

Legislative Testimony

In **Neutrality** to SB6
House Committee on Elections
February 27th, 2025

Written Only

Chairman Proctor and Members of the Committee:

My name is Rashane Hamby and I am the Director of Policy and Research at the American Civil Liberties Union of Kansas. The ACLU of Kansas is a nonpartisan, non-profit organization with more than 35,000 supporters across Kansas that works to preserve and strengthen the civil rights and liberties of every person in our state. I am writing to submit my organization's neutral testimony to SB6. We support the goals of ranked choice voting, but have concerns about its impacts on voter turnout in communities of color. Ultimately, the ACLU of Kansas believes this to be an issue that should be decided at the local level.

Goals of Ranked Choice Voting

We strongly support the goals of ranked choice voting, providing voters with more choices in the electoral process. Ranked-choice voting ensures that whoever wins an election best reflects the views of the majority of voters. Supporters of ranked-choice voting also say it allows voters to rank their favorite candidate first, without feeling like they are throwing away their vote by choosing a less popular candidate. In addition, advocates believe that ranked-choice voting may reduce negative campaigning (1).

Impacts on Communities of Color

The ACLU of Kansas is concerned about how ranked choice voting (RCV), impacts voter turnout in communities of color. Ranked choice ballots have suppressed voter turnout, especially among those segments of the electorate that are already least likely to participate. RCV has resulted in decreased turnouts up to 8% in non-presidential elections. Low-propensity voters are already less likely to participate in elections that do not coincide with congressional or presidential races. By adding additional steps to voting, RCV exacerbates this tendency, making it less likely that new and more casual voters will enter into the process. Moreover, RCV exacerbates economic and racial disparities in voting. Voting errors and spoiled ballots occur far more often. In Minneapolis, for example, nearly 10% of ranked choice ballots were not counted, most of these in low-income communities of color. Other municipalities have seen similar effects (2).

Common Sense Changes

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Kansas should pursue efforts to encourage citizen participation in elections through simple, common sense reforms such as election-day registration and permanent advance ballots. States across the country have enacted election-day voter registration, and seen increases in turnout over 10%. Counties across the state already do it by allowing a voter to re-register and cast a provisional ballot if they are already registered in another county. And although Kansas citizens can already vote by mail, voters must renew their status each year in a long, complicated process. No Kansas citizen should have to choose between going to work and casting a ballot. We have the opportunity to cut the red tape and unnecessary obstacles, making it easier to vote by mail. These simple reforms would provide greater access to the polls for members of the military, the elderly, young people, voters of color, low-income Americans, and busy professionals.

Local Control

This is an issue that ultimately should lie in the hands of local election professionals. These dedicated local public servants know what will best serve their communities. The issue of ranked choice voting is one of local control and falls under the Home Rule amendment to the Kansas Constitution which states, “Powers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities the largest measure of self government (3).” For these reasons, the issue of ranked choice voting should be left up to local decision makers.

We support the goals of ranked choice voting, but this is an issue that ultimately should be decided at the local level. Therefore, we are neutral on ranked choice voting in Kansas.

References:

1. <https://www.aclu.org/news/voting-rights/maine-passes-peoples-veto-overturn-legislature-and-preserve-popular-new-voting>
2. <https://www.aclu.org/news/voting-rights/maine-passes-peoples-veto-overturn-legislature-and-preserve-popular-new-voting>
3. <https://klrd.gov/publications/briefing-book-2021/home-rule/>