

Date: Wednesday, Feb 26, 2025

Bill number: SB6

Good Afternoon, Members of the Kansas House Committee Responsible for Elections,

I am an Opponent of this Bill. I am testifying on behalf of myself as a subject matter expert on Ranked Choice Voting. I am Larry R. Bradley, a retired U.S. Army Infantry Officer. I am currently an activist on behalf of local, regional and national efforts to use Ranked Choice Voting in American elections. Some of the groups I am involved with include FairVote.org, Rank the Vote Nebraska and Better Ballot KC.

Let me begin by noting that I was appalled last year by the testimony of the proponents of last year's attempt to ban RCV, SB 368. Their remarks were at best misinformed. I'll be kind and not call them out for lying, but they certainly misrepresented how RCV works and the benefits of using RCV. Since I expect they will show up again and make the same incorrect arguments, I want to begin by refuting what I expect them to say. For example, one of them claimed that legitimate ballots were thrown out. That is simply untrue. If the runoff feature of RCV is required to determine a majority winner, then defeated candidates are not allowed to continue to compete. This is similar to the principles of competition Americans readily accept in our athletic competition. If a team (candidate) wishes to make it to the next round of tournament competition, then they must defeat the opponent now in front of them. If those principles are acceptable for athletic competition, there is no reason they should not be acceptable for our elections. By the way, in the recent College Football playoffs, had the old process of the coaches and sportswriters poll been used, then two teams would likely have been chosen to play for the National Championship. But in the Playoffs, those two teams were exposed and defeated in the first round of competition by a total of 33 points in their two games. Similarly, the RCV process with its competitive principles is more likely to produce a winner acceptable to the majority of voters.

In addition, both of those proponents last year claimed that RCV was complicated. This ignores the exit polling done where RCV is used. In every instance where that polling is done, an overwhelming majority of voters decisively say that RCV is easy and they like it.

Those who make these kinds of arguments against RCV do so, I believe, because they have reached the conclusion that if they have to compete on a level playing field and get a majority to win an election, then their ideas are not strong enough to be acceptable to the majority of voters.

Last year I had an OpEd published in the Wichita Eagle and several other newspapers about Ranked Choice Voting (RCV) and I will focus my other remarks from that OpEd. Here is a link to the OpEd. <https://www.kansas.com/opinion/article284175523.html>

As I point out there, the antiquated ballot we use now in our elections has two flaws that cannot be fixed. Those flaws make that ballot completely inadequate for our modern society. First, we cannot guarantee a majority (50% plus one or better) winner with this ballot when there are multiple candidates for a single office.

A key phrase in the Declaration of Independence is “. . . the consent of the governed”. How do you have the consent of the governed when candidates are allowed to gain nominations and/or win elections with less than a majority of the vote? Answer: **You cannot. You do not have the consent of the governed.** We need a ballot that will guarantee a majority winner. The ballot we use now will not give us that guarantee. RCV will. Therefore, we should be looking to adopt RCV, not ban it.

The second major flaw of our current ballot is that it creates the phenomenon of the “spoiler scenario.” To quote directly from my OpEd—

“Imagine you go to vote on Election Day and on the ballot there is one candidate you are totally opposed to, one you normally favor but aren’t satisfied with, and one you would like to vote for, but are afraid to — afraid because you know from bitter experience that doing so could enable the victory of the candidate you’re most opposed to with only a plurality of the vote.”

Let’s look at real examples of this phenomenon. In the 2018 Kansas Republican Primary election for Governor, both Mr. Kobach and Mr. Colyer got 40.6% of the vote. The source I consulted said there were only 110 votes separating the two. Meanwhile, there were 59,128 votes for a total of 6 other candidates. With the ballot we use now, those votes were left twisting in the wind without the ability to weigh in on the final choice. If Kansas had been using RCV, then those voters could have expressed a secondary choice. The state’s Republican Party would then have had a consensus, majority choice to go forward to the General Election.

In 2016 in Missouri, Eric Greitens got the Republican nomination for governor with only 34.56% of the vote. In other words, over 65% of Republicans preferred someone else, but were unable to keep him off the general election ballot. Had Missouri had RCV, the 65% might have successfully achieved that.

Missouri Republicans confronted exactly this situation in August 2024 with 4 or more candidates per office on almost all the statewide offices on the ballot. One of the statewide candidates got his nomination with only 24%, not even half of the half we should be insisting on.

Opponents of RCV will try to convince you that RCV does not produce true majority winners. What they are trying to argue, in essence, is that if a #16 seed defeats a #1 seed and ends up going to the Championship game and winning, then they are an illegitimate winner. Nonsense. That #16 seed beat every opponent put in front of them. They are the Champion. The same principle applies to our elections. What is illegitimate is allowing people to get nominations or win elections with less than a majority of the vote.

Please do not conflate RCV with the “Top 5” approach and its “Jungle Primary”. I am opposed to that approach and had another OpEd opposing it published in the Kansas City Star. I have a copy in my packet. Here is a link to it. <https://www.kansascity.com/opinion/readers-opinion/guest-commentary/article256459511.html>

Let me quickly address three misconceptions about RCV.

Voters are not obligated to rank. Voters have the **option to rank**. If there are 5 candidates for an office, but you think 4 of the 5 are unfit/unqualified, then only vote for one. You vote counts for that candidate unless they are defeated. In that circumstance, your decision to vote for only one denies you the opportunity to weigh in on the remaining candidates. Voting for only one was your choice and you must accept the consequences. Really, a defeat in those circumstances is no different than the results from the ballot we use today.

Voters are only able to vote for one candidate in each round of voting. If rounds of voting are required in order to determine a majority winner, then in every round of voting the majority defeats the minority.

Elections are hiring decisions, not horse races. We need a process that gives us majority, consensus results. The 2022 results of the Alaska election using RCV illustrates these points.

To repeat, the process is not confusing. Exit poll after exit poll where RCV is used have substantial majorities say that RCV is easy, that voters like RCV and they want to continue with RCV.

One other factor to consider. Several states use RCV for the absentee ballots for military personnel. Using RCV enables service members to rank their choices, particularly in Primary elections. With a standard ballot, they may vote for a candidate who drops out between the time they mail their ballot in and the election is held. That vote is, therefore, wasted. RCV enables their vote to count. Passing this bill will make it impossible to provide more voting options to military personnel.

Finally, I will say that RCV is the path to political peace for all of us. That's because when the final result is in, the majority of voters will be able to say one of two things about the winner. Either, so and so was my first choice and I'm glad they won. Or, so and so was not my first choice, but they were one of my choices and I'm glad they won. The losers will know without a doubt that they lost and that will have a calming effect on us as a society because the losers will know, like it or not, that they were the minority.

Thank you for the opportunity to testify. I welcome your questions.