In single-winner races, RCV requires that the winning candidate get support from a majority of the electorate, ensuring the winner has broad community approval. In multi-winner races, RCV gives a fair shot at electing representatives of choice for minority voters who are otherwise shut out.⁷

² In races for multi-winner seats (e.g., city councils, and county commissions) and multi-winner primaries, votes are tallied in a similar fashion, except that each of the winners must receive a percentage of votes that varies based on the number of seats, rather than winning a simple majority (50%+1). See FairVote, *Proportional Ranked Choice Voting* (last accessed Apr. 30, 2024), <https://fairvote.org/our-reforms/proportional-ranked-choice-voting>.

³ See generally, e.g., Alexandra Copper & Ruth Greenwood, Campaign Legal Center, *The Civic Benefits of Ranked Choice Voting: Eight Ways Adopting Ranked Choice Voting Can Improve Voting and Elections* (Aug. 17, 2018), <https://campaignlegal.org/sites/default/files/2018-08/CLC%20Issue%20Brief%20RCV%20PDF.pdf>.

⁴ The capacity of RCV to foster civility is well documented. See, e.g., Sarah John & Andrew Douglas, *Candidate Civility and Voter Engagement in Seven Cities with Ranked Choice Voting*, NATIONAL CIVIL REVIEW 25, 26 (2017); Todd Donovan, Caroline Tolbert & Kellen Gracey, *Campaign Civility Under Preferential and Plurality Voting*, 42 ELECTORAL STUDIES 157, 159-60 (2016).

⁵ Copper & Greenwood, *supra* note 3, at 2-3.

⁶ *Id.* at 6-7.

⁷ Using RCV, moderate, independent, and third-party candidates, for example, may run and champion their ideas without fear of spoiling the election for major party candidates, and voters may support these candidates without fear of wasting their vote.

Recognizing these many benefits, more than sixty jurisdictions across the country have adopted RCV for use in some or all elections.⁸ In total, approximately 14 million Americans across 24 states rely on RCV to cast their ballot and express their voice in American democracy.⁹

II. Dispelling Concerns About Ranked Choice Voting

Opponents of RCV raise various concerns about it, but evidence from across the country demonstrates that all of these concerns are unwarranted.

First, surveys conducted in jurisdictions that use RCV consistently show that the vast majority of voters find RCV ballots easy to understand and want to continue using RCV.¹⁰

Second, evidence shows that use of RCV increases voter participation.¹¹ For example, a nationwide study found that use of RCV increased voter turnout rates by roughly nine percentage points compared to traditional primaries and runoffs.¹² Increased turnout in RCV elections is particularly pronounced among young voters.¹³

Third, contrary to the narrative that RCV disenfranchises single-candidate voters, RCV offers voters an expanded opportunity to express their preferences without disadvantaging those who rank only one candidate.¹⁴ There will always be voters in an election whose preferred candidate does not win, and the same is true with RCV. But RCV improves the process by offering voters the opportunity—if they choose—to rank additional candidates.

Finally, experience proves that RCV elections are administrable. Dozens of jurisdictions—including two states, three counties, and 46 cities—have

⁸ See *Ranked Choice Voting Information: Where Is Ranked Choice Voting Used?*, FairVote, <https://fairvote.org/our-reforms/ranked-choice-voting-information> (last visited Mar. 21, 2025).

⁹ *Id.*

¹⁰ See, e.g., Copper & Greenwood, *supra* note 3, at 10-11 (collecting sources); see also, e.g., Deb Otis, *Exit Surveys: Voters Love Ranked Choice Voting*, FairVote (Nov. 16, 2023), <https://fairvote.org/report/exit-surveys-report-2023/>.

¹¹ See Copper & Greenwood, *supra* note 3, at 9-10 (collecting sources).

¹² David C. Kimball & Joseph Anthony, *Voter Participation with Ranked Choice Voting in the United States* at 12 (Oct. 2016), <https://www.umsl.edu/~kimballd/KimballRCV.pdf>.

¹³ Courtney L. Juelich & Joseph A. Coll, *Ranked Choice Voting and Youth Voter Turnout: The Roles of Campaign Civility and Candidate Contact*, 9 *POLITICS AND GOVERNANCE* 319, 329 (2021).

¹⁴ See generally Rachel Hutchinson & Alan Parry, *What If Voters Don't Rank All the Candidates? Inactive Ballots in Single-Choice vs. Instant Runoff Voting*, https://www.uvu.edu/herbertinstitute/docs/research_papers/2024inactiveballots.pdf (last visited Apr. 30, 2024).

implemented RCV without issue.¹⁵ And given widespread use, the necessary voting systems and equipment to administer RCV are readily available. A state-specific assessment found that all 53 North Dakota counties already have voting systems capable of conducting RCV elections.¹⁶

III. HB 1297 Unnecessarily Interferes with Local Decision-Making

There is growing bipartisan support for legislation giving local communities *more* local control over voting methods, but HB 1297 would buck that trend and preemptively ban local governments and voters from deciding for themselves whether to implement RCV, or approval voting, in local elections.

North Dakota communities deserve the opportunity to decide for themselves what voting system to use, and HB 1297 would deny them that choice. For that reason, we recommend a DO NOT PASS for HB 1297. Thank you for your consideration.

Respectfully submitted,

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¹⁵ See *Ranked Choice Voting Information*, supra note 8.

¹⁶ *North Dakota: Ranked Choice Voting Readiness Assessment, 2023 Edition*, Ranked Choice Voting Resource Center at 18 (2023), <https://drive.google.com/file/d/1qYY-2IuEW-PqMhVyuZSYyqR1TGlrVnmg/view>.