

Opponent Oral Testimony on Senate Bill 368

Senate Committee on Federal and State Affairs

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Chair Thompson, Members of the Committee,

What problem is solved by SB368? What solution does SB368 provide?

It is unclear what problem SB368 seeks to address. To my knowledge, Ranked-Choice Voting (RCV) is not currently utilized at any level in Kansas elections. The only instance I know of is the 2020 Democratic Presidential Caucus which was a unique situation and it's unclear if this bill could legally ban such practices since party caucuses are internal political party affairs.

Since this bill does not appear to respond to a specific issue or event that has occurred, it raises the question of why the legislature is entertaining a hearing?

2017 Interim Committee on Ranked-Choice Voting

In the Fall of 2017, the Kansas Legislature held a full-day interim committee to study Ranked-Choice Voting. This was mostly done at the urging of the House Elections Committee Chairman Keith Esau. Ultimately, the committee recognized a multitude of benefits that RCV provides, but did not recommend any changes be made to state law. Part of the concern discussed was how outdated some Kansas voting equipment was at the time which would make administering RCV difficult in some counties. In many ways, the committee appeared supportive of RCV, but Kansas generally wasn't prepared to adopt it state-wide.

The Committee did note that local governments were authorized to implement RCV under Kansas law. Again, they did not believe this was a problem, did not recommend any changes, and appeared to have a general belief that if RCV is adopted it may be best to happen on a local level as a test for the state.

Does Ranked-Choice Voting not Solve Concerns Raised by the Legislature?

Broadly, the Kansas legislature has raised concerns over the years about situations such as both Sam Brownback and Laura Kelly becoming Governor with only a plurality of the vote instead of a 50%+1 vote majority. Ranked-Choice Voting which is more simply understood as instant-runoff voting is a clear option for addressing these concerns.

Undermining Local Control and Home Rule

Following a concerning trend in recent years, the only clear purpose of SB368 is for the Kansas legislature to usurp the authority of local governments and undermine the right to home rule.

Conclusion

SB368 usurps the authority of local communities, does not solve any problem, and goes against the recommendations of an interim committee which more thoroughly studied the issue than is possible during a regular session committee meeting. We recommend this committee oppose SB368. Thank you. I'm happy to stand for any questions when appropriate.