

2025 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1297

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1297
1/30/2025

Relating to prohibiting approval voting and ranked-choice voting in elections; and relating to home rule powers in counties and cities.

3:29 p.m. Chairman Schauer opened the hearing.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Brown, Christy, Grindberg, Karls, McLeod, Rohr, Schneider, Vetter, Wolff

Members absent: Representatives Steiner, VanWinkle

Discussion Topics:

- Alternate voting methods
- Rights of the voters

3:30 p.m. Representative Koppelman, District 16, testified in favor and submitted testimony, #33032.

3:52 p.m. Erika White, on behalf of Micheal Howe, ND Secretary of State, testified in favor and submitted testimony, #32858.

4:02 p.m. Denise Kolpack, Deputy Mayor and Fargo City Commissioner, testified in opposition and submitted testimony #34687.

4:11 p.m. Matt Gardner, League of Cities, testified on behalf of Kory Peterson, in opposition and submitted testimony, #32876.

4:15 p.m. Cody Schuler, ACLU of North Dakota, testified in opposition.

Additional written testimony:

#31402, #31403, #31424, #31932, #32051, #32266, #32349, #32561, #32568, #32599, #32623, #32671, #32691, #32722, #32788, #32832, #32901, #32962.

4:19 p.m. Chairman Schauer closed the hearing.

Jackson Toman, Committee Clerk

Senate State & Local Government Committee
January 30, 2025
HB 1297 - Testimony in Opposition

Chair Schauer and members of the House Government and Veterans Affairs Committee, my name is Whitney Oxendahl and I am writing in opposition to HB 1297. I was one of the volunteers who gathered signatures for the approval voting ballot initiative in Fargo.

I got involved in the approval voting ballot initiative, because of recent city commission races. We had had large fields of candidates running for a small number of open seats, such as in 2016 there were 11 candidates running for two open seats. The top two candidates won with 30.4% and 28.1%, and approval voting was a simple solution to electing candidates with a higher percentage of voter support.

When gathering signatures for the ballot measure, approval voting had bipartisan support among signees. Some voters liked it because it gave them the freedom to choose any candidates they approved of. Others liked it because they were disillusioned with the low percentage of votes supporting the winners of city commission races. All-around, people liked this voting method because it wouldn't cost anything to implement; it was compatible with our current election machines.

The approval voting ballot measure passed with nearly 2 out of 3 voters supporting it, and House Bill 1297 would override the will of Fargo voters.

The argument made in the last legislative session that it would make a patchwork of voting methods in our state is inconsistent with other aspects of voting. There are a handful of cities across the state that vote by ward while most others vote at-large for city commission or city council. Wahpeton employs a mix and elects some council members at-large and others by ward. These differences in city elections are up to the cities, not the state.

I urge the committee to keep this aspect of running elections to cities and continue allowing local voters to choose the voting method that works for their city. **Please give House Bill 1297 a Do Not Pass recommendation.**

Thank you for the opportunity to share my testimony.

Dear House Government and Veterans Affairs Committee,

I am writing to express opposition to HB 1297. I am a citizen of North Dakota. I am opposed to this bill for several reasons:

- This bill undermines the rights of citizens to determine the best system of picking our representatives. This bill undermines local control for cities and counties.
- Each city and county is unique and should have the right to pick the form of voting that works best for their location.
- Cities and counties having the ability to choose a form of voting other than simple majority for local elections has no impact on state government so therefor should not be an area that they legislate.

It is for these reasons that I oppose this bill.

Ashley Ladbury Hrichena
Fargo, ND

Terri Hedman, 5524 16 Street South, Fargo, ND 58104

Oppose HB 1297

Dear Committee and Chairperson:

Thank you for considering a no vote for this bill. I am among the 30,092 Fargo citizens who supported approval voting in a special election. Since that time, this process has been used successfully. I do not understand why my state legislators would choose to negate the will of over 30,000 citizens.

Please oppose HB 1297.

Respectfully,

Terri Hedman

5524 16 Street South

Fargo, ND 58104

North Dakota House Government and Veterans Affairs Committee
North Dakota Legislative Assembly
600 E Boulevard
Bismarck, ND 58505

January 27, 2025

Dear Chair and Members of the House Government and Veterans Affairs:

I write to urge you to **oppose HB 1297** – a bill relating to prohibiting approval voting and ranked-choice voting in elections.

I am one of over 30,000 Fargo citizens who supported approval voting in a special election. This is, clearly, the *will of the people*, rather than a preference of nine representatives and two senators. Approval and ranked-choice voting in elections is a fair, transparent, and effective process.

Besides, a similar bill proposed during the last legislative cycle failed. Why resuscitate the obviously dead?

Vote DO NOT PASS on HB 1297.

Thank you for your time and consideration.

Sincerely,
Anastasiya Andrianova, teacher, mother, and concerned ND citizen
District 11 - Fargo, ND



HB 1297
House Government and Veterans Affairs Committee
January 30, 2025

Chair Schauer and members of the House Government and Veterans Affairs Committee. My name is Carol Sawicki, and I am submitting testimony on behalf of the League of Women Voters of North Dakota in opposition to House Bill 1297.

The League of Women Voters supports legislation that allows local jurisdictions to explore alternative electoral methods and supports state election laws that allow for more options at both the state and local levels. HB 1297 would prohibit ranked choice and approval voting methods, thereby constricting rather than allowing more options.

Both ranked choice and approval voting methods have been adopted in various states and localities around the country, including the City of Fargo, which uses approval voting in elections for city officials. Ranked choice and approval voting methods allow voters to be more expressive with who they wish to represent them and ensure that the winner in an election will be the most popular candidate.

In ranked choice voting, voters are given the option to rank candidates on the ballot in order of preference, and voters know that if their first choice does not get enough votes to win, their vote automatically counts for their next choice instead. This voting method yields election outcomes that better represent voter preferences. Legal challenges to ranked choice voting have resulted in ranked choice voting being “uniformly upheld in federal courts as a lawful policy choice within the states’ constitutional authority to administer elections.”¹

In approval voting, voters choose as many candidates as they support without ranking them in any specific order. The candidate with a majority of support will generally win (unlike traditional plurality voting in which a candidate with the largest *minority* often wins). The Center for Election Science has determined that approval voting encourages candidates to build coalition and consensus, prevents voters from having to split their vote between similar candidates, and is an accurate and transparent voting system.²

In November 2018, Fargo citizens voted 63.52% to 36.48% to amend the city charter to implement approval voting. The League of Women Voters of North Dakota supports the right of Fargo citizens to continue to vote using the method they have deemed most fair, simple, accurate, and consistent with ND Century Code 40-05.1-06 Subsection 9 which

¹Congressional Research Services. Ranked-Choice Voting: Legal Challenges and Considerations for Congress. 10-12-22. <https://crsreports.congress.gov/product/pdf/LSB/LSB10837>

² Why CES Advocates for Approval Voting. <https://electionscience.org/education/why-approval-voting>



gives home rule cities the powers “to provide for all matters pertaining to city elections, except as to qualifications of electors.”

Since HB 1297 would prevent North Dakota citizens from implementing alternative voting methods, the **League of Women Voters of North Dakota strongly urges committee members to give HB 1297 a Do Not Pass recommendation.**

Thank you, Chair Schauer and members of the committee, for your consideration of our testimony.

Carol Sawicki
LWVND Board Member
nodaklwv@gmail.com

Please vote NO and DO NOT PASS HB 1297, which would overrule local control of elections and not allow approval and ranked choice voting. On the one hand, Republicans, the majority party, claim to support local control over elections. Except when they don't. What are you afraid of? Approval voting is a new-ish approach, but a number of communities have instituted it and found it works well to show the strength of support for candidates and allows minority candidates a better chance to gain exposure and at times to win elections. We claim we want to give everyone's voice a chance. We need to mean it. The legislature and indeed any governing body does better when it hears voices from a variety of perspectives and viewpoints. It can result in better decisions and better legislation. Only allowing in a limited number of voices, perhaps mostly saying the same things over and over, truly created an echo chamber, "group think," and other undesirable outcomes. Let local control of elections continues, and allow approval and ranked choice voting in those localities that want it. Susan Dingle, District 35, voter in every election

House Bill 1297
House Government and Veterans Affairs Committee
Austen Schauer, Chair
January 28, 2025
Testimony in Opposition to HB 1297

Chairman Schauer and Members of the House Government and Veterans Affairs Committee, I am Vicki Voldal Rosenau, a lifelong resident of Valley City, ND. Thank you for this opportunity to respectfully offer my testimony in strong opposition to House Bill 1297.

HB 1297 is superfluous proposed legislation that represents obvious overreaching by voices in state government that seek to curb cities' and counties' rightful control over local affairs. HB 1297's blatant attack on local control is exceptional. More than six years ago, almost two-thirds of the voters in Fargo opted to implement approval voting. What possible justification could there be for the state to nullify the voices of those voters?

However, this proposal is not "just" unneeded and anti-local-control; it is harmful in an even-broader way. At a time when rancorous divisiveness threatens the foundation of our democratic form of government, HB 1297 would disallow the very voting methods designed specifically to mitigate that divisiveness.

Both approval voting and ranked-choice voting do a superior job of electing winners who represent the preferences of the largest-possible number of voters. There is no justification whatsoever for disallowing those voting methods.

I urge you to unanimously recommend "Do Not Pass" on HB 1297. Thank you very much for your consideration.

Oppose HB 1297

Approval voting for Fargo City Commission is believed to favor left-wing candidates. However, in the most recent election, using approval voting, a conservative candidate won the election, beating out a left-wing candidate. Approval voting has thus been shown to NOT to favor the left. The voters of Fargo are happy with approval voting, and it affects no other jurisdiction. There is no problem that HB 1297 needs to solve. Perhaps other cities should try it. Please vote no. Thank you.

HB1297 is a clear case of state overreach, stripping Fargo voters of their right to determine how they conduct their own elections. Fargo adopted approval voting through a fair, bipartisan effort, demonstrating the will of the people rather than the dictates of political elites. Legislative preemption in this case is nothing more than top-down control, the kind of centralized government meddling that reek of Chinese-style governance. If state lawmakers can erase a locally approved election method in Fargo today, what's to stop Fargo legislators from turning around and interfering with how a small town runs its affairs tomorrow? Local control is a bedrock principle of North Dakota's governance and allowing the politburo in Bismarck dictate elections in Fargo is a dangerous step toward centralized authority.

Approval voting ensures that elected officials have broad support, strengthening representation and giving voters more choice. Conservatives have won elections under this system. Rather than respecting Fargo's right to govern itself, HB1297 imposes a mandate, forcing a rigid system onto communities whether they want it or not. This kind of heavy-handed state control is exactly the sort of big-government interference and Communist ideology, where the central authority overrides the decisions of the people. This bill isn't about election integrity—it's about consolidating power over individual freedom to vote in a free and fair election.

One must wonder why certain politicians who claim to stand for limited government and personal liberty are eager to push a policy that aligns more with European ideals than with our patriotic traditions of self-rule. Real conservatives and libertarians believe in the wisdom of the people, not in consolidating power in the hands of a few career politicians who seem vested in creating red tape.

Perhaps the real question isn't just about election law—it's about whether these lawmakers are fighting for North Dakotans or if they're just the latest mouthpieces for the globalist ideologies that have been creeping into our institutions for decades.

HB 1297

It is widely accepted that the 2 party system is doing a disservice to our country and dividing people into 2 groups without nuance. Banning the option for ranked choice voting keeps that status quo and does not address that there are very obvious issues with the 2 party system. I respect candidates that chose to identify as independent, banning ranked choice further excludes those people from getting involved by literally forcing the broken 2 party system to continue its cycle.

**OFFICE OF THE MAYOR**
DR. TIM MAHONEY

Fargo City Hall
225 4th Street North
Fargo, ND 58102-4817
Phone: 701.241.1310 | Fax: 701.476.4136
www.FargoND.gov

January 30, 2025

House Government & Veterans Affairs Committee
Representative Austen Schauer, Chair
HB 1297

RE: Testimony of Dr. Tim Mahoney, Mayor of the City of Fargo, in OPPOSITION to HB 1297

Chair Schauer and Members of the House Government & Veterans Affairs Committee:

The City of Fargo submits this testimony to the House Government & Veterans Affairs Committee in opposition to House Bill 1297 and requests a **“Do Not Pass”** recommendation from your committee. The position of the City of Fargo in 2025, as it was in 2023 when a similar bill was introduced in the House, is to support our residents, the majority of whom made their wishes known in 2018 to support approval voting in Fargo in a citywide vote.

Home Rule Authority – A Respected North Dakota Tradition

In the State of North Dakota, Fargo appreciates the longstanding tradition of respect for Home Rule Authority and the ability of local elected officials to manage the business of their cities, counties, park districts, and townships. Local elected officials lead, plan, and direct their communities in response to what their citizens wish to see for their local government. This was Fargo’s message in House and Senate testimony in 2023 on a similar bill at that time to remove approval voting, and it remains the City’s position today.

The Initiated Measure Process – Democracy in Action

For background and historical context, the initiated measure process was utilized by Fargo citizens in 2018 to place a ballot question before the voters to determine the future Fargo election procedure. In the November 2018 election, 30,092 voters supported “approval voting,” sending a clear mandate to the City Commission that approval voting be implemented for future Fargo city elections. 63.52% of ballots cast in that election were in support of approval voting – an unequivocal “supermajority” message of support for reform and a change in the way City Commissioners are elected. Since that time, Fargo has successfully utilized approval voting in city elections with no issues or concerns expressed by the voters.

It is important to note that approval voting in Fargo did not result from an action of the Fargo City Commission; rather it was a measure initiated and organized at the grassroots level by citizens. Whether the City Commission agreed with the outcome of the 2018 election or not is irrelevant, as it was the voters who asked for approval voting in Fargo with their support at the ballot box in a citywide vote.

House Government & Veterans Affairs Committee
Representative Austen Schauer, Chair
January 30, 2025
Page 2

Approval Voting Continues To Be Successful in Fargo

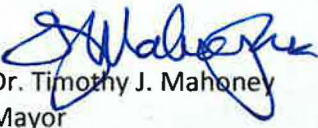
Approval voting has been utilized in the last three election cycles for the Fargo City Commission without incident or concern. There have been no challenges to the voting procedure itself. While it is unique – and different from other cities in North Dakota – this alone does not make it unfair or somehow untenable for our citizens. If the citizens have concerns about approval voting they can initiate a new measure to change the election procedure, but they have not done so. The voters have successfully utilized approval voting and there have been no calls for change.

Conclusion

As the Fargo City Commission shared in 2023 testimony on a similar bill to remove approval voting in North Dakota, the voters of Fargo sought to make the change to approval voting through the democratic process and elected to do so. The voting procedure has been accepted by the public and it is working in Fargo. I again request that Fargo continue to be allowed to have this option available to its voters – the individuals who asked for approval voting and support it.

The City of Fargo **OPPOSES** HB 1279 and respectfully urges a “DO NOT PASS” recommendation.

Sincerely,



Dr. Timothy J. Mahoney
Mayor

Jan 29, 2025

TO ND Legislature
RE HB 1297 OPPOSE
FR Mona Rindy
14129 1st St NE
Portland, ND 58274

I hereby submit written testimony in opposition to HB1297. I support home rule and believe that governmental policies should be determined at the most local level---not at the state level unless truly a state issue.

At present the citizens of Fargo have chosen ranked choice, approval voting. If voters in Fargo decide they don't like it, they can vote to change it, and if another community decides by majority vote that this system is best for them, then that means it IS best for them. This is not for the state to decide for local citizens.

Please stop government overreach and instead serve the constituents by working on taxes, job creation, infrastructure, stewardship of our resources, etc. The legislature should not be involved in trying to restrict individuals' or local communities' choices in voting.

Thank you.

Dear Committee Members,

I'm asking you to **oppose HB 1297**. In 2018, Fargo voters exercised their rights and overwhelmingly approved approval voting for our local elections. Now, this bill doesn't just threaten to take that choice away—it would block every other city in North Dakota from ever making the same decision. *This isn't just about Fargo*. HB 1297 strips *all* communities of the ability to improve their *own* elections—it **usurps local control**. Legislators should protect their constituents' right to enact change, **not take it away**.

When this was on the ballot back in 2018, **the approval voting measure won each-and-every precinct in Fargo**—it didn't matter if the precinct was red, blue, yellow, or purple—**voters chose approval voting**. Voters wanted a system that ensures the most widely supported candidate wins. It's simple, fair, and eliminates vote-splitting. We've held three successful elections utilizing it, consistently electing leaders spanning different political perspectives while giving everyone a voice in the process.

Approval voting is working.

Elections should reflect the will of the people. Whether someone agrees with approval voting or not, overturning a voter-instigated-and-approved reform sets a dangerous precedent. Please respect the decision Fargo's voters made by issuing a **DO NOT PASS recommendation for HB 1297**.

Thank you for your time,
Jed Limke
Chair, Reform Fargo

★ Reform Fargo is a locally-formed-and-operated non-profit focused on streamlining and improving government that's run entirely by volunteers living in the great State of North Dakota. *We care because this is our home.*

As a resident of Fargo, I've seen firsthand the benefits of having a more representative group on our city commission. Before Approval Voting was instituted here, I believe there were 2 or 3 less supported candidates who became commissioners simply because of the flaws inherent when there are many candidates. They weren't as serious and they definitely weren't as representative of the population's wishes.

This result, that the winning candidates would better represent this constituency, was what I and others I have spoken with, hoped for when we voted to move to Approval Voting. Removing this method as an option for the entire state would reverse the will of the majority of the residents of Fargo. Therefore, I respectfully ask you not to pass HB 1297.

Testimony of Harry Roth
Project Manager, Stop Ranked-Choice Voting Coalition

North Dakota House Bill 1297

Honorable Representatives,

Thank you for allowing me to submit my written testimony.

In 2023, North Dakota came close to passing a bill to ban ranked-choice voting statewide. As you probably recall, it passed by both chambers and made it to the governor's desk before being vetoed. The legislature even came close to overriding the governor's veto.

North Dakota now has a new governor and a new opportunity to ban ranked-choice voting. North Dakota is a state that takes election integrity seriously, and banning ranked-choice voting will go a long way in protecting North Dakotans. It also helps that eleven other states have banned the broken system.

In states where it's been implemented, such as Maine and Alaska, delays and voter confusion have become the standard. Alaska's repeal ballot measure came within 743 votes of succeeding, while Mainers have had to deal with weeks of delays and technological issues.

Voters haven't fared much better in the locales that have adopted RCV. Voters in Alameda County, CA, experienced a glitch that resulted in the wrong winner being announced, while 141,000 New York City residents were disenfranchised by ballot exhaustion.

Wherever ranked-choice voting is used, voters are left confused and disenfranchised. I hope you consider this when deciding on whether to pass House Bill 1297.

Thank you again for your time.

Testimony from:
Josh Daniels
Clerk & Auditor for Utah County, 2019 - 2023

In OPPOSITION to HB1297

January 30, 2025
North Dakota House Government and Veterans Affairs Committee

Chairman Schauer and Members of the Committee,

I write in support of the use of forms of ranked choice voting (RCV) for applicable elections and in opposition to legislation which would deny cities in North Dakota from exercising that option. I would like to share my experience as an election administrator in implementing RCV in Utah, and why the number of Utah cities choosing to use RCV increased from two in 2019 to 12 in 2023.

That experience is why **I urge you to oppose HB1297**, which bans RCV from being used in any form in North Dakota. A few other states are considering legislation to prohibit all forms of RCV with no differentiation in how RCV can be used. It would be a mistake for North Dakota to follow their example. RCV is a beneficial option for a variety of reasons, and legislatures should avoid proactive prohibitions that reduce future options.

Utah Experience

In 2019, I was brand new to election administration in my executive role in the Utah County Clerk's office. During that year, after a transition in elected leadership and due to staff vacancies, our elections administration staff turned over by about 50%. Additionally, we adopted an entirely new election system (migrating from high levels of in-person voting and polling place balloting using the Dominion system to a vote-by-mail system using ES&S equipment and software), which necessitated training and reworking of all our standard operating procedures. In the midst of all this change, we also agreed to be the first county in the state to administer RCV for various municipal elections. We were warned by various clerks and election officials that this was risky and that administering RCV elections was fraught with complexity that might confuse voters and create operational challenges.

Fortunately, these risks and challenges never materialized and our administration of these elections was as smooth as any other. Let me share some key considerations and lessons we learned after administering these elections:

Voters understand ranked choice ballots

One concern we heard was that a RCV ballot was inherently more confusing for voters. We tested ballot use by various groups in the community, including some groups with our oldest voters. We learned that the ballot was inherently intuitive despite voters never being exposed to RCV before. We also logged all incoming phone calls from voters during the election period and categorized calls to track voter questions and concerns. What we found was that very few (less than 2%) of all phone calls with questions or concerns were related to RCV specifically.

Additionally, after the 2019 election, we surveyed voters who had voted using RCV to gather data about their experience. 84% of survey respondents reported that the ballot was "easy to

use” and 83% reported that they wanted to continue using RCV or even expand its use to other elections. This was compelling feedback that ran counter to the criticisms and apprehension we had heard about administering RCV elections.

Ballot design was simple

Another concern we heard was that the design of the ballots was more complex, leading to difficulty in administering an election. What we found was that the ballot design, while different, was not significantly more complex to design, program, or administer. We used our existing (ES&S) systems to design and program our ballots and election management system. We had mixed types of election races on a ballot (RCV races and plurality races) and scanned and tabulated ballots on existing equipment with no need for any type of segregation or differences in our processes.

Election Administration was smooth

Some have expressed concern that administering an RCV election is more complex than traditional elections. In our experience, this was not true. Nearly every step and part of the process was identical or very similar for an RCV race. We used all our existing certified equipment and systems. The only differences were a slightly different ballot design, an increase in adjudication & ballot review to confirm undervotes (for ballots that did not rank all candidates), and two additional steps at the end related to exporting results, running the instant runoff (IRV) process, and reporting results in a visual chart.

Expansion

As a result of this positive experience, the number of Utah cities where the city council voted to use RCV rose from two in 2019 to 12 in 2023. The positive experience has been repeated in two more elections since its first use, which explains why the Sutherland Institute is among organizations supporting the use of RCV in Utah cities.

Recommendations

Our use of RCV was successful and we received a lot of positive feedback from voters who used it. I would recommend states pilot the use of RCV, particularly in municipal elections and presidential primaries. One advantage is that overseas voters can be sure their vote for a particular candidate won't be lost or wasted in the event their chosen candidate drops out of a race prior to election day. Additionally, RCV helps avoid mere plurality victories in multi-candidate races by ensuring a majority through an instant runoff. For these reasons, states should avoid prohibiting RCV prematurely.

As such, I encourage you to keep the door open for cities in North Dakota to use RCV in local elections by **opposing HB1297**.

Thank you for your consideration,

Josh Daniels

Fmr. Utah County Clerk

Saratoga Springs, UT

j.alden.daniels@gmail.com, 801-234-0676

**HOUSE GOVERNMENT & VETERANS AFFAIRS
REPRESENTATIVE AUSTEN SCHAUER, CHAIRMAN****TESTIMONY PRESENTED BY****MICHAEL HOWE, SECRETARY OF STATE**

Chairman Schauer and members of the committee, I'm Michael Howe, North Dakota Secretary of State. Our office supports HB 1297.

Since I took office in 2023, our office has sought to streamline processes and has looked to make consistent policies across all 40 duties that the Office of the Secretary of State oversees. In the last two years, we have made significant progress in informing the electorate of how North Dakota's election process can be trusted, and informed our citizens how proactive the legislature has been in implementing common sense election integrity reforms, such as:

- The legislature has passed one of the most robust and thorough voter ID laws in the country.
- North Dakota does not mass mail ballots.
- Absentee voting requires proof of identification before a ballot is mailed.
- We only use paper ballots in North Dakota elections.
- Our tabulation equipment does not connect to the internet.
- We have banned private money from funding election administration at all levels of government.
- And last session, we successfully passed legislation that ensures only United States citizens are voting in North Dakota elections.

As North Dakota's chief election official, my office oversees elections across the state in partnership with all 53 counties. Our elections in North Dakota have a top-down process. Each county uses the same election equipment, has the same processes, and follows the same laws passed by the legislature and prescribed by the Office of the Secretary of State. In other states, you may see a bottom-up process where each political subdivision uses different equipment or has a different process. North Dakota's uniform process lends itself to easier, efficient, and secure election administration.

Ranked choice voting has been implemented in various parts of the United States and often has proven to be a failed experiment. In fact, some cities have tried ranked choice voting and scrapped the method after citizens complained about the complicated process in which the votes are tallied and winners were decided.

The administration of ranked choice voting may create complications for our county auditors who are tabulating the results, thus causing delays in election results. In this era of building trust in our election system, we simply cannot afford to have complications or delays in any election. All the goodwill we have built in the last two years of our statewide election education would be eroded because of a nonsense formula to tabulate election results. Passage of HB 1297 is another proactive approach the legislature can take to ensure our elections are easily understood and uniformly administered across every political subdivision.

Ranked choice voting confuses voters, puts an added burden on volunteer election workers, and the cumbersome formula to determine a winner unnecessarily adds fuel to those that may question the integrity of our elections. Our office has successfully disarmed many of those doubts by continually educating North Dakotans about our trusted election process.

Our office prefers a uniform election system at all levels as opposed to unorthodox election methods sporadically implemented across the state.

Mr. Chairman and members of the committee, HB 1297 is a commonsense bill and I hope the committee gives it a DO PASS recommendation.



January 30, 2025

House Government and Veterans Affairs

HB 1297

Representative Austen Schauer, Chair

For the record, my name is Kory Peterson. I am appearing before you today on behalf of the North Dakota League of Cities, in opposition to HB 1297. Prior to working with the North Dakota League of Cities, I was the Mayor of Horace for 8 years, from June 2016 to July 2024.

A task force was created by Fargo after witnessing situations where an elected official could be elected with 22% of the votes. The task force landed on using approval voting to help truly represent the citizen's votes when numerous candidates are on the ballot. There was grass roots efforts by Fargo citizens to create and circulate a petition to have approval voting on the ballot for a vote. The petition committee follow all the procedures afforded them through Fargo's Home Rule charter. The petition was submitted and reviewed. It was determined the approval voting measure could be put to a vote. A campaign took place with both sides campaigning the pros and cons of switching to this method of voting. When the voters came to the polls to vote on approval voting, it passed with a 64% approval. This is exactly how the process is supposed to work, citizen engagement to effect change.

Any change can be met with resistance because of the fear of the unknown. 40% of the Fargo's voting public did not want this voting method. There have been 3 voting cycles since this measure was implemented. If the Fargo citizens who originally opposed approval voting have deep reservations with this voting schema after this amount of time, they should form a committee to work on a repel. They have access to go through the same ritual as any other group that wants to effect political changes.

This is citizen democracy exercising their right to petition the government with a grievance and being heard. This promotes citizens to question policies and procedures; to point out areas where a political subdivision could be more effective.

We want to encourage citizen participation in the elections and do not want to disenfranchise them from participating in the process. North Dakota had low participation in this year's primary election of 20.1%. That means that roughly 80% of the state's population sat this one out. The general election participation rate was 62.5%, which was better but even in a hotly contested Presidential race, one third of the eligible electorate stayed home.

We need to continue to encourage participation in the political process in the state. I can remember times when I was Mayor of instances where citizens should have been at the public hearings to have a say even after the meeting was advertised on all social media platforms and the local newspaper. While I was disappointed during those times, there were others when the room was full and robust discussion was had. While some of the discussion got very enthusiastic, and I had to intervene sometimes, this is how public engagement in our government should occur and we want to continue to afford citizens the opportunity to stay involved in our local civics.

This bill has the appearance of the state interfering in local political subdivision affairs that should be a local control issue. Removing valid and legal options to perform local voting schemes is not something the state should be involved in.

The League would request this committee allow political subdivisions to select a voting method that reflects their local constituents' wants and recommend a DO NOT PASS on this bill.

Thank you.

Kory Peterson

Kristin Nelson

1/30/25

5409 20th Street South

Fargo, District 46

DO NOT PASS HB 1297

Representative Schauer and members of the Government and Veterans Affairs Committee:

I am writing you today to urge a DO NOT PASS recommendation on HB 1297. This bill constitutes government overreach into local elections all across the state. Cities have the right to make their own laws and the citizens of Fargo have determined by an overwhelming majority that approval voting is something that they want for the city. It is not up to the larger state government to micromanage city elections, cities need to be able to do that for themselves.

Again, vote DO NOT PASS on HB 1297.

Respectfully submitted:

Kristin Nelson (she/her)

**Do Pass Testimony
of Doug Sharbono, citizen of North Dakota
on HB1297
in the Sixty-ninth Legislative Assembly of North Dakota**

Dear Chairman Schauer and members of the House Government and Veterans Affairs Committee,

I am writing as a citizen and believe HB1297 is great legislation. This legislation fulfills the concept of "one person, one vote." Approval voting has been an absolute disaster in Fargo. Fargo citizens were told by the proponents of approval voting that it would solve the problem of the minority number of voters electing the officeholder. Achievement of their goal was a failure. As an example, only 13.86% and 12.58% of the Fargo City voters elected the top two city commission candidates on primary elections 2022. This is pathetic. The 2018 proponents of approval voting did not give us the benefit they promised.

My vote was disenfranchised in Primary 2024 under the approval voting method. I had a number of candidates I wanted to approve, but the election ballot failed to provide me adequate room on the ballot to write in these candidates as per state law. There were only two blanks provided, which were less than the number of candidates I wanted to approve and that local law permitted me to approve. I followed up this problem with my voting center inspector and Cass County Elections, and they could not provide a remedy that followed state and local law.

While I was canvassing and assisting campaigning in 2022, approval voting was mass confusion amongst the citizens. Many did not have a clue to which candidates the approval voting method applied, and this was the second season of it under Fargo's belt. Despite much instruction, there were many spoiled votes in 2022 due to overvotes on non-city elections on the ballot. Approval voting is a scourge to our constitutional republic and needs to be stopped and not allowed to spread. We need a statewide uniform standard, no exception.

Please give HB1297 a Do Pass.

Thank you,

Doug Sharbono
1708 9th St S
Fargo, ND 58103

HB 1297**Rep. Ben Koppelman- Testimony**

Mr. Chairman and Members of the Committee,

Thank You for the opportunity to introduce HB1297 to you today.

I introduced this bill with the intent of honoring the time-tested method of voting in our state by ensuring that all of our citizens have an equal vote in our elections.

North Dakota uses a voting method known as **plurality voting**. This method is also used in nearly all the political subdivisions in our state. In fact, this system is the traditional way of voting in the United States for nearly all elections. Under the **plurality voting** system, the top vote getter wins the election, regardless of if they achieve a majority or merely a plurality of the votes. This system is sometimes augmented with primary elections if the desire is to narrow the field and try to ensure the winner is more likely to receive a majority of votes. It can also be augmented by adding a run-off election provision to ensure the winner gets a majority of the votes. The combination of **plurality voting**, and the run-off provision is sometimes known as **majority voting**.

Other systems of voting have been tried in other parts of the country with various outcomes in mind. Probably the most common and controversial alternative is known as **ranked-choice voting**. This method is also sometimes known as instant-runoff voting. The way this system works is that you vote for as many candidates for a given office as you wish by ranking them in priority order, and since this system is often used without being prefaced by a primary election, the field of candidates is often crowded. On the first round of counting votes, every voter's first choice is counted, and if a candidate receives a majority of the votes, then that candidate wins. This system works the same as **plurality voting** if a candidate received a majority in the first round. If a candidate fails to receive a majority in the first round is when it gets interesting. To conduct the second round of counting votes, the candidate who received the lowest number of votes is eliminated from contention, and the ballots cast for that candidate are reassigned to the second ranked choice candidate on each of those voters. If after the second-round votes are tallied there is still not a majority winner, the counting goes on to additional rounds of eliminating candidates and reassigning votes until a winner is chosen. Thus far, I am not aware of any political subdivisions using **ranked-choice voting** in North Dakota.

Another alternative voting method that had been around for some time, but is rarely used, is known as **approval voting**. This method of voting allows a voter to vote for as

many candidates as the voter chooses to without any preference to the desirability of one candidate over another. Since there is no ranking of the voter's preferences on the ballot, each of the selections are given the same weight and counted equally in the election. Like **ranked choice voting**, this system is often not prefaced by a primary election either, and thus often has a crowded field of candidates. Thus, the result is often that the voter's most desirable candidate does not win, but neither does that voter's least desirable choice. In most places where this method has been implemented or considered, which are very few, the **approval voting** method is used to narrow the field to two candidates, and then a run-off election follows.

In North Dakota, I am only aware of one political subdivision that uses this method. In 2018, the City of Fargo amended their home-rule charter to change the voting method to **approval voting** for local elections. The reason proponents offered as a need for the change was the desirability to have candidates have a larger percentage of the vote compared to a candidate that received around 20% of the vote in a previous election. It is worth noting, that the Fargo version of **approval voting** does not include the run-off provision. The first election held in Fargo under this new system was in 2020 when only mail-in voting was allowed. The method was also used in 2022.

The problem with both **ranked choice** voting and **approval voting** is that they both have the potential to dilute the vote of a voter's chosen candidate. The second problem is that these methods don't necessarily narrow the field prior to the final election to offer voters the opportunity to get to know the remaining candidates if their first choice candidate is eliminated. The third problem is that this method has the effect of candidates either encouraging "bullet voting", which is voting for only one candidate even though it is allowed to vote for multiple, or of not actually campaigning honestly on their positions for fear that they won't be someone's second or third choice. The result is that the voter ends up electing a less principled or less candid candidate to represent them. I believe the **plurality voting** system best encourages open debate on issues and creates the best forum for the voter to learn about the candidates. If it is desirable to narrow the field of candidates, a primary can be used as it is now for statewide and some political subdivision elections. If there is a desire to achieve a **majority voting** system, a run-off election can be added to augment the **plurality voting** system.

Please join me in respecting our right to a fair and equitable election by banning alternative systems that dilute the value of one-man-one-vote and the ability of each voter to cast a single vote for a single office.

Mr. Chairman and members of the committee, I request that you give this bill a Do-Pass recommendation. I would be happy to attempt to answer any questions that you may have.

House Government and Veterans Affairs Committee
January 30, 2025
HB 1297 – Testimony in Opposition

Chairman Schauer and members of the House Government and Veterans Affairs Committee, my name is Denise Kolpack and I am honored to serve as a Fargo City Commissioner since July 2022 and Deputy Mayor since July 2024.

In 2018, following 18 months of work by a citizens' task force to study a variety of election issues, citizens of Fargo initiated a measure to consider changing city elections to implement an approval voting process. The measure passed in the 2018 General Election, where more than 47,000 voters passed the measure with 64% approving. The process has not been used in the last three elections.

Having read past testimony and a summation of the work of the task force, I know that one of the issues they were trying to solve for was the trend of having small percentages of voters – 15% - 20% - electing at large city commissioners. I can tell you in my election, we had 15 candidates for two seats, and as the first-place vote getter in my election, I won with 43%.

I also believe approval voting is very intuitive, and encourages more citizen engagement. In fact, when I decided to run for city commission in 2022, I leveraged approval voting as part of my campaign strategy. Basically, I asked voters and different constituencies, that if they heard or learned something about me that resonated with them, or supported, in this non-partisan office, to add me to their list of votes as a qualified candidate.

I have also had feedback that the approval voting process has been more favorable to one party over another. I can assure you that the current make-up of the Fargo City commission, again a non-partisan office, has had very vocal political preferences as expressed by Commissioners themselves, across the entire political spectrum – including mine of remaining independently non-partisan.

Finally, I have also heard that some concern may be the lack of consistency in election processes. Across North Dakota there are many variations today from city to town – including candidates who are at-large as in Fargo, those coming from Wards, and combinations in-between.

I respectfully ask you, the members of this Committee, for a DO NOT PASS recommendation on House Bill 1297. Thank you for this opportunity.

Denise Kolpack
dkolpack@fargond.gov
701-730-2563

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1297
2/14/2025

Relating to home rule powers in counties and cities.
--

9:27 a.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Brown, Grindberg, Karls, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff

Members absent: Representatives Bahl, Christy, McLeod

Discussion Topics:

- Committee action

9:36 a.m. Representative Vetter moved a Do Pass.

9:36 a.m. Vice-Chairman Satrom seconded the motion.

Representatives	Vote
Representative Austen Schauer	N
Representative Bernie Satrom	Y
Representative Landon Bahl	AB
Representative Collette Brown	AB
Representative Josh Christy	AB
Representative Karen Grindberg	N
Representative Karen Karls	N
Representative Carrie McLeod	AB
Representative Karen Rohr	Y
Representative Mary Schneider	N
Representative Vicky Steiner	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y
Representative Christina Wolff	N

9:37 a.m. Motion failed 5-5-4.

9:39 a.m. Chairman asked for a second vote for a Do Pass.

Representatives	Vote
Representative Austen Schauer	N
Representative Bernie Satrom	Y
Representative Landon Bahl	AB
Representative Collette Brown	AB
Representative Josh Christy	AB
Representative Karen Grindberg	N
Representative Karen Karls	Y
Representative Carrie McLeod	AB
Representative Karen Rohr	Y

Representative Mary Schneider	N
Representative Vicky Steiner	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y
Representative Christina Wolff	N

9:40 a.m. Motion passed 6-4-4.

Representative Vetter will carry the bill.

9:41 a.m. Chairman Schauer closed the meeting.

Jackson Toman, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1297 ([25.0495.01000](#))

Government and Veterans Affairs Committee (Rep. Schauer, Chairman) recommends **DO PASS** (6 YEAS, 4 NAYS, 4 ABSENT OR EXCUSED AND NOT VOTING). HB 1297 was placed on the Eleventh order on the calendar.

2025 SENATE STATE AND LOCAL GOVERNMENT

HB 1297

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

HB 1297
3/27/2025

Relating to prohibiting approval voting and ranked-choice voting in elections; and to home rule powers in counties and cities.

4:35 p.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Plurality voting
- One man one vote
- Voting accuracy and transparency
- Election integrity laws
- Proactive approach

4:35 p.m. Representative Koppelman, District #16, introduced the bill and submitted testimony #44346.

4:53 p.m. Michael Howe, ND Secretary of State, testified in favor and submitted testimony #44322.

4:59 p.m. Matt Dean, Policy Fellow Lobbyist American Experiment, testified in favor and submitted testimony #44240.

5:05 p.m. Andrew Alexis Varvel, citizen, testified in opposition and submitted testimony #44192.

5:08 p.m. Kory Peterson, League of Cities, testified in opposition and submitted testimony #44279.

5:12 p.m. Denise Kolpack, City Commissioner and Deputy Mayor of Fargo, testified in opposition and submitted testimony #44208.

5:17 p.m. Terry Effertz, City of Fargo, testified in opposition.

Additional written testimony:

Whitney Oxendahl, Citizen of Fargo, submitted testimony in opposition #43492 and #43493.

Carol Sawicki, Board Member League of Women Voters of ND, submitted testimony in opposition #43625.

Karen Eriksmoen, citizen, submitted testimony in opposition #43643.

Benjamin Welte, citizen, submitted testimony in opposition #43647.

Vicki Voldal Rosenau, concerned citizen, submitted testimony in opposition #43688.

Paul Gleye, citizen, submitted testimony in opposition #43696.

Connie Hoffman, citizen, submitted testimony in opposition #43710.

Jed Limke, Reform Fargo, submitted testimony in opposition #44146.

Benjamin Phillips, Legal Counsel, Campaign Legal Center, submitted testimony in opposition #43715.

5:18 p.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

Approval Voting in North Dakota

What is approval voting?

Approval voting allows you to vote for all the candidates you approve of. Instead of voting for one candidate on your ballot if one office is open, you can vote for any number of candidates you approve of in that race. The candidate who receives the most votes still wins.

Is approval voting the same as ranked-choice voting?

No, you are not ranking the candidates. You are instead voting for any you approve of. **Ranked choice voting isn't used in any North Dakota elections.**

Where is approval voting used?

The City of Fargo is the only jurisdiction in North Dakota that uses approval voting. It was approved by Fargo voters through a citizen-initiated ballot measure and has been used 3 times since to vote for city candidates.

Which Fargo city elections does approval voting apply to?

Approval voting applies to mayor, city commission, and municipal judge elections. It does not apply to school board or park board elections.

What is the origin of Fargo's approval voting?

In 2016, City Commissioners Tony Grindberg and Tony Gehrig proposed a Governance and Elections Task Force, which met publicly 10 times between September 2016 to January 2017. The task force studied various election methods then voted to recommend approval voting to the Fargo City Commission. The Commission didn't take action, so a city ballot initiative was filed to allow Fargo voters to weigh in. Signatures were gathered to place it on the November 2018 ballot.

What was the outcome of the vote on the ballot measure?

Over 47,000 Fargo voters weighed in. There were 30,092 votes in favor of adopting approval voting and 17,282 opposed, which means **63.52% voted in favor of adopting approval voting.**

What are the benefits of approval voting?

Approval voting is simple and straightforward, and there's no additional cost, as it works with current ballot machines. Approval voting is representative of the voters. Voters get to show full support to every candidate they believe in without fear of splitting their vote. Approval voting is especially helpful for Fargo voters when there's a large field of candidates to choose from, such as the June 2022 Fargo City Commission race where 15 candidates ran for 2 open seats.

What do Fargo voters think of approval voting?

According to polling done in June 2020, 71% said approval voting was easy, 62% said overall they liked approval voting, and 62% said they were comfortable with it. 69% said they felt they could vote for their favorite candidate without worrying about "electability."¹

¹ electionscience.org/newsroom/fargo-s-first-approval-voting-election-results-and-voter-experience

Testimony in Opposition to HB 1297**March 25, 2025**

Chair and members of the committee, my name is Whitney Oxendahl and I am writing in opposition to HB 1297. I was one of the volunteers who gathered signatures for the approval voting ballot initiative in Fargo.

I got involved in the approval voting ballot initiative, because of recent city commission races. We had had large fields of candidates running for a small number of open seats, such as in 2016 there were 11 candidates running for two open seats. The top two candidates won with 30.4% and 28.1%, and approval voting was a simple solution to electing candidates with a higher percentage of voter support.

When gathering signatures for the ballot measure, approval voting had bipartisan support among signees. Some voters liked it because it gave them the freedom to choose any candidates they approved of. Others liked it because they were disillusioned with the low percentage of votes supporting the winners of city commission races. All around, people liked this voting method because it wouldn't cost anything to implement; it was compatible with our current ballot machines.

The approval voting ballot measure passed with nearly 2 out of 3 voters supporting it, and House Bill 1297 would override the will of Fargo voters.

The argument that it would make a patchwork of voting methods in our state is inconsistent with other aspects of voting. There are a handful of cities across the state that vote by ward while most others vote at-large for city commission or city council. Wahpeton employs a mix and elects some council members at-large and others by ward. These differences in city elections are due to each of those city's home rule charter, and more than 63% of Fargo voters chose to change the City's home rule charter to adopt approval voting locally in November 2018.

This is a local issue. The bill would solely impact the City of Fargo's voter-approved use of approval voting. Please give House Bill 1297 a Do Not Pass recommendation.

Thank you for the opportunity to share my testimony.



HB 1297
Senate Judiciary Committee
March 27, 2025

Chair Larson and members of the Senate Judiciary Committee. My name is Carol Sawicki, and I am submitting testimony on behalf of the League of Women Voters of North Dakota in opposition to House Bill 1297.

The League of Women Voters supports legislation that allows local jurisdictions to explore alternative electoral methods and supports state election laws that allow for more options at both the state and local levels. HB 1297 would prohibit ranked choice and approval voting methods, thereby constricting rather than allowing more options.

Both ranked choice and approval voting methods have been adopted in various states and localities around the country, including the City of Fargo, which uses approval voting in elections for city officials. Ranked choice and approval voting methods allow voters to be more expressive with who they wish to represent them and ensure that the winner in an election will be the most popular candidate.

In ranked choice voting, voters are given the option to rank candidates on the ballot in order of preference, and voters know that if their first choice does not get enough votes to win, their vote automatically counts for their next choice instead. This voting method yields election outcomes that better represent voter preferences. Legal challenges to ranked choice voting have resulted in ranked choice voting being “uniformly upheld in federal courts as a lawful policy choice within the states’ constitutional authority to administer elections.”¹

In approval voting, voters choose as many candidates as they support without ranking them in any specific order. The candidate with a majority of support will generally win (unlike traditional plurality voting in which a candidate with the largest *minority* often wins). The Center for Election Science has determined that approval voting encourages candidates to build coalition and consensus, prevents voters from having to split their vote between similar candidates, and is an accurate and transparent voting system.²

In November 2018, Fargo citizens voted 63.52% to 36.48% to amend the city charter to implement approval voting. The League of Women Voters of North Dakota supports the right of Fargo citizens to continue to vote using the method they have deemed most fair, simple, accurate, and consistent with ND Century Code 40-05.1-06 Subsection 9 which

¹Congressional Research Services. Ranked-Choice Voting: Legal Challenges and Considerations for Congress. 10-12-22. <https://crsreports.congress.gov/product/pdf/LSB/LSB10837>

² Why CES Advocates for Approval Voting. <https://electionscience.org/education/why-approval-voting>



gives home rule cities the powers “to provide for all matters pertaining to city elections, except as to qualifications of electors.”

Since HB 1297 would prevent North Dakota citizens from implementing alternative voting methods, the **League of Women Voters of North Dakota strongly urges committee members to give HB 1297 a Do Not Pass recommendation.**

Thank you, Chair Larson and members of the committee, for your consideration of our testimony.

Carol Sawicki
LWVND Board Member
nodaklwv@gmail.com

Karen Eriksmoen
1913 5th Street South
Fargo, ND 58103

Oppose HB 1297

Chairperson Schauer and members of the House Government and Veterans Affairs Committee,

I am writing in opposition to HB 1297. As a ND state resident who voted for Approval Voting, my concern and question is, "Why would you propose a bill that was supported by over 30,000 voters in our state and has worked very well for Fargo voters?"

Please let the vote stand and allow local election results to be honored. I ask you to vote NO PASS on HB 1297 and allow approval and ranked choice voting in the communities that choose it through their majority vote. Taking away the vote of the people of this state and communities is not the role of the legislators. We elected you to represent us as voters.

Please, vote NO on HB 1297.

Thank you for your attention and consideration!

Karen Eriksmoen, District 11

HB 1297 – **Do Not Pass**

Senate Judiciary Committee

March 27, 2025

I'm speaking today in my personal capacity, and my views do not represent those of my employer or any affiliated organizations. I respectfully urge you to oppose this bill, as it would unnecessarily restrict local autonomy, limit voter choice, and stifle innovation in our electoral processes. While I appreciate the sponsor's intent to maintain a familiar voting system, I believe that banning approval voting and ranked-choice voting would be a step backward for democracy in North Dakota.

First and foremost, this bill undermines local autonomy. In 2018, Fargo voters approved the adoption of approval voting for their municipal elections. This was a clear expression of local will, with citizens choosing an alternative voting method to address perceived shortcomings in plurality voting. By banning approval voting statewide, HB 1297 would override Fargo's decision and strip other communities of their right to explore electoral systems that best meet their needs. Local governments ***should retain the ability*** to innovate and tailor their election systems to reflect the values and preferences of their constituents.

Second, alternative voting methods like approval voting and ranked-choice voting improve representation and ***voter satisfaction***. Under plurality voting, candidates can win elections with minimal support in crowded fields—a situation Fargo experienced firsthand in 2018, when winning candidates received only 18% and 16% of the vote. In contrast, approval voting has resulted in candidates being elected with much broader support. For example, in Fargo's 2024 commission race, winning candidates received 44% and 45% of votes—clear evidence that approval voting leads to more representative outcomes.

Third, these alternative systems empower voters by allowing them to express their preferences more fully. Approval voting enables voters to select all candidates they support, while ranked-choice voting allows them to rank candidates in order of preference. Both systems ***reduce the "spoiler effect,"*** where votes for third-party or less popular candidates inadvertently help elect a voter's least-preferred candidate. This ensures that voters can support their preferred candidates without fear of wasting their votes or unintentionally aiding opponents.

Contrary to the sponsor's concerns about vote dilution, these systems do not diminish the value of a vote—they enhance it by capturing more nuanced voter preferences. Moreover, claims that alternative methods discourage honest campaigning are ***unfounded***. In fact, ranked-choice and approval voting incentivize candidates to appeal to a broader base of voters rather than focusing solely on their core supporters. This often leads to more civil campaigns and greater focus on substantive issues rather than divisive rhetoric.

Another key advantage is ***cost-effectiveness***. Ranked-choice voting can eliminate the need for costly runoff elections while still ensuring majority support for winning candidates. This is particularly valuable in tight budgetary climates where every dollar spent on elections matters. Additionally, studies have shown that ranked-choice voting can increase voter turnout by up to 10%, further strengthening civic engagement and participation.

While plurality voting is indeed familiar and widely used, it is not without its flaws. It often results in winners who lack majority support in competitive races and discourages voters from supporting third-party or independent candidates due to fears of vote splitting. Alternative systems like approval and ranked-choice voting address these issues while preserving the ***fundamental democratic principle of one person, one vote***.

In conclusion, HB 1297 is a solution in search of a problem. There is no evidence that approval or ranked-choice voting has caused confusion or harm in Fargo or elsewhere; on the contrary, these systems have delivered more representative outcomes and empowered voters with greater choice. Rather than restricting local governments' ability to innovate and respond to their communities' needs, we should celebrate Fargo's leadership in exploring new ways to strengthen democracy.

I urge you to reject HB 1297 and allow North Dakota's communities the freedom to choose electoral systems that best serve their citizens' needs.

Thank you for your time and consideration.

Ben Welte

1634 7th ST N

Fargo, ND 58102

House Bill 1297
Senate State and Local Government Committee -- Sen. Kristin Roers, Chair
March 27, 2025
Testimony in Opposition to HB 1297

Chair Roers and members of the Committee, I am Vicki Voldal Rosenau, a lifelong resident of Valley City, ND. Thank you for this opportunity to respectfully offer my testimony in well-grounded opposition to House Bill 1297.

HB 1297 is an anti-representative, superfluous proposal that represents obvious overreaching by certain voices in state government. Apparently, this is yet-another attempt to curb cities' and counties' rightful control over local affairs. But HB 1297's blatant attack on local control is exceptionally harmful. More than six years ago, almost two-thirds of the voters in Fargo opted to implement approval voting. What possible justification could there be for the state to nullify the voices of those voters?

Moreover, this proposal is not "just" unneeded and anti-local-control; it is destructive in a much-broader way. At a time when rancorous divisiveness threatens the foundation (and survival!) of our democratic form of government, HB 1297 would disallow the very voting methods designed specifically to mitigate that divisiveness.

Both approval voting and ranked-choice voting accomplish a superior job of **electing winners who represent the preferences of the largest-possible number of voters**. Is that not the precise purpose of free elections? Truly, there is no excuse whatsoever for disallowing those voting methods.

I urge you to unanimously recommend "Do Not Pass" on HB 1297.

Thank you very much for your consideration,
Vicki Voldal Rosenau
Valley City, ND

Oppose 1297

Approval voting has worked well for Fargo. Rep. Koppelman has said he opposed approval voting because voters want more conservative candidates. However, the last election was won by a conservative candidate and a liberal candidate; a second liberal candidate was defeated. Approval voting shows no bias, but it does support the election of candidates that garner broad support. It is not a confusing system. The voters of Fargo adopted approval voting by a broad majority, and it has no effect on any other community. There is no problem that HB1297 needs to solve.

Testimony in Opposition to HB 1297 - Relating to the prohibition of ranked-choice and approval voting in elections, relating to home rule powers in counties and cities.

Chairman Senator Roers and members of the Senate State and Local Government Committee,

My name is Connie Hoffman, resident of Fargo and lifelong resident of North Dakota. I write in opposition to House Bill 1297, relating to the prohibition of ranked-choice and approval voting in elections, relating to home rule powers in counties and cities.

In November 2018 Fargo residents voted 64% to 36% to amend the city charter to implement approval voting. Approval voting allows a voter to indicate a “yes” or “no” to each candidate so that the best candidate is elected with the most overall support of the residents.

I support the right of Fargo residents to continue to vote using the voter approved method under the Home Rule Charter, which is approval voting. I also support local control throughout ND, supporting the right of local communities to decide the voting method that best suits their needs.

I have personally found approval voting to be a very positive experience. I have asked other Fargo residents for their opinion on the process of using approval voting. People like voting for more than one candidate and are more confident that the best candidate is elected. Clear information has been provided to the public prior to elections on the process of approval voting. The ballot itself has clear directions so a voter can see which local races use approval voting and which races do not.

The use of approval voting does not dilute a person’s vote and each person who chooses to vote has an equal voice. Those advocating for this bill are attempting to overturn the will of the majority of Fargo voters who approved the use of approval voting under Fargo’s Home Rule Charter in 2018.

HB 1297 would take away local control.

I strongly urge the committee members to give HB 1297 a Do Not Pass recommendation.

Thank you.
Connie Hoffman
3336 Jackson St S
Fargo, ND. 58104



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,

/s/ Benjamin Phillips

Benjamin Phillips

Legal Counsel, Voting Rights & Redistricting

Alexandra Copper

Legal Counsel, Strategic Litigation

Lata Nott

Senior Legal Counsel, Voting Rights

CAMPAIGN LEGAL CENTER

1101 14th St. NW, Suite 400

Washington, DC 20005

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-PqMhVyuZSYyqR1TGlrVnmng/view>.

Dear Committee Members,

Don't step on our vote. Fargo citizens gathered signatures, knocked doors, advocated for, and ultimately persuaded over 30,000 other Fargo citizens to adopt Approval Voting in the general election of November, 2018. Since then, we've had repeated and successful elections using the method, electing conservatives and liberals alike, while the majority of Fargo voters both understand and *like* the change.

To that end, I'm asking you to **oppose HB 1297**. In 2018, Fargo voters exercised their rights and overwhelmingly approved approval voting for our local elections. Now, this bill doesn't just threaten to take that choice away—it would block every other city in North Dakota from ever making the same decision. *But this isn't just about Fargo.* HB 1297 strips *all* communities of the ability to improve their own elections—it **usurps local control**. Legislators should protect their constituents' vote, **not take it away**.

*If we're good enough to **vote for you**, we're good enough to **vote for policies, too**.*

When approval voting was on the Fargo ballot back in 2018, **the measure won each-and-every precinct in Fargo**—it didn't matter if the precinct was red, blue, yellow, or purple—**voters chose approval voting 2:1 in favor**. Voters wanted a system that ensures the most widely supported candidate wins. It's simple, fair, and eliminates vote-splitting. We've held three successful elections utilizing it, consistently electing leaders from across the political spectrum, all while giving voters a more powerful voice in the process.

Approval voting is working.

Elections should reflect the will of the people. Whether someone agrees with approval voting or not, overturning a voter-led-and-approved reform without a public vote on the same sets a dangerous precedent. Please respect the decision Fargo's voters made by issuing a **DO NOT PASS recommendation for HB 1297**.

Thank you for your time,
Jed Limke

★ Reform Fargo is a locally-formed-and-operated non-profit focused on streamlining and improving government that's run entirely by volunteers living in the great State of North Dakota. *We care because this is our home.*

House Bill 1297
Andrew Alexis Varvel
March 27, 2025

**Madame Chairman Roers & Members of the
Senate State & Local Government Committee:**

My name is Andrew Alexis Varvel.

I live in Bismarck.

I believe in respecting local decisions.

The people of Fargo decided by referendum to approve their own way of conducting elections. Approval voting is their choice. It may not be my choice, but it is theirs. So long as it isn't "one man, one vote, one time", state government should not countermand these local decisions.

I prefer ranked choice voting. We should be using ranked choice voting for our legislative races. Some people heartily believe in a two party system. I don't. A two party system can distort our political system into a fun house mirror that fails to reflect the actual sentiments of voters.

I think ranked choice voting could change that.

Still, approval voting and ranked choice voting is not for everyone. That's fine. The people of Fargo have made their choice. The rest of us should respect that choice. The rest of us don't need to follow them.

Please give House Bill 1297 a **DO NOT PASS** recommendation.

Thank you for your time. I am open for questions from this committee.

Senate State & Local Government Committee**March 27, 2025****HB 1297 – Testimony in Opposition**

Chair Roers and Members of the Senate State & Local & Government Committee, my name is Denise Kolpack and I am honored to serve as a Fargo City Commissioner since July 2022 and Deputy Mayor since July 2024.

In 2018, following 18 months of work by a citizens' task force to study a variety of election issues, citizens of Fargo initiated a measure to consider changing city elections to implement an approval voting process. The measure passed in the 2018 General Election, where more than 47,000 voters passed the measure with 64% approving. The process has been used in the last three elections.

Having read past testimony and a summation of the work of the task force, I know that one of the issues they were trying to solve for was the trend of having small percentages of voters – 15% - 20% - electing at large city commissioners. I can tell you in my election, we had 15 candidates for two seats, and as the first-place vote getter in my election, I won with 43%.

I also believe approval voting is very intuitive and encourages more citizen engagement. In fact, when I decided to run for city commission in 2022, I leveraged approval voting as part of my campaign strategy. Basically, I asked voters and different constituencies, if they heard or learned something about me that resonated with them, or supported, in this non-partisan office, to add me to their list of votes as a qualified candidate.

I have also had feedback that the approval voting process has been more favorable to one party over another. I can assure you that the current make-up of the Fargo City commission, again a non-partisan office, has had very vocal political preferences as expressed by Commissioners themselves, across the entire political spectrum – including mine of remaining independently non-partisan.

Finally, I have also heard that some concern may be the lack of consistency in election processes. Across North Dakota there are many variations today from city to town – including candidates who are at-large as in Fargo, those coming from Wards, and combinations in-between.

I respectfully ask you, the Members of this Committee, for a DO NOT PASS recommendation on House Bill 1297. Thank you for this opportunity.

Denise Kolpack

dkolpack@fargond.gov

701-730-2563



March 27, 2025

Testimony for the Senate State and Local Government Committee
Senator Kristin Roers, Chairman

Meeting location JW216

Dear Senator Roers and members,

My name is Matt Dean, and I am a policy fellow with the Center of the American Experiment North Dakota. [American Experiment North Dakota](#) is a 501(c)(3) organization that works to create and advocate for policies that make North Dakota a freer, more prosperous and better-governed state.

Thank you for this opportunity to address [House Bill 1297](#), which would prohibit the use of a ranked-choice voting (RCV) system to replace traditional Election Day voting in North Dakota. States across the country are fighting this well-funded national effort to impose this complicated system of voting. North Dakota is smart reject RCV by passing [HB1297](#).

RCV will just make things worse for voters already frustrated with changing rules and increasing mistrust in elections. Leading up to the 2024 election, fewer than half of Americans – 44% — [had](#) “a great deal” or “quite a bit” of confidence that the votes would be counted accurately. RCV makes ballots harder to cast, harder to count, and more susceptible to financial influence from groups outside North Dakota.

Ranked Choice Voting makes it harder to vote because you are asking constituents to research each person running and to rank them in order of increasing distrust and also try to avoid a ranking that may tip the scales in favor of a candidate they really don’t want. Many will not rank a candidate they think is unsuitable because they consider the ranking a vote (which it is).

Under RCV, so-called “exhausted votes” (those eliminated because of incomplete ballots) are not counted. Across a study of 96 RCV races, [fully 61% fail](#) to get a true majority due to ballot exhaustion. In 2018, Maine’s RCV inaugural election left 9,000 voters with uncounted ballots because of exhausted ballots. [There were](#) 126,139 valid votes cast in Maine’s Democratic primary. In the final round, only 117,250 ballots were counted. More than 6 percent of voters

tried to cast a ballot but had the same impact on the election as they would if they had just stayed home. They tried to vote but literally threw their votes away because it was too confusing.

In 2009, Minnesota implemented RCV in off-year municipal elections. Five cities have experimented with RCV. One of those, Minnetonka, saw a [campaign to throw it out](#) only three years after it was started. Ellen Cousins, chair of the “Yes to Repeal RCV” committee put it simply. “We want to repeal it because it’s a costly, confusing and complex system and we don’t want anyone to feel unwelcome in the voting booth,” Cousins said.

In the 2017 Minneapolis mayoral election, [Jacob Frey emerged](#) from the 16-candidate field after five rounds of counting. Voter turnout was only 43 percent despite two previous elections with RCV. The previous election in 2013 saw Betsy Hodges emerge from a **35-candidate race** in 33 rounds of balloting. Even then, she received only 48.95 percent of votes. Voters did not find out who won for days.

In Nevada, RCV was put before the voters in 2022 in a statewide ballot initiative very similar to Maine and Alaska. In that initiative, a handful of wealthy donors put up nearly 80% of the \$43.69/vote to narrowly pass the initiative (53% in favor, 47% against). As crazy as that may sound, consider that Nevada voters had to endure a [second cycle of campaigning](#) and spending (\$29 million in favor of RCV to \$3million against) but the measure failed to pass the necessary second ballot to become law. Despite the crush of lopsided spending, educated voters rejected RCV.

In 2023, Minnesota proposed a statewide RCV bill. The experiences of the municipal elections in Minnesota caused legislators to say no. Secretary of State Steve Simon, a former House member and supporter of RCV, had a word of caution for his fellow democrats in the legislature. “Minnesota is not yet ready for statewide ranked-choice voting,” [Simon said](#). “Leave aside whether it’s a good thing or a bad thing to do, I can tell you that it’s an extraordinarily complicated thing to do.”

I would like to thank Rep. Koppelman and the coauthors of [HB1297](#) for putting this bill forward and encourage members to look at the experiences in other states to see why this bill is necessary to protect the integrity of North Dakota elections and your constituents’ confidence in them.

Thank you Madam Chair and members.

The Center of the American Experiment is “North Dakota’s Think Tank.” For more than 30 years, the Center has been leading the way, first in Minnesota and now in North Dakota, in creating and advocating policies for a freer, more prosperous and better-governed state.



March 27, 2025

Senate State and Local Government

HB 1297

Senator Kristin Roers, Chair

For the record, my name is Kory Peterson. I am appearing before you today on behalf of the North Dakota League of Cities, in opposition to HB 1297. Prior to working with the North Dakota League of Cities, I was the Mayor of Horace for 8 years, from June 2016 to July 2024.

A task force was created by Fargo after witnessing situations where an elected official could be elected with 22% of the votes. The task force landed on using approval voting to help truly represent the citizen's votes when numerous candidates are on the ballot. There was a grass roots efforts by Fargo citizens to create and circulate a petition to have approval voting on the ballot for a vote. The petition committee follow all the procedures afforded them through Fargo's Home Rule charter. The petition was submitted and reviewed. It was determined the approval voting measure could be put to a vote. A campaign took place with both sides campaigning the pros and cons of switching to this method of voting. When the voters came to the polls to vote on approval voting, it passed with a 64% approval. This is exactly how the process is supposed to work, citizen engagement to effect change.

Any change can be met with resistance because of the fear of the unknown. 60% of the Fargo's voting public wanted this voting method. There have been 3 voting cycles since this measure was implemented. If the Fargo citizens who originally opposed approval voting have deep reservations with this voting schema after this amount of time, they should form a committee to work on a repel. They have access to go through the same procedure as any other group that wants to effect political changes. So far, there has been no committee formed to attempt to revoke approval voting in Fargo.

This is citizen democracy exercising their right to petition the government with a grievance and being heard. This promotes citizens to question policies and procedures; to point out areas where a political subdivision could be more effective.

We want to encourage citizen participation in the elections and do not want to disenfranchise them from participating in the process. North Dakota had low participation in this year's primary election of 20.1%. That means that roughly 80% of the state's population sat this one out. The general election participation rate was 62.5%, which was better but even in a hotly contested Presidential race, one third of the eligible electorate stayed home.

We need to continue to encourage participation in the political process in the state. I can remember times when I was Mayor of instances where citizens should have been at the public hearings to have a say even after the meeting was advertised on all social media platforms and the local newspaper. While I was disappointed during those times, there were others when the room was full and robust discussion was had. While some of the discussion got very enthusiastic, and I had to intervene sometimes, this is how public engagement in our government should occur and we want to continue to afford citizens the opportunity to stay involved in our local civics.

This bill has the appearance of the state interfering in local political subdivision affairs that should be a local control issue. Removing valid and legal options to perform local voting schemes is not something the state should be involved in.

The League would request this committee allow home rule authority to allow city residents to select alternative voting methods to select a candidate. Alternatively, the League would recommend an amendment to "grandfather" in Fargo's ordinances to recognize the Fargo elector's decision on this matter. Without this amendment, the League recommends a DO NOT PASS on HB 1297.

Thank you.

Kory Peterson

**SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
SENATOR KRISTIN ROERS, CHAIRMAN****TESTIMONY PRESENTED BY****MICHAEL HOWE, ND SECRETARY OF STATE**

Madam Chair Roers and members of the committee, I'm Michael Howe, North Dakota Secretary of State, and I'm here in support of HB 1297.

Since taking office in 2023, my team has sought to streamline processes and has looked to make consistent policies across all 40 duties that the Office of the Secretary of State oversees. In the last two years, we have made significant progress in informing the electorate of how North Dakota's election process can be trusted, and informed our citizens how proactive the legislature has been in implementing common sense election integrity reforms, such as:

- The legislature has passed one of the most robust and thorough voter ID laws in the country.
- North Dakota does not mass mail ballots.
- Absentee voting requires proof of identification before a ballot is mailed.
- We only use paper ballots in North Dakota elections.
- Our tabulation equipment does not connect to the internet.
- We have banned private money from funding election administration at all levels of government.
- And last session, we successfully passed legislation that ensures only United States citizens are voting in North Dakota elections.

Our office oversees elections across the state in partnership with all 53 counties. Our elections in North Dakota have a top-down process. Each county uses the same election equipment, strives to have the same processes, and follows the same laws passed by the legislature and prescribed by the Office of the Secretary of State. In other states, you may see a bottom-up process where each political subdivision uses different equipment or has a different process. North Dakota's uniform process lends itself to easier, efficient, and secure election administration.

HB 1297 prohibits the method of Ranked Choice Voting and Approval Voting in any North Dakota election. The administration of ranked choice voting is not something our current election management system can handle and

would create complications for our county auditors who are tabulating the results, thus causing delays in election results. In this era of building trust in our election system, we simply cannot afford to have complications or delays in any election. All the goodwill we have built in the last two years of our statewide election education would be eroded because of a nonsense formula to tabulate election results. Passage of HB 1297 is another proactive approach the legislature can take to ensure our elections are easily understood and uniformly administered across every political subdivision.

Approval Voting is a system that allows qualified electors to choose as many candidates as they would like. If it was "vote for 1" and 4 candidates were seeking that office, a voter under Approval Voting would be able to vote for all 4 candidates. The candidate with the most votes would be declared the winner.

Our concern is what happens if multiple political subdivisions begin implementing unorthodox election methods? Supporters of Fargo Approval Voting are correct. It alone has not created any administration problems. However, our worry would be if Fargo uses approval voting, and Burleigh County decides to adopt ranked choice voting, Jamestown adopts ranked choice voting, and Rugby decides to use approval voting. Multiple election methods implemented across the state would have an impact on the administration of a statewide election with local political subdivision elections on the same ballot. Our election equipment would not be able to tabulate a ballot that includes a city race using approval voting, a county race using ranked choice voting, and legislative and statewide races using traditional voting methods. These all would need to be on a separate ballot in the scenario laid out.

Madam Chair and members of the committee, our office commends the North Dakota Legislature on being proactive by-passing common-sense election integrity laws. HB 1297 is another proactive approach the North Dakota Legislature can implement. Our office recommends a Do Pass on HB 1297

HB 1297**Rep. Ben Koppelman- Testimony**

Madame Chairman and Members of the Committee,

Thank You for the opportunity to introduce HB1297 to you today.

I introduced this bill with the intent of honoring the time-tested method of voting in our state by ensuring that all of our citizens have an equal vote in our elections.

North Dakota uses a voting method known as **plurality voting**. This method is also used in nearly all the political subdivisions in our state. In fact, this system is the traditional way of voting in the United States for nearly all elections. Under the **plurality voting** system, the top vote getter wins the election, regardless of if they achieve a majority or merely a plurality of the votes. This system is sometimes augmented with primary elections if the desire is to narrow the field and try to ensure the winner is more likely to receive a majority of votes. It can also be augmented by adding a run-off election provision to ensure the winner gets a majority of the votes. The combination of **plurality voting**, and the run-off provision is sometimes known as **majority voting**.

Other systems of voting have been tried in other parts of the country with various outcomes in mind. Probably the most common and controversial alternative is known as **ranked-choice voting**. This method is also sometimes known as instant-runoff voting. The way this system works is that you vote for as many candidates for a given office as you wish by ranking them in priority order, and since this system is often used without being prefaced by a primary election, the field of candidates is often crowded. On the first round of counting votes, every voter's first choice is counted, and if a candidate receives a majority of the votes, then that candidate wins. This system works the same as **plurality voting** if a candidate received a majority in the first round. If a candidate fails to receive a majority in the first round is when it gets interesting. To conduct the second round of counting votes, the candidate who received the lowest number of votes is eliminated from contention, and the ballots cast for that candidate are reassigned to the second ranked choice candidate on each of those voters. If after the second-round votes are tallied there is still not a majority winner, the counting goes on to additional rounds of eliminating candidates and reassigning votes until a winner is chosen. Thus far, I am not aware of any political subdivisions using **ranked-choice voting** in North Dakota.

Another alternative voting method that had been around for some time, but is rarely used, is known as **approval voting**. This method of voting allows a voter to vote for as many candidates as the voter chooses to without any preference to the desirability of one candidate over another. Since there is no ranking of the voter's preferences on the ballot, each of the selections are given the same weight and counted equally in the election. Like **ranked choice voting**, this system is often not prefaced by a primary election either, and thus often has a crowded field of candidates. Thus, the result is often that the voter's most desirable candidate does not win, but neither does that voter's least desirable choice. In most places where this

method has been implemented or considered, which are very few, the **approval voting** method is used to narrow the field to two candidates, and then a run-off election follows.

In North Dakota, I am only aware of one political subdivision that uses this method. In 2018, the City of Fargo amended their home-rule charter to change the voting method to **approval voting** for local elections. The reason proponents offered as a need for the change was the desirability to have candidates have a larger percentage of the vote compared to a candidate that received around 20% of the vote in a previous election. It is worth noting, that the Fargo version of **approval voting** does not include the run-off provision. The first election held in Fargo under this new system was in 2020 when only mail-in voting was allowed. The method was also used in 2022.

The problem with both **ranked choice** voting and **approval voting** is that they both have the potential to dilute the vote of a voter's chosen candidate. The second problem is that these methods don't necessarily narrow the field prior to the final election to offer voters the opportunity to get to know the remaining candidates if their first choice candidate is eliminated. The third problem is that this method has the effect of candidates either encouraging "bullet voting", which is voting for only one candidate even though it is allowed to vote for multiple, or not actually campaigning honestly on their positions for fear that they won't be someone's second or third choice. The result is that the voter ends up electing a less principled or less candid candidate to represent them. I believe the **plurality voting** system best encourages open debate on issues and creates the best forum for the voter to learn about the candidates. If it is desirable to narrow the field of candidates, a primary can be used as it is now for statewide and some political subdivision elections. If there is a desire to achieve a **majority voting** system, a run-off election can be added to augment the **plurality voting** system.

Please join me in respecting our right to a fair and equitable election by banning alternative systems that dilute the value of one-man-one-vote and the ability of each voter to cast a single vote for a single office.

Madame Chairman and members of the committee, I request that you give this bill a Do-Pass recommendation. I would be happy to attempt to answer any questions that you may have.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

HB 1297
4/4/2025

Relating to prohibiting approval voting and ranked-choice voting in elections; and to home rule powers in counties and cities.

10:04 a.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Exemption for Fargo
- Park Board
- Prohibition in place
- Voting methods

10:04 a.m. Senator Braunberger submitted proposed amendment testimony #44693.

10:07 a.m. Sandra McMerty, Deputy Secretary of State, answered questions from the committee.

10:17 a.m. Stephanie Dassinger Engebretson, Deputy Director Staff Attorney ND League of Cities, answered questions from the committee.

10:23 a.m. Mike Howe, Secretary of State, answered questions from the committee.

10:25 a.m. Senator Braunberger moved to amend to remove approval voting.

10:25 a.m. Senator Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	N
Senator Jose L. Castaneda	N
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	N

Motion Failed 3-3-0

10:27 a.m. Senator Walen moved Do Pass.

10:27 a.m. Senator Castaneda seconded the motion.

Senators	Vote
----------	------

Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	N
Senator Judy Lee	N
Senator Chuck Walen	Y

Motion Passed 4-2-0

Senator Castaneda will carry the bill.

10:29 a.m. Chair Roers adjourned the meeting.

Susan Helbling, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1297 ([25.0495.01000](#))

State and Local Government Committee (Sen. Roers, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1297 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

25.0495.01001
Title.

Prepared by the Legislative Council
staff for Senator Braunberger
April 3, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1297

Introduced by

Representatives Koppelman, Heilman, Heinert, Kasper, Louser

Senators Castaneda, Clemens, Enget, Paulson, Wobbema, Larson

1 A BILL for an Act to create and enact a new section to chapter 16.1-01 of the North Dakota
2 Century Code, relating to prohibiting approval voting and ranked-choice voting in elections; ~~and~~
3 ~~to amend and reenact subsection 7 of section 11-09.1-05 and subsection 9 of section~~
4 ~~40-05.1-06 of the North Dakota Century Code, relating to other than~~ home rule powers in
5 ~~counties and cities~~ city elections.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 ~~SECTION 1. AMENDMENT. Subsection 7 of section 11-09.1-05 of the North Dakota~~
8 ~~Century Code is amended and reenacted as follows: —~~
9 ~~7. Provide for all matters pertaining to county elections, except as to qualifications of~~
10 ~~electors and the limitations provided under section 2 of this Act.~~

11 **SECTION 1.** A new section to chapter 16.1-01 of the North Dakota Century Code is created
12 and enacted as follows:

13 **Approval voting - Ranked-choice voting - Prohibition.**

14 1. For purposes of this section:

15 a. "Approval voting" means a method in which a qualified elector may vote for all
16 candidates the voter approves of in each race for public office, and the
17 candidates receiving the most votes are elected until all necessary seats are
18 filled in each race.

19 b. "Ranked-choice voting" means a method in which a qualified elector may rank
20 candidates in a race for public office in order of preference, and all submitted

1 ballots are tabulated in multiple rounds following the elimination of a candidate
2 until a single candidate attains a majority of votes.

3 2. ~~Approval~~ Except as authorized under subsection 9 of section 40-05.1-06, approval
4 voting or ranked-choice voting may not be used in an election held within this state to
5 elect or nominate a candidate to any local, state, or federal elective office.

6 3. An ordinance enacted or adopted by a county, city, or other political subdivision,
7 except a home rule city, including an ordinance enacted or adopted under a county
8 home rule charter, which conflicts with this section is void.

9 — **SECTION 3. AMENDMENT.** ~~Subsection 9 of section 40-05.1-06 of the North Dakota~~
10 ~~Century Code is amended and reenacted as follows: —~~

11 — 9. ~~To provide for all matters pertaining to city elections, except as to qualifications of~~
12 ~~electors and the limitations provided under section 2 of this Act.~~