

SCOTT SCHWAB
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564
sos.ks.gov

STATE OF KANSAS

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Testimony on SB368 (Oral Neutral)

Senate Committee on Federal and State Affairs

Thursday, February 1, 2024

Chairman Thompson and members of the Committee:

Thank you for the opportunity to provide testimony on Senate Bill 368 prohibiting rank choice voting (RCV) in Kansas elections.

The purpose of RCV methodology is to ensure that if no candidate receives more than 50% of the initial vote, that the eventual prevailing candidate is the consensus choice of a majority of the voters, without having to resort to a separate runoff election.

RCV allows voters to mark their ballots indicating their first-choice candidate and then rank their subsequent choices. When election results are tallied, if no candidate receives more than 50% of the first-choice votes cast, the candidate with the fewest first-choice votes is eliminated from consideration and the votes for that candidate as first choice are distributed to the candidates who those voters ranked as their second choice. This process of elimination of candidates and redistribution of votes continues until one candidate has garnered more than 50% of the votes cast.

Currently in the United States, two states and about 50 municipalities employ RCV. These cities either run their own elections or are operating under state law allowing RCV pilot programs. About six states use RCV for only their UOCAVA (military and overseas) voters in the event of a runoff election.

In 1861, Kansas enacted what is now KSA 25-702 and mandated plurality methodology for "all elections for the choice of any officer . . ." (emphasis added) in Kansas. That is, one vote per office and the candidate with the most votes wins. The law, therefore, prohibits the use of rank choice voting in Kansas. Indeed, the only election veering from the plurality election mandate are precinct committee elections to fill vacancies, which require a majority vote. KSA 25-3902(e). Moreover, on a practical level, no Kansas county can currently conduct a RCV election.

The Secretary does not, however, believe SB368 is redundant. First, it ensures there is no potential for a novel interpretation of KSA 25-702. Second, it clearly bars municipalities from employing an expansive application of home rule to use rank choice voting in a city election.

There are several valid reasons to oppose adopting RCV.

First, after 163 years, the Kansas public is accustomed to plurality voting and without strong grassroots advocacy or public demand, policymakers should be reluctant to pursue such a fundamental change to voting procedures.

Second, RCV is substantially more complex for voters to understand, and the process can confuse and discourage voters from ranking every candidate, resulting in voter exhaustion, creating skewed results.

Third, implementing RCV would require significant and expensive changes to voting infrastructure, including modifications to voting machines, ballot design, and tabulation systems; changes to the post-election audit; as well as costs associated with voter education.

Sincerely,

Clayton L. Barker
Deputy Secretary of State, General Counsel
Office of the Kansas Secretary of State
clay.barker2@ks.gov