

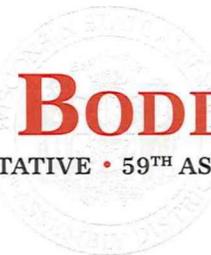
Testimony on Assembly Joint Resolution 101**Assembly Committee on Campaigns and Elections****Tuesday, January 30, 2024**

Thank you, Chairman Krug and members of the Campaigns and Elections Committee for the opportunity to testify in favor of Assembly Joint Resolution 101. I extend my gratitude to Senator Stroebel, Representative Green, and Representative Goeben for their leadership on this legislation.

This constitutional amendment, proposed to the 2023 legislature for first consideration, aims to prohibit the use of ranked-choice voting in Wisconsin elections and voting for candidates from more than one political party in partisan primaries held in the state. The designation "101" is fitting, symbolizing the defense of fundamental voting methods that are integral to our republic's core and have been in practice since the inception of our country – essentially, Elections 101.

Prohibiting ranked-choice voting in Wisconsin is crucial for maintaining the integrity of our election system and ensuring constituents can trust the fairness of our electoral processes. Ranked-choice voting introduces complexity by requiring multiple rounds of tabulation at a central location, resulting in prolonged delays in reporting preliminary election results, in a couple of cases over a month, in jurisdictions where it has been implemented. At a time when faith in our elections is at an all-time low, adopting voting methods like ranked Choice voting could further contribute to voter apathy.

Moreover, this system encourages voters to predict candidates' survival in each round, creating opportunities for strategic manipulation by political campaigns and special interests to influence election outcomes. This voting method may lead to individuals casting ballots incorrectly, inadvertently assisting candidates they do not support by ranking them as third, fourth, or fifth choices. Numerous instances



Ty BODDEN

STATE REPRESENTATIVE • 59TH ASSEMBLY DISTRICT

highlight thousands of ballots being discarded, and anomalies where the majority party does not secure victory. There have even been instances where results have been overturned due to a computing error. Voting should be simple: one ballot, one count.

The 59th Assembly District and many Wisconsinites expect the Wisconsin legislature to champion the integrity of our elections and ensure the accurate counting of every vote. This constitutional amendment aligns with those expectations. Ranked-choice voting is wildly unpopular in my district and that is why Senator Stroebel and I introduced this as a constitutional amendment, to end the argument for good and put this terrible idea to rest.

Once again, thank you for your time and consideration of this bill.



DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

Testimony on AJR 101

January 30, 2024

Thank you Chairman Krug and committee members for your consideration of Assembly Joint Resolution 101, the first consideration of a constitutional amendment to prohibit the use of ranked-choice voting in Wisconsin elections. If passed by successive legislatures and approved by the voters, Wisconsin would join five other states in prohibiting the practice.¹

Ranked-choice voting is an umbrella term that refers to a process in which voters are required to rank each candidate on the ballot by order of preference, rather than voting for one candidate for each office. In other words, ranked-choice voting and its most common iteration known as “instant runoff” voting are inextricably intertwined.

The integrity of our election system is rooted in the principle of one person, one vote, which is fundamentally altered through ranked-choice voting. One of the biggest issues associated with this voting method is “ballot exhaustion,” which occurs when voters do not rank every candidate on the ballot.² If the candidates who these voters did rank are eliminated through the initial rounds of tabulation, then their ballots are effectively excluded from the final vote total. As a consequence, a candidate can be elected without being the choice of the majority of the electorate, but rather a majority of the voters whose ballots were considered in the final round of tabulation.

Another issue with ranked-choice voting is the complex tabulation process, which has resulted in significant errors and extended delays in the reporting of election results.³⁻⁵ At a time when the process for reporting election results has come under increased scrutiny, ranked-choice voting would only serve to exacerbate the erosion of public confidence and trust in government and our election system.⁶

The experience with ranked-choice voting in other states has led researchers to conclude that the voting method has failed to deliver on proponents’ claims of increasing voter turnout, producing more issue-oriented campaigns and elevating more moderate candidates.⁷ An incentive still exists for voters to make predictions about who will be left standing following each round of tabulation, as opposed to ranking competing candidates based on their merits.⁸ Political campaigns and special interests have responded by strategizing to encourage voters to misrepresent their preferences.⁹ Ranked-choice voting elections have still featured plenty of negative campaigning and have not proven to be a panacea for reducing partisan polarization or improving voter turnout.¹⁰⁻¹⁵

There’s little evidence to suggest that adopting an alternative voting method would bring about the transformative changes to our political environment envisioned by many proponents of ranked-choice voting. Thus, AJR 101 seeks to protect our time-tested election system from such experimentation by reinforcing the principle of one person, one vote in the Wisconsin Constitution.

References:

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- ⁴ J.R. Stone (2022). Alameda Co. finds error in ranked-choice voting system, investigating Oakland school board race. *ABC 7 News*. <https://abc7news.com/ranked-choice-voting-oakland-school-board-director-district-4-race-mike-hutchinson-alameda-county-registrar-of-voters/12626221/>
- ⁵ Al Weaver (2022). Alaska set to announce results from 'confusing' ranked choice system. *The Hill*. <https://thehill.com/homenews/state-watch/3747213-alaska-set-to-announce-results-from-confusing-ranked-choice-system/>
- ⁶ Pew Research Center (2023). Public Trust in Government: 1958-2023. <https://www.pewresearch.org/politics/2023/09/19/public-trust-in-government-1958-2023/>
- ⁷ Penny Thomas and Lawrence Jacobs (2023). Where's the evidence supporting Ranked Choice Voting Claims? *Hupert H. Humphrey School of Public Affairs*. <https://www.hhh.umn.edu/research-centers/center-study-politics-and-governance/research-and-initiatives-cspg/ranked-choice-voting>
- ⁸ Oxford Reference (n.d.). Gibbard-Satterthwaite theorem. <https://www.oxfordreference.com/display/10.1093/oi/authority.20110803095851273>
- ⁹ Dominic Fracassa (2018). Jane Kim, Mark Leno team up against London Breed in SF mayor's race. *San Francisco Chronicle*. <https://www.sfchronicle.com/bayarea/article/Jane-Kim-Mark-Leno-team-up-against-London-Breed-12905048.php>
- ¹⁰ Todd Donovan & Caroline Tolbert (2023). Civility in Ranked-Choice Voting Elections: Does Evidence Fit the Normative Narrative? *Representation*. <https://doi.org/10.1080/00344893.2023.2219267>
- ¹¹ Peter Buisseret & Carlo Prato (2022). Politics Transformed? How Ranked Choice Voting Shapes Electoral Strategies. *Political Institutions and Economic Policy*. https://projects.iq.harvard.edu/files/piep/files/rcv_20220325.pdf
- ¹² Nathan Atkinson, Edward B. Foley & Scott Ganz (2023). Beyond the Spoiler Effect: Can Ranked Choice voting Solve the Problem of Political Polarization? *University of Illinois Law Review*. <https://dx.doi.org/10.2139/ssrn.4411173>
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Wisconsin Assembly, Campaigns and Elections

10 am, January 30, 2024, Room 300 Northeast

John Pudner, Testimony AGAINST AJR 101 (Ranked Choice Voting & Final Five Ban)

Take Back Our Republic Action Registered to Lobby Against AJR 101 and SJR 94

How Final Five is Good For Conservatives

Thank you, Chairman Krug. I am John Pudner, testifying on behalf of Take Back Our Republic Action, which opposes AJR 101. I appreciate you giving both sides of the Final Five debate the chance to speak at a public hearing, and that of those few Final Five opponents who testified at that hearing, just as a few of us, who do support Final Five, wanted to testify at this hearing for those who seek to have Final Five included in this potential ban of any and all ranked ballots.

I would also like to note that Final Five supporters had to get through a snowstorm to get to our hearing, so I'm glad our opponents had better weather today for their hearing.

Unlike other Ranked Choice Voting systems designed to beat conservatives, Final Five is not designed to change who wins. Rather, it's designed to change the incentives for elected officials to better ensure accountability and results for their constituents. If you're one of the lucky few who believe Congress is currently working, well, then there isn't much reason to consider Final Five.

Nonetheless, I believe there is a pretty strong case that the current system is not helping candidates electorally, particularly those of us who are conservative, in Wisconsin:

- o In the last few highly contested races statewide, conservatives have been so divided in primaries that we've cannibalized ourselves wasting resources - money, time, and energy - resulting in general election losses. As for the other half of Final Five, in 2020, Joe Biden won 49% of the left-of-center vote against 51% of the right-of-center vote divided between the pro-life Solidarity Party, Constitution Party, Libertarian Party, and Republicans.

§ The first sign I saw that the current system was causing problems for conservatives was when Tommy Thompson – who had won his last election for governor by 21 points – had to go through a 4-way primary for the US Senate, winning with 34% of the vote while Tammy Baldwin won her primary by 99.5% of the vote, cruising to a 7 point win over Thompson.

Because of this, we don't have Governor Michels or Kleefisch, Senator Thompson or Vukmir, or Justice Kelly.

- o Furthermore, millions in out-of-state liberal money is flowing into states across our Republic, both in primaries and general elections:

§ In Primaries: Trying to advance the weaker conservative candidate.

§ In General Elections: Trying to spoil conservative candidates with independent and third-party candidates.

Final Five mitigates these political challenges for conservatives by allowing multiple conservative candidates to make the general election ballot. This can strengthen us by:

- o No longer incentivizing 3rd Party attack commercials in the primary and thus driving away supporters of the 2nd place candidate.
- o Mitigating primary infighting.
- o Saving resources to pool against general election opponents, not each other;
- o Influencing behavior (e.g., we never would have had fiscal responsibility in the 90s if Perot didn't show voters wanted it by proving there was a base for the issue). Final Five encourages this, without spoiling the election.
- o Giving voters a way to hold elected officials accountable. We know Congress has less than 20% approval, yet a 95% re-election rate, so something is off. As State Legislators, you need to balance the budget - we need a way to incentivize Congress to do the same.

To Address the Anti-Ban Arguments in this Proposed Amendment

This proposed ban tries to address something that doesn't exist, so I can only think of a few reasons.

While some states, like California, legislate through long issues ballots, the reason the Founders set a Constitutional Republic, instead of a Democracy, is to work through these issues via the legislative process. I'd argue this should be done unless a method, such as a Constitutional Amendment, is the only way to stop something like judicial activism. For example, if I believe a judge makes a terrible decision to throw out a law that passed through the legislative process, then I'm all for taking a Constitutional Amendment to the people for a vote:

- o Unlike Nevada, which does take items to ballot, and where voters did pass a Final Five referendum while also voting to get rid of their liberal Governor who opposed it, I find it ironic that those who say Wisconsinites would vote for a pro-life Solidarity Party candidate, would then be confused when deciding if they wanted to choose Biden or Trump as their second choice. They want to take Wisconsin down the California road of asking voters to read through pages of potential laws to figure out which is best.

The one group that would love nothing more than to put all your bills on the ballot is political consultants. The highest income of my life came when I received 35 win bonuses for 35 ballot measures one day in a state that uses them a lot. I made more money than one night in win bonuses than I made in a year here in a statewide election. Too often, ballots are won by the side who gets to write the language and/or has a ton of money.

Let me give you an example - in Michigan last year, Voter ID, which is supported by 70% of Americans, was outlawed on a ballot referendum because out-of-state liberal donors came up with clever wording to make voters think they were voting to require a photo ID be shown to vote when a YES vote did the opposite.

What if this type of ban was passed in every red state? It wouldn't stop the Ranked Choice Voting systems with 11 or 22 candidates on the ballot in places like San Francisco, New York, or Portland.

It would, however, have stopped Virginia Republicans from using a ranked ballot that resulted in Glenn Youngkin's upset victory in their primary. It would stop the ranked ballot that we passed in Georgia a few years ago for those defending us overseas - a measure strongly supported by even those trying to ban other ranked ballots there. It would have stopped Nevada voters from passing Final Five the same day they booted their liberal governor who tried to stop Final Five.

Let's call a spade a spade - this proposal would make people think they were voting to stop the Ranked Choice Voting ballots in San Francisco or New York when, in fact, this plan is really to stop Final Five (which I think it is):

- o If so, then my question is why do you need a ban to keep you from passing a bill that you're not required to pass?
- o If, after looking into it thoroughly, you don't want to pass Final Five, you don't need to pass Final Five. State legislation requires the vote of the legislature. I chaired the Republican legislative aides in another state for years and I know you need to weigh the opinions of the 12 vocal people who say they are going to primary you for 12 different reasons, and the many others who call or write - when a state goes to just putting everything in the ballot those concerned citizens become much less important.
- o You don't need a ban keeping you from passing something you don't want to do.

Also, passing the ban to keep you from doing what you already don't need to do would mean that you would have to put this Constitutional Amendment to the voters. This would require a campaign, which costs millions to run ads to tell voters why they need to vote to ban something that they don't even know exists. That will take a lot of money from conservative donors when that could be better spent on conservative voter priorities and candidates for office.

To sum up, I believe, as I have stated, that Final Five is highly beneficial for both voters and candidates. I also believe, as a partisan, that it puts conservatives in a position to deliver results.

So, let me close with three questions and points:

1. Why are we really discussing a Constitutional Amendment to ban Open Primaries and Ranked Choice Voting?
2. Why are we really discussing a ban that is promoted primarily by out-of-state interests?
3. I think the most truly conservative thing we can do here is let the legislature keep their freedom to do what they think is best, on behalf of their constituents, on Final Five when the time comes.

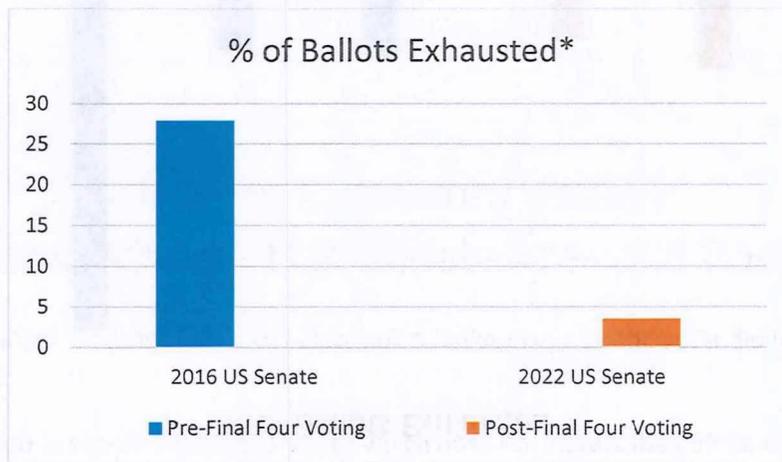
Keep the legislature free. Don't pass the ban. Thank you.

Alaskan Exhausted Ballots: A Comparison—U.S. Senate Pre- and Post-FFV

What is an “exhausted ballot” in an instant runoff election? A ballot on which the voter did not ultimately vote for one of the top two candidates.

What is the mirror situation in plurality voting? A ballot which does not impact the outcome of the election because the vote cast is not for one of the top two candidates.

Myth: There are rarely exhausted ballots in plurality voting.



2016 US Senate

Total Votes Cast: 311,441 | **Exhausted Ballots*:** 86,934 (27.9%) | **Blank or Error:** 9,830 (3.2%)

Party	Candidate	Vote
Republican	Lisa Murkowski	44.4% (138,149)
Libertarian	Joe Miller	29.2% (90,825)
Independent	Margaret Stock	13.2% (41,149)
Democratic	Ray Metcalfe	11.6% (36,200)
Independent	Breck Craig	0.8% (2,609)
Independent	Ted Gianoutsos	0.6% (1,758)
N/A	Write-in	0.2% (706)

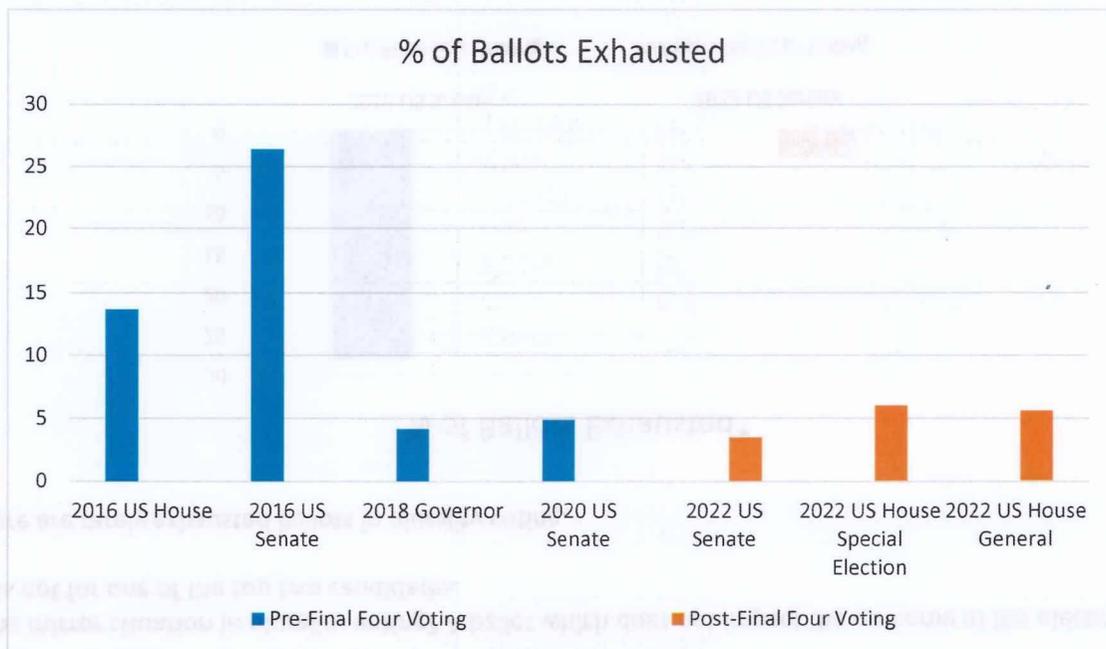
*Denotes ballots not cast for one of the top two candidates.
Data obtained from the Alaska Division of Elections Website.

2022 US Senate

Total Votes Cast (First Choice): 261,705 | Exhausted Ballots: 9,107 (3.5%) | Blank or Error: 3,826 (1.5%)

Party	Candidate	First Choice Votes	Round One Runoff	Round Two Runoff	Final Round Runoff
Republican	Lisa Murkowski	43.4% (113,495)	43.4% (114,118)	44.5% (115,759)	53.7% (136,330)
Republican	Kelly Tshibaka	42.6% (111,480)	42.6% (112,101)	44.3% (115,310)	46.3% (117,534)
Democratic	Pat Chesbro	10.4% (27,145)	10.7% (28,233)	11.2% (29,134)	Eliminated
Republican	Buzz Kelley	2.9% (7,557)	3.3% (8,575)	Eliminated	Eliminated
N/A	Write-In	0.8% (2,028)	Eliminated	Eliminated	Eliminated

Additional Races – Pre- and Post-Final Four Voting



*Denotes ballots not cast for one of the top two candidates.
Data obtained from the Alaska Division of Elections Website.

Assembly Committee on Campaigns and Elections
Committee Chair: Rep Scott Krug

Testimony to be Delivered on 1-30-2024

Assembly Joint Resolution 101

Chair Krug and members, My name is Matt Dean from Heartland Impact and I am here to share our concerns with ranked choice voting, and support for Joint Resolution 101. Heartland Impact is the advocacy and outreach affiliate of The Heartland Institute, a nearly 40 year old public policy research organization based in Arlington Heights, Illinois. Both are independent, national, nonprofit organizations working to discover, develop, and promote free-market solutions to social and economic problems. Heartland Impact specializes in providing state lawmakers the policy and advocacy resources to advance free-market policies towards broad-based economic prosperity.

As political activists seek to complicate, extend, and subject to influence, elections, voters need to protect their ballot. Covid emergency declarations extended voting time, and dramatically increased mail-in balloting. States across the country are adopting ranked choice voting to further influence voters after they have ballot in hand.

Here in Wisconsin, SB 528 which was heard last month, would require the use of so-called “final- five” voting in primaries, which would (regardless of party) advance five candidates from a California-style “Jungle Primary” into a complicated ranked-choice voting (RCV) system to replace traditional Election Day voting.

Ranked Choice Voting will just make things worse for voters already frustrated with a process many already believe to be unfair and untrustworthy. RCV makes ballots harder to cast, harder to count and more susceptible to outside influence.

Ranked Choice Voting makes it harder to vote because your constituents are forced to not only learn about every candidate for each race, but they are also asked to handicap the race in a way that could tilt the balance in favor of a candidate they do not want. Unlike delegates in an endorsing convention (a process I am sure you are all familiar with), your constituent won't know which candidate is eliminated between rounds of voting.

Ranked Choice ballots of course are harder to count. Round after round of iterations, as last place candidates are eliminated, some of your constituents' votes are thrown out. In a five-candidate race, you are voting for one person and against four with increasing levels of distaste. This leads to voters naturally leaving off their least favorite candidates.

In our republic, we believe every legal vote should be counted. But under RCV, so-called “exhausted votes” (those eliminated because of incomplete ballots) are uncounted. In 2018, Maine's first trial with RCV 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. The other ballots didn't count in the final tally because they did not include rankings for the top two candidates. That translates to more than 6 percent of voters who tried to cast a ballot but had the same impact on the election as they would if they had just stayed home.

I'd like to conclude by bringing things a little closer to home and share some experiences from one state who has had experience with RCV, your neighbor, and my home state of Minnesota.

Since 2009, Minnesota has 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. "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," said Ellen Cousins, chair of the "Yes to Repeal RCV" committee.

In the 2017 Minneapolis Mayoral election voter turnout was only 43% despite two previous elections with RCV. Jacob Frey emerged from the 16-candidate field after five rounds of counting. 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% of votes. Neither race was decided on election day.

In 2023, Minnesota proposed a statewide RCV bill that does many of the same things SB528. The experiences of the municipal elections in Minnesota caused legislators to wisely tap the brakes. 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."

-END-



ELECTION TRANSPARENCY INITIATIVE

Fighting for transparent, secure, and accountable elections all voters can trust.

Statement of Hon. Kenneth T. Cuccinelli, II
Chairman, Election Transparency Initiative
Assembly Committee on Campaigns and Elections
January 30, 2024

Chairman Krug, Vice-Chair Maxey, and members of the committee, thank you for affording me the opportunity to discuss Election Integrity and the Assembly's responsibility to implement such measures in Wisconsin.

I am Ken Cuccinelli and I am the Chairman of the Election Transparency Initiative, where we work every day to help improve the transparency, security, accessibility and accountability of elections in every state, so that every American—regardless of color, creed or party affiliation—has confidence in the outcome of every election. I previously served as the Attorney General of Virginia, the Acting Deputy Secretary of the Department of Homeland Security, a member of the Virginia State Senate, and a private attorney and litigator.

Top of mind for today's hearing is a constitutional amendment which I support, Assembly Joint Resolution 101, to prohibit any elections in your state from being decided by the confusing, complex, and costly system of 'Ranked-Choice Voting' (also known as 'Instant-Runoff Voting' and 'preferential voting').

RCV is a scheme that has made voting more difficult, reduced transparency, and put confidence and certainty at risk when implemented in public elections, with horror stories in Alaska, California, Colorado, Maine, New York, Utah, Virginia and elsewhere. The result is an epidemic of disenfranchised voters whose ballots no longer are counted fairly and equally.

Make no mistake, RCV is intended to dramatically push our politics to the Left, to elevate Left-leaning politicians, and to weaken political parties in order to empower the Left-wing megadonors who are financing a nationwide campaign to promote this dangerous system.

It has come to our attention that Democrat megadonor and former Obama Administration official Katherine is among a group of deep-pocketed individuals currently funneling Left-wing money into Wisconsin, including contributions accepted by conservative groups as well as the campaigns of numerous Republican lawmakers. While recipients may not be familiar with these funding sources, the purpose of such allocations is to ensure Republicans not publicly oppose RCV in lieu of earning their affirmative support.

RCV requires a voter to rank each candidate on the basis of 'least bad' by assigning a numerical designation to the candidate the voter favors most to the candidate the voter favors

least. If no candidate receives more than 50 percent of first-choice votes in the first round of voting, the last-place finisher is eliminated, and each ballot cast for that candidate is reallocated to the voter's second-choice candidate. This process continues until one candidate receives a majority of votes.

What happens when a voter does not rank every candidate, and his choices are eliminated? The ballot is deemed 'exhausted' and is thrown out.

For example, Alaska Democrat Mary Peltola won the state's 2022 at-large congressional seat even though nearly 60 percent of voters cast their ballots for a Republican. According to one analysis by the Foundation for Government Accountability, this race also saw nearly 15,000 votes discarded due to 'ballot exhaustion,' of which more than 11,000 were from voters who voted for only one Republican candidate and no one else.

In a 2018 Maine congressional race, then-incumbent GOP Rep. Bruce Poliquin lost to Democrat Jared Golden despite Poliquin winning the most votes in the first round of voting. According to the FGA analysis, more than 8,000 ballots were deemed 'exhausted' and thrown out.

Often, so many ballots are thrown out due to 'ballot exhaustion' that candidates only win a majority of the remaining votes, but not a majority of all votes cast. And here, the most radical elements of the Democrat party stand to benefit most.

"While both major political parties have a history of promoting RCV, it's primarily Democrats who are pushing states and localities to adopt the practice for future elections," *The Federalist* reported. While 74 pro-RCV bills were introduced in state legislatures this past year, as noted by FGA, 57 were sponsored exclusively by Democrats with just eight percent of the total bills receiving bipartisan support. Conversely, 16 of the 17 bills opposing RCV were introduced by Republicans.

The reason Democrats and their allies are intensely pursuing RCV, according to FGA, is that it "is a scheme of the Left to disenfranchise voters and elect more Democrats." *The Federalist* writes that "Democrats use the complexities associated with RCV to diminish confidence in elections among U.S. voters"—ultimately to cement their power by deceptively maneuvering their radicals into elected office by defeating regularly elected lawmakers through backhanded means.

Last November in Colorado, "[t]he city of Boulder, a bastion of progressive politics, hub for Democratic socialism and ivory tower of liberal ideology, almost elected a former Republican as mayor," *Axios* reported. But "then ranked choice voting came into play."

RCV consolidated the second-place votes from a Democratic Socialists of America-backed third-place challenger behind the incumbent liberal Democrat, who acknowledged that without ranked choice voting, he may no longer be mayor. "Certainly ranked choice is very different from a plurality winner" system, he said.

"Ranked choice voting really made a difference and changed the outcome of our mayor's election," insisted the third-place finisher. "What ranked choice voting allowed us to get was someone who is a more center-left candidate."

It is unsurprising that RCV's proponents would wish to suppress opposition given RCV's poor track record.

A 2023 [report published](#) by University of Minnesota's Hubert H. Humphrey School of Public Affairs found that a careful review of RCV "fails to support four of the advocates' promises for improvements over today's system." Additionally, evidence shows "no difference in turnout in cities using RCV compared to those using the current system. They report errors, confusion, and lower turnout due to the greater complexity of RCV and its process of ranking candidates and tabulating multiple rounds of voting."

Last April, the Alaska Supreme Court [ruled](#) that an independent candidate for U.S. House was improperly removed from the state's confusing special election ballot in 2022. The candidate withdrew from the race after finishing third among 48 candidates in the ranked-choice special primary election that year. The Democrat candidate, who finished fourth, went on to win both the ranked-choice special election in August and the ranked-choice regular general election in November, which under the law should have been a four-person field.

RCV is being advanced by the radical Left, yet the practice is even [opposed](#) by Left-leaning organizations such as the National Association for the Advancement of Colored People which recognize its existential threat to voters.

"Ranked choice voting is not beneficial to minorities. It's voter suppression," said Hazel Dukes, president of the NAACP New York State chapter. "I hope that the courts see that ranked choice voting is not right for democracy."

The Democrat stronghold of Arlington, Virginia [hit brakes](#) on RCV last summer after being the first municipality in the state to use it during the June primary. "...[T]he County Board opted not to implement ranked-choice voting in its general elections for board seats in November, pointing to confusion about the process," it was reported.

With regard to Virginia, I would like to touch on the inaccurate claim put forward by RCV proponents that Governor Glenn Youngkin would not have sealed his nomination over the Republican gubernatorial field had it not been for the party's use of a multi-round, ranked tabulation system at their 2021 convention. As an activist in that contest, I know firsthand that this system did not change the outcome for governor, lieutenant governor, or attorney general. In fact, Youngkin won every round of balloting and would have won under a plurality rule nevertheless, but the ranking of candidates did induce confusion for both voters and candidates that ultimately required more time and teams of experts supervising the process to sort out the results.

Although I do not support RCV use at any level of public or political party elections, the prerogative of parties as private entities does not equate to that of public elections for federal, state, and local elections which must be transparent, accountable, and deliver clear results at all costs. There is a fundamental difference between relatively small, intra-party

elections and public elections involving millions of statewide voters. Last year, Republican committees representing some of Virginia's most populous counties passed resolutions officially opposing RCV use, including in Fairfax and Loudoun counties.

But let us also consider the Democrat Party in Washington, D.C., which rejected RCV implementation in 2023 asserting that it would disenfranchise voters and end partisan primaries "that could undermine the rights of registered Democrats to choose their nominees for public office."

"We firmly believe that every voter, regardless of party affiliation or independent status, should have the right to freely choose their preferred candidate," the party's statement said. "The current electoral system in the District ensures that no one is disenfranchised, providing ample choices for voters to engage with the political process and participate in the general election," officials added.

In fact, D.C. Democrats subsequently sued to keep RCV off the ballot, arguing that the measure violates the U.S. Constitution and the Home Rule charter, discriminates against minority voters, and "has caused and will cause ongoing harm to Plaintiffs and other residents..."

"Allowing 80,000 non-affiliated voters to participate in partisan elections would undermine the intent of the Charter and dilute the votes of party members who seek to nominate party candidates to stand in subsequent general elections," the suit reads.

I would emphasize that in a 2023 resolution the Republican National Committee formally rejected RCV implementation "and similar schemes that increase election distrust, and voter suppression and disenfranchisement, eliminate the historic political party system, and put elections in the hands of expensive election schemes that cost taxpayers and depend exclusively on confusing technology and unelected bureaucrats to manage it."

The RNC added that it "calls on Congress, state legislatures, and voters to oppose ranked choice voting in every locality and level of government and return elections to easier systems that have worked for centuries for fair and transparent elections."

Now more than ever we need to protect the right to vote in free and fair elections voters can trust, but the disastrous RCV scheme does precisely the opposite.

RCV is an Election Integrity wrecking ball, is never workable and should always be prohibited. Several states have already acted to ban the practice, and I urge you to carefully assess this information as you continue consideration of AJR 101. I would also like to commend Representative Bodden for introducing this critical amendment.

In December the Election Transparency Initiative led a coalition of a dozen grassroots and public policy organizations—all with concerned members from Wisconsin—in a letter to this committee voicing our shared concerns with RCV. The letter was also addressed to members of Assembly and Senate leadership.

I am available to answer any questions regarding these important issues at your convenience. Provided here is a comprehensive list of RCV horror stories. Please visit StopRCV.com to learn more or view our fact sheet.

###

Written Testimony

To Wisconsin Assembly Committee on Campaigns and Elections

Rep. Scott Krug, Chairman

Scott Walter

President, Capital Research Center

January 30, 2024

Chairman Krug, Vice Chairman Maxey, and distinguished members of the Committee, thank you for the honor of testifying. I'm Scott Walter, president of the Capital Research Center, a think tank that specializes in identifying special interests and the money flows they use to push state and federal policies.

We track the special interests that aim to influence how Americans vote, including efforts to introduce ranked-choice voting, or RCV.¹ Though this scheme was first used in America a century ago, it was largely forgotten until tens of millions of dollars began to be put behind it in the last several years.

Like many special interests, the donors pouring money into this election scheme frame it as a "nonpartisan" idea. But the cash behind RCV demonstrates that is *not* true. Left-wing Democrats are its largest boosters.

You may or may not decide RCV is desirable. As an out-of-stater, I won't presume to tell you what's best for Wisconsin. But please don't fall for false claims that centrists or nonpartisans are the main backers of RCV, or that lots of conservative donors support it.

Left-wing megadonors who've put cash behind RCV include Sam Bankman-Fried, the disgraced cryptocurrency tycoon who was the second largest Democratic Party donor in the 2022 cycle, behind

¹ See <https://capitalresearch.org/article/ranked-choice-voting-part-1/>.

only George Soros.² Second, Katherine Gehl, a Wisconsinite and former head of Gehl Foods, is almost certainly the largest single donor to RCV campaigns. She was a bundler for Obama,³ though she now donates to some Republicans she needs to pass RCV laws. But it's almost impossible to find her giving to Republicans before 2018.⁴ She also supports the group Democracy Found, among others.

Ebay billionaire Pierre Omidyar is another major donor to RCV. He's a megadonor to numerous left-wing causes and probably the largest donor in America to so-called NeverTrump efforts.⁵ On election issues, he not only supports RCV but also such dubious policies as expanding vote by mail.

The two most prominent, well-funded groups pushing RCV are FairVote and Unite America, both supported by left-wing megadonors. FairVote has received support not only from George Soros but also from his son Jonathan.⁶ Omidyar also supports FairVote, as do the Tides Foundation and the Rockefeller Brothers Fund—two left-wing philanthropies currently under fire for funding left-wing activists linked to violent anti-Semitic protests and even Palestinian terrorist groups.⁷

FairVote also receives major support from Laura and John Arnold. Some RCV boosters point to the Arnolds' ties to Texas oil and gas interests, implying the Arnolds are conservative or Republican donors, but as our InfluenceWatch reports, their giving in recent years is "center-left."⁸

Unite America is the other major group supporting RCV. It tries to camouflage its leftward tilt toward Democrats by having an advisory board with a roughly bipartisan split, but members of its

² See <https://www.nbcnews.com/meet-the-press/meetthepressblog/sam-bankman-frieds-downfall-deprives-dems-key-donor-rcna57091>.

³ See <https://www.vox.com/policy-and-politics/23412858/nevada-question-3-final-five-voting-katherine-gehl>.

⁴ See <https://www.opensecrets.org/donor-lookup/results?name=Katherine+Gehl&order=desc&page=1&sort=D>. The lone exception I can find is \$500 to Republican Jack Ryan in 2003.

⁵ For Omidyar personally, see <https://www.influencewatch.org/person/pierre-omidyar/>. For his network of politically active nonprofits, see <https://www.influencewatch.org/non-profit/omidyar-nexus/>.

⁶ See <https://www.influencewatch.org/non-profit/fairvote/>.

⁷ See <https://www.washingtonexaminer.com/news/hamas-protests-bankrolled-democratic-dark-money-tides-israel>, <https://www.ngo-monitor.org/funder/tides-network/>, <https://nypost.com/2023/12/02/metro/rockefeller-brothers-fund-funding-palestinian-terror-groups/>, <https://www.ngo-monitor.org/funder/rockefeller-brothers-fund/>, and <https://www.influencewatch.org/non-profit/rockefeller-brothers-fund/#anti-israel-activities>.

⁸ See <https://www.influencewatch.org/for-profit/arnold-ventures/>.

governing board overwhelmingly donate to Democrats.⁹ Its largest donor is Kathryn Murdoch, whom RCV supporters sometimes imply is not a left-leaning Democrat because she married into the family of Fox News' owner Rupert Murdoch. In fact, she *is* a left-wing Democrat who worked for the Clinton Climate Initiative and donated heavily to the Hillary Victory Fund.¹⁰

In short, though occasionally a Republican donor like Ken Griffin or Michael Porter has supported RCV, it's overwhelmingly a crusade funded by left-wing Democrats. I suspect they support it because by ending partisan primaries, it would gravely weaken *both* political parties,¹¹ which in turn would strengthen the billionaires' political power, because both parties would lack the power to oppose billionaires' whims.

Thank you.

⁹ See <https://www.influencewatch.org/political-party/unite-america/>.

¹⁰ See <https://www.influencewatch.org/person/kathryn-murdoch/>.

¹¹ That RCV would profoundly weaken political parties is admitted in this left-leaning defense of RCV: <https://www.vox.com/policy-and-politics/23412858/nevada-question-3-final-five-voting-katherine-gehl>.

Reinemann, John

From: Eli Huber <eli.huber@heritageaction.com>
Sent: Tuesday, January 30, 2024 9:01 AM
To: Rep.Krug
Subject: Heritage Action Supports Anti-Ranked-Choice Voting Resolution

Hello Representative Krug,

My name is Eli Huber and I am the Wisconsin State Director at Heritage Action for America, a grassroots organization with two million grassroots activists nationwide, including thousands of Wisconsinites.

Heritage Action urges the Assembly Committee on Campaigns and Elections to protect Wisconsin's elections and prohibit Ranked-Choice Voting by Supporting AJR 101

Ranked-Choice Voting (RCV) fundamentally changes the election process and is fraught with problems. [This report highlights the many issues with Ranked-Choice Voting which include:](#)

- **RCV is prone to errors.** Alameda County, California officials admitted two months after a 2022 school board election that they had incorrectly tabulated the RCV votes and had certified the wrong person as the winner. No election official noticed the mistake because of the overly complicated process of RCV vote counting until an outside advocacy group flagged the issue.
- **RCV disenfranchises voters.** Nearly one in three voters do not rank multiple candidates in RCV elections. Thus, if a voter does not rank all the candidates in a race, that voter's ballot may be thrown out in subsequent rounds of vote tabulation. In the 2021 New York mayor's race, by the eighth round, the ballots of more than 140,000 voters had been thrown out because they did not completely rank all candidate choices. These voters were effectively disenfranchised due to "ballot exhaustion."
- **RCV undermines the democratic process.** The ultimate winner in RCV is often not the choice of a majority of voters who participated in the election and thus, does not have a genuine mandate from a majority of voters.

Our nation was built on the consent of the governed. When citizens believe elections produce clear results between known opposing ideas, they learn to live with results even if they do not like the outcome. Ranked-Choice Voting is a gimmick that would undermine Wisconsin's elections.

Please support and pass AJR 101.

If you have any questions or if I can be of any assistance please let me know

Best,
Eli Huber
Wisconsin State Director
Heritage Action For America

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Eli Huber

State Director

Heritage Action for America

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January 30, 2024

Chairman Scott Krug
Members of the Committee on Campaigns and Elections

Chairman Krug and Members of the Committee,

Please accept this testimony in opposition to Assembly Joint Resolution 101. This proposed Constitutional Amendment goes to the most extreme measure possible to stifle political innovation in favor of a failing status quo.

As a co-founder of Democracy Found and Democracy Found Action, I can attest to the years we have spent advocating for Final Five Voting. We have worked with Wisconsinites from across the political spectrum to build support and we appreciated sharing hours of powerful testimony in support of AB563 with your committee on January 9, 2024. I recommend re-watching highlights from that hearing [here](#). Relevant points from my testimony are included below.

The intent of Final Five Voting is not to change *who* wins elections, but instead aims to realign the incentive structure for our representatives in Congress to appeal to and be accountable to a broader swath of voters in their district. This gives them the power to get things done.

With a greater emphasis on general elections, rather than primaries, and ensuring the ultimate winner of a U.S. House or U.S. Senate seat attains over 50% of the vote, our expectation is that Final Five Voting would force behavioral change in Congress, an institution that is miserably failing Wisconsin voters and the American people.

AJR101 is an extreme reaction to efforts at political innovation. It would be shortsighted for the legislature to constitutionally ban a bipartisan attempt at fixing our electoral incentives while simultaneously failing to offer any alternative proposals to address Congress' dysfunction.

Passing AJR101 would also have a chilling effect on future attempts at meaningful election reforms. At a time when our elected representatives at the federal level are largely prevented from applying their own innovative ideas, for fear of a partisan primary, we should not be sending the message that new ideas will be immediately shut down, forever, through extreme action such as amending our state's constitution.

Thank you for your consideration.

Austin Ramirez
CEO, Husco International
Co-Founder and Co-Chair of Democracy Found and Democracy Found Action

**From Transcript of Testimony to WI Assembly Committee on Campaigns and Elections
January 9, 2024
Hearing in Support of Final Five Voting, AB563**

***Austin Ramirez, Co-Founder and Co-Chair, Democracy Found Action
CEO, Husco International, Waukesha, WI***

I'll be brief. I'm Katherine's co-founder. I'm Austin Ramirez. I'm a business and manufacturing leader in Wisconsin. It's always hard to follow Katherine. She's the expert on this.

I just want to make a few quick comments. Usually when I'm in this building, I'm talking about one of two things. The first is, how do we enact more policies in Wisconsin to make it business friendly and manufacturing friendly? And the second is how do we fix our broken K-12 education system? And we touched on that this morning. And I do a lot of advocating for parent choice when I'm in this building.

When I partnered with Katherine to start this advocacy effort for Final Five Voting Wisconsin, it was out of sheer frustration with what's happening in Washington, D.C., and I think a lot of people in this room share that frustration with me.

I'm not a super partisan guy. I'm a pragmatic guy. I'm a business leader. And I just looked at it and said, Washington is broken. We need a fix. It makes no sense that 85% of elections are decided in the primary. It makes no sense. And so we assembled a group of Wisconsinites across the political spectrum. We've got, everyone from the far right to the far left that all have very, individual and particular policy preferences that span the range of ideologies. But they all agree that DC is broken and that we need a more effective way to both elect and incentivize the people that we send to office. And I'll stop there.

In response to a question about AJR101:

So, I got to go back to the education discussions that happened in this building about 35 years ago. And education was failing, particularly in Milwaukee. And we, the leaders of the state, decided to allow parents to have a choice in their children's education. And today, almost 35% of the kids in Milwaukee are educated through the parental choice program.

And I just think... we had an unacceptable status quo in our education system 35 years ago. And if we would have decided to make a constitutional amendment against changing our education system, where would we be today?

And I think it's a similar analogy here. We've got an unacceptable status quo in D.C. I doubt there's anybody in this room that would take the other side of that argument, that D.C. is not working as it should, and to pass a constitutional amendment on potential solutions, I think, would be unwise.



Honorable Members of the Wisconsin Assembly Committee on Campaigns and Elections:

My name is Andrew Mangione, Senior Vice President of AMAC Action, the Association of Mature American Citizens' (AMAC) advocacy affiliate. As the leading alternative organization for Americans who are age 50-plus, AMAC represents more than 2.1 million members nationwide and over 48,000 members in the great state of Wisconsin.

AMAC members care strongly about election integrity and the need for free and fair elections. For this reason and on behalf of our Wisconsin members, AMAC Action offers our strong support for AJR 101, a measure to ban the use of ranked-choice voting in the state of Wisconsin.

As previously mentioned, AMAC represents Americans aged 50-plus, and time and again; the evidence shows that ranked-choice voting hurts the democratic process, especially those over age 50 who have spent more than 30 years using the simple and effective one-person, one-vote system. My testimony will outline the problems created by the ranked-choice voting system.

First and foremost, we must look at the complexity created by ranked-choice voting compared to the current system. Our current system's simplicity is its strongest feature; one person has one vote for one candidate for each open office. Ranked-choice voting does the opposite by forcing voters to choose multiple candidates, including some for whom they have little information, creating confusion. Ranked-choice voting is also more likely to lead to errors on the ballot, which creates systematic unfairness in the election.

Moreover, the complexity leads to confusion. Changing to a new, unnecessary system will confuse Wisconsin voters. Ranked-choice voting is a complex system that will disenfranchise voters who are unfamiliar with how to rank their choices. Voters should be confident in their elections; ranked-choice voting degrades that confidence.

One of the worst outcomes of using ranked-choice voting is gaming the voting system instituted by campaigns. Campaigns more familiar with the ranked-choice voting system will get supporters to vote strategically to reduce the likelihood of opponents making it through the tabulation rounds. A candidate favored by a large percentage of the electorate could see their rank voted lower because the second-place campaign urges their voters to do so, even if many of that candidate's supporters also support the first-place candidate. Gaming the system is unfair to the voters.

In addition to the undemocratic components I have already mentioned, the financial impact should not be ignored. Wisconsin has and should continue to invest in secure voting technology; however, any election using ranked-choice voting requires a much more significant investment

in technology to help validate the rankings and recount the votes as candidates are removed. In addition to the technology costs, a massive voter education campaign is necessary to inform voters of the new and different voting system.

Finally, I want to raise the issue of ballot errors leading to contested elections. As previously mentioned, the increased complexity of ranked-choice voting leads to confusion for voters. Campaigns affected by the confusion have a solid case to make to their supporters that the voting system, not lack of support, caused them to lose. Already, we have seen the discord created when voters do not trust the integrity of their elections. Ranked-choice voting is not the appropriate method for ensuring fair and secure elections.

In conclusion, ranked-choice voting is a solution in search of a problem. Wisconsin already has free and fair elections based on the principle of one person, one vote. As I have outlined today, this committee should reject ranked-choice voting and continue to ensure that Wisconsin's elections remain free and fair.

Thank you for your time and consideration, and for the opportunity to testify today.

Andrew J. Mangione Jr.
Senior Vice President
AMAC Action



Snead

**Written Testimony of Jason Snead
Executive Director, Honest Elections Project
Assembly Joint Resolution 101
Wisconsin Assembly Committee on Campaigns and Elections
January 30, 2024**

Thank you for the opportunity to testify today on Assembly Joint Resolution 101, a measure to ban the use of ranked-choice voting in Wisconsin. My name is Jason Snead, executive director of the Honest Elections Project, a nonprofit group founded on the principle that every American has the right to vote in free, fair, and secure elections. I also serve as the co-chair of the Stop RCV coalition, a nationwide network working to halt the spread of RCV. While I cannot endorse particular legislation, I can warn you of the dangers posed by ranked-choice voting.

To be blunt, RCV makes voting harder and puts public confidence in elections in jeopardy.

To understand why RCV is so corrosive to public trust in elections, consider how a ranked-choice election works. Though RCV has many names—"Final Five," "Instant-runoff," and more—it is a scheme with a common goal: to do away with the American tradition of "one person, one vote," and instead to ask voters to rank numerous candidates for each office by order of preference. RCV computes winners through a series of elimination rounds. If no candidate wins a majority of the first-place vote, the candidate with the least first-place votes is eliminated and ballots cast for them are redistributed to each voter's next highest pick. This process repeats until a single candidate claims a majority of the remaining votes.

RCV makes every stage of the voting process more complicated, so much so that enormous effort must be put into reeducating the public. New York City spent \$15 million to teach people how to vote in an RCV election, while Maine was forced to produce a 19-page guide for voters.

All of this takes more time than voters are accustomed to. First, voters must study the platforms of numerous candidates for each office, including many who are fringe or otherwise unelectable. Then they must decide which candidates to rank, and the order in which to rank them, for every RCV race on a ballot. One MIT study found that filling out a ballot takes 12 seconds longer per candidate compared to typical plurality elections. In a "Final Five"-style system, RCV adds a full minute per race. In other words, if RCV advocates succeed in replacing federal, state, and local elections with ranked-choice voting, the time it takes to vote could easily double, risking long lines, voter fatigue in down-ballot races, and potentially deterring people from voting altogether.

Tabulating votes is also a challenge. With RCV, tabulation cannot begin until every ballot is received, meaning delayed results. Recounts only compound the issue. Candidates looking for any edge may demand recounts of close elimination rounds knowing that changing the order in which candidates are eliminated can upend the final results of the election. In other words, RCV increases the likelihood of post-election challenges, recounts, and litigation.

Because of the complexity of RCV, it is possible that tabulation mistakes can go undetected. In fact, Oakland, California experienced this firsthand in 2022. Tabulators mistakenly eliminated

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hundreds of votes and certified the wrong winner in a school board contest. Were it not for an outside audit by RCV experts, that error would likely have gone undetected.

Another significant issue is the problem of so-called “exhausted” ballots, that is, if voters do not rank every available candidate, and if their choices are eliminated before a final winner is computed, their ballots are eliminated as well. With each round of elimination, it appears as though fewer people voted. For example, roughly 140,000 ballots were exhausted in New York City’s mayoral race in 2021, while roughly 11,000 ballots were exhausted in Alaska’s 2022 special congressional election.

Eliminating exhausted ballots is the only way RCV can deliver on its signature promise to ensure that candidates win with majority support. But with RCV, this “majority” is merely manufactured by eliminating ballots and redistributing votes. Again, consider the Alaska special election: If the roughly 11,000 exhausted ballots are added back to the vote totals, Congresswoman Mary Peltola’s margin shrinks from a 51.5% majority to a 48.4% plurality.

The problems with RCV’s majoritarian mirage run even deeper. A first-place vote clearly does not signal the same level of support for a candidate as a third-place vote. The latter may signify indifference, opposition—or perhaps nothing at all, if the mark was made randomly by an exhausted voter ranking his 50th candidate of the day. Yet RCV treats every ranking as a vote for a candidate, and manufacturers majorities based on second- and third-place votes.

This is hardly the only area where RCV has fallen short of its promise. A 2023 study by the Hubert Humphrey School of Public Affairs at the University of Minnesota concluded that ranked-choice voting failed to reduce political polarization, increase diversity among election officials, increase voter turnout, or decrease negative campaigning. In fact, one study of RCV in Maine found that “negative spending increased significantly...casting doubt on the claim that RCV makes campaigns more civil.”

With these deficiencies in mind, it is hardly surprising that so many jurisdictions have tried ranked-choice voting only to repeal it shortly thereafter. Proponents tout a Utah RCV pilot program that recruited two-dozen participants, yet over half of the original participants have withdrawn citing public confusion and RCV’s failure to deliver on its promises. Polling suggests a clear majority of Alaskans wish to repeal RCV, and such an effort is presently underway.

The push for ranked-choice voting is not an organic, bottom-up movement led by local activists. It is a concerted national campaign by a small group of elite liberal megadonors to remake elections across the nation. They are funding local advocacy groups, hiring lobbyists, facilitating media coverage, and spending tens of millions on ballot measure campaigns.

Americans want elections with clear rules that deliver clear winners. RCV offers neither. Ranked-choice voting makes voting harder and turns elections into a complicated black box.

RCV simply puts public confidence in elections at risk, which is why five states have banned it and many more are advancing legislation to stop its spread. Thank you for the opportunity to testify.

Ennis



**Written Testimony of Chad Ennis
Vice President, Honest Elections Project
Assembly Joint Resolution 101
Wisconsin Assembly Committee on Campaigns and Elections
January 30, 2024**

Thank you for the opportunity to testify today on Assembly Joint Resolution 101, a measure to ban the use of ranked-choice voting in Wisconsin. My name is Chad Ennis and I am Vice President of the Honest Elections Project. Prior to joining HEP, I served the state of Texas as the Director of the Forensic Audit Division of the Texas Secretary of State. In this role, I audited the process of election administration to ensure that localities were following Texas laws and good election practice.

Rank choice voting (RCV) makes the already difficult job of election administration even harder. That is why the Colorado County Clerks' Association opposed RCV in Colorado noting that it would "create a confusing scenario for voters" and a "complicated morass" of voting styles.

RCV's advocates ignore its major logistical hurdles, such as the long lines it creates in polling places. Voting lines are subject to many factors, including the number of polling locations, check-in stations, and voting machines. But another driver of lines is the amount of time a person spends voting. When a voter lingers in the booth, lines grow. In November 2022, voters in Harris County, Texas were faced with one of the longest ballots in the nation. The elections administrator estimated that each voter would take between seven and ten minutes to vote.

This was without RCV. Imagine now if that same voter had to rank up to five candidates in every race. Independent studies have found that each candidate in an RCV election adds 12 seconds to voting. Accordingly, in a final five system, each RCV race will require an additional minute of voter time. The time to vote could easily double, swelling lines and potentially deterring voters.

RCV elections have been marred by weeks-long delays in declaring winners. For example, in New York City's 2021 Democratic Mayoral Primary it took 15 days to declare a winner. More recently, in Alaska's November 2022 General Election it took even longer to tabulate the votes and declare the winners. And these races were even not particularly close.

The truth is long wait times for results are inherent with RCV. Candidate elimination cannot begin until every ballot has been returned. That means that every provisional, mail, military, and absentee ballot must be returned and processed before tabulation can begin. Provisional ballots present problems, but mail-in ballots are much worse.

The delays get even worse if there are recounts. And RCV makes recounts and lawsuits more likely. Each round of elimination could be narrowly decided, and a mere change in the order in which low-ranking candidates are eliminated could change the outcome of the entire election.

RCV advocates often insist that election delays are mere nuisances, but they present real problems for election security and voter confidence. We count ballots on election night for a



reason, as it denies bad actors an opportunity to stuff ballot boxes. The delays caused by RCV annihilate this natural safeguard. Every extra day that ballots sit presents an opportunity for ballots to appear, disappear, or just get lost, and for public doubt to creep in.

RCV is confusing to voters. It has taken massive campaigns to educate voters, not on the candidates, but rather the simple mechanics of voting. New York City, for example, spent \$15 million to educate voters on how to vote in the 2021 Democratic Primary. And Maine produced a 19-page manual to explain their system.

Many noteworthy Democrats and advocacy groups agree that the complexity of RCV is bad for voters. Here are a few examples of how they have described the effect on voters:

- “Ranked choice voting is overly complicated and confusing. I believe it deprives voters of genuinely informed choice.” Jerry Brown, former Governor of California
- “Where it has been implemented, I am concerned that it has often led to voter confusion, and that the promise that ranked choice voting leads to greater democracy is not necessarily fulfilled.” Gavin Newsom, Governor of California
- “[Ranked choice voting] would make our system more confusing, error-prone, and exclusionary.” Steve Sisolak, Governor of Nevada
- “Ranked choice voting is not beneficial to minorities. It’s voter suppression...I hope that the courts see that ranked choice voting is not right for democracy.” Hazel Dukes, Past President of the NAACP

The problems of RCV were on full display in the Alameda County, California school board race. Initially, it appeared that the election had gone off without a hitch, the election was certified, and the “winner” was sworn in. However, weeks later independent researchers uncovered that there were errors in how the votes were tabulated and that the declared winner was, in fact, the loser. It turns out that over 200 voters did not include a first-choice candidate on their ballots. The tabulation machines were incorrectly programed to reject these ballots entirely instead of moving the voter’s second choice to first place.

As a result, months of litigation ensued. Fortunately, the correct winner was eventually seated four months after the election.

The mistakes that led to this debacle would have been easily spotted in a traditional election, but they were missed because of RCV. The process is too opaque for even simple mistakes to be event.

RCV is complicated for both voters and elections administrators. It is simply too cumbersome to adopt.

Written Testimony submitted to Wisconsin Assembly Committee

Assembly Joint Resolution 101

January 30, 2024

Lori Roman, Chairman and CEO, American Constitutional Rights Union Action Fund

Thank you for the opportunity to provide written testimony on Assembly Joint Resolution 101, a measure to ban what is commonly referred to as “Ranked Choice Voting” or “RCV” in Wisconsin. My name is Lori Roman. I am the Chairman and CEO of the American Constitutional Rights Union and American Constitutional Rights Union Action Fund. This testimony is presented on behalf of the Action Fund and in support of AJR 101.

The American Constitutional Rights Union (www.theacru.org), formerly the American Civil Rights Union, was established in 1999 by close advisors to President Ronald Reagan--Robert Carleson and Attorney General Edwin Meese III--to stand against harmful, anti-constitutional ideologies that have taken hold in our nation’s courts, schools, and bureaucracies. Since 2013, the organization has worked diligently to protect the integrity of elections. Attorney General Meese still serves on our Board of Directors and offers important leadership and guidance to our work.

ACRU and ACRU Action Fund are the nation’s leaders in protecting vulnerable voters. In January 2020, we launched our Protect Vulnerable Voters Project, and this led to our groundbreaking Center for Vulnerable Voters (www.centerforvulnerablevoters.org). We work to protect the voting rights of Americans, with particular attention paid to the elderly, disabled, those in residential facilities, and military voters. We were the first organization to ever take on this issue to ensure their votes are not suppressed or stolen.

Below is a link to an op ed by ACRU Board Members Ed Meese and former Ohio Secretary of State Ken Blackwell, which serves as an excellent summary of this important project: <https://townhall.com/columnists/edwinmeeseiii/2022/08/02/the-most-despicable-form-of-vote-fraud-n2611123>

Vulnerable Voters already struggle to exercise their voting rights. They are susceptible to vote fraud, vote suppression, and barriers to voting. Even for those vulnerable voters who are not in residential facilities, Ranked Choice Voting (also called “Instant-Runoff Voting (IRV)”) is complicated, confusing, and challenging. It will further disenfranchise these voters and will increase the likelihood that they will not vote or will seek assistance from someone who may ignore their free choice and fill out the ballot for them.

Activists pushing Ranked Choice Voting say that it is simple.

It is not simple. It is complicated and confusing. It disenfranchises voters and makes vulnerable voters more susceptible to vote fraud and suppression.

The elderly residents we speak with on a regular basis are deeply disturbed by what they perceive as a confusing and complicated change in the election process. One elderly nursing home resident we spoke with stated:

“I understand that technology will move forward at a pace I can’t understand or catch up with. That’s fine. But I always thought participating in civil discourse and the political process was something that would remain evergreen. This new voting process is deeply confusing and feels like something designed to keep me from participating in something in which I’ve taken great pride – our election process. I’ve seen the instructions. I’ve listened to people describe how to work this new ballot. I’m just not interested. It’s not meant for me. It’s meant to keep my thoughts and opinions and values from being a part of the system.”

When speaking with both homeless and disabled voting constituencies and their advocates we’ve received similar feedback. RCV is too complicated to empower them to vote without direct assistance, especially those in group homes. And direct assistance makes them vulnerable to vote fraud.

Activists push Ranked Choice Voting by promoting it in and for the military.

The Left recognizes that Americans love and support the military, so they use the military to advance their RCV propaganda. Everyone knows there are challenges in military voting, so the Left presents RCV as the solution. But RCV will only make it more difficult and more complicated for military voters. ACRU advocates for military voters and there is more information at www.protectmilitaryvotes.org.

Military voters are already disenfranchised to a great degree, but RCV will make it much worse.

Only 26% of military members voted in 2018.

One Service Member said this about Ranked Choice Voting:

“I’m proud to cast my ballot and participate in the system—but really my job is to protect the system. This new configuration makes the process even more complicated than before. I already knew my vote was likely not going to be counted, but now I feel like I will be participating in a mock election. It doesn’t make sense.”

ACRU's Center for Vulnerable Voters focuses on:

- Enabling vulnerable voting constituencies to protect their vote and exercise their rights.
- Ensuring election officials, poll watchers and poll workers understand how to protect the integrity of all votes.
- Training and educating residential facility staff in how to protect voting rights.
- Educating citizens to actively participate in protecting their loved ones and fellow citizens.
- Educating and engaging policy makers and officials in ensuring election integrity for vulnerable voters.

We are the nation's leading expert on protecting the voting rights of vulnerable citizens and fully support AJR 101 to prohibit ranked choice voting.

For follow up questions and more information, I may be reached at lori.roman@theacru.org.

American Constitutional Rights Union Action Fund

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VETERANSFORALLVOTERS.ORG

Tuesday, January 9, 2024

Wisconsin State Assembly Committee on Campaigns and Election
via Committee Clerk Reinemann
Wisconsin State Capitol
2 East Main Street
Madison, WI 53703

RE: Top-five Primaries and Instant Runoff Voting, AB 563

Thank you for hearing Assembly Bill 563, related to top-five primaries and instant runoff voting for the offices of U.S. Senator and U.S. Representative in Congress.

The undersigned are all U.S. military Veterans, and we have been directly affected by the dysfunction of Congress. Too often the cost of this dysfunction is measured in the lives of fellow service members or our own health and welfare. We don't believe current Senators and Representatives are bad people. Rather, the current electoral process forces elected officials to placate party elites, fringe voters, and special interests to stay in office instead of being responsive to the majority of their constituents.

The solution is moving to top-five primaries and instant-runoff voting for U.S. Senators and Representatives from Wisconsin. Such a change will not necessarily result in different people being elected, but it will allow those elected to act in the best interest of their district, our state, and all its citizens. It will also allow those running for Congress to be completely open and honest during their primary and general campaigns rather than striving to placate fringe voters or extreme but influential outside groups.

Though we are all veterans, we have vastly different experiences, ideologies, interests, and priorities, yet we all recognize the lack of constituent accountability Congress faces due to our electoral process. Even those who want to properly serve their electorate are often hogtied by this same electoral process.

This bill, AB 563, will make U.S. Senators and Representatives from Wisconsin more accountable to all their constituents while rewarding them for common sense problem solving. This bill will help restore veterans' faith that Congress will actually pass laws and budgets that will be good for us as well as current and future service members. It will help ensure that when the US is involved in conflicts around the globe, it will be for reasons of national security and in the best interest of our country.

We strongly urge you to support passage of AB 563. The undersigned Wisconsin citizens and Veterans provide this letter of support for AB 563.

Signed,

Bill Berrien, Whitefish Bay, U.S. Navy Veteran
Toby Canapa, Milwaukee, U.S. Army Veteran
Michael Clay, Cumberland, U.S. Navy Veteran
Brian Coker, DeForest, U.S. Air Force Veteran
Hugh Devlyn, Milwaukee, U.S. Army Veteran
Ryan Gagnon, Franklin, U.S. Marine Corps Veteran
Jennifer Gollnick, Milwaukee, U.S. Air Force & Army
Veteran
Daniel Krause, Oregon, U.S. Army Veteran

Eldon McLaury, Fitchburg, U.S. Army Veteran
Kevin Miller, McFarland, U.S. Army Veteran
Mark Pfost, New Lisbon, U.S. Navy & Army Veteran
James Reimer, Cumberland, U.S. Army Veteran
Conor Smyth, Madison, U.S. Navy Veteran
Christian Walters, Elm Grove, U.S. Army Veteran
Joshua Wilson, Eau Claire, U.S. Marine Corps Veteran
Chris Wysong, La Crosse, U.S. Army Veteran
Zach Zabel, Oshkosh, U.S. Navy Veteran

Statement in Opposition to AJR 101 from Kevin Miller, Volunteer with Veterans for Wisconsin Voters

Thank you for the opportunity to testify today. My name is Kevin Miller. I am a life-long resident of Wisconsin, a retired Army colonel, and a volunteer with Veterans for Wisconsin Voters, an affiliate of Veterans for All Voters.

Our organization was formed in 2021 by U.S. military veterans out of the frustration of having served to support and defend our constitution and democratic republic only to see many of us being denied true say in selection of our elected representatives. Half of all military service members and veterans consider themselves independent and most don't belong to a political party. When we serve, we are completely nonpartisan. Our current election system disenfranchises all these citizens who have sacrificed for our country.

All service members do agree to make sacrifices and even give their lives if necessary for the honor of defending our country. Their family members make even greater sacrifices, including having to live with an unfillable void when their service member is killed.

I recently came across the letter I left for my eight-year-old son when I deployed to Afghanistan in 2008 hoping he would understand why I was leaving; that he would be without his dad for a year—and hopefully only a year—because someone had to make the hard choice to fight our nation's battles. I obviously did come home, but at least three families will not have their soldier come home after the attack in Jordan this past weekend. And hundreds of family members are dealing with the anxiety of wondering if their soldier was one of the dozens injured and, if so, how severe are the injuries.

I share this to illustrate there is sometimes a price to pay for making the right choice; a sacrifice for having moral courage. I know that as elected officials, you face pressure to make certain choices and sometimes that pressure is accompanied by threats of what it will cost you politically if you make the wrong choice. Sadly, these demands and threats typically come from those in your own political parties and with similar ideologies.

The organizations pushing AJR 101 are threatened by open primaries and Final Five Voting. They know these changes would be good for democracy; they would give voters real choice and power; they would make primary elections meaningful to all voters; and elected officials would have incentives to listen to their constituents and do what they know is right without fear of the political fallout.

Three weeks ago, you heard over five hours of testimony on open primaries and Final Five Voting. That included Republican Senator Cathy Giessel, the Alaska Senate Majority Leader. She testified how staunchly she opposed the citizen referendum on Final Four Voting and how she campaigned against it. She was convinced by the same voices who today are arguing for ABJ 101 saying it is too complicated, that it will allow candidates with little support to get elected, that voters' ballots will be thrown in the trash, that it would cause a loss of trust in elections. Then Senator Giessel experienced being a candidate and serving as a legislator under Final Four Voting and now she realizes it is the best means possible of saving our democratic republic.

Today you are hearing testimony on a proposed amendment to the Wisconsin constitution. Constitutional amendments, whether state or federal, should be limited to protecting citizen rights. Assembly Joint Resolution 101, in fact, is specifically written to limit the rights of citizens and expand the rights of political parties.

Those pushing this amendment argue that open primaries and any form of “ranked choice voting” is a threat to our country and democracy, when in fact the only threat they provide is to those who currently enjoy immense power and control over who gets elected. Behind the scenes, many of these same people will threaten legislators who don’t support AJR 101 with loss of campaign resources or even a primary opponent. This is exactly the sort of power and control those pushing this amendment want to preserve.

I ask you to make the difficult right choice—to have the moral courage—to say no to AJR 101. Stand up for the voters of Wisconsin. You may not be ready yet to adopt open primaries and Final Five Voting, but you must not further efforts to restrict such opportunities in the future. And you absolutely must not harm our legacy of local control by restricting municipalities in Wisconsin from choosing their system for local elections, including forms of instant runoff.

Thank you again for the opportunity to testify. I am happy to answer any questions you may have.

Submitted by Kevin Miller, 5964 Prairie Wood Drive, McFarland, WI 53558; 608-345-9098; kevinmiller@knowresponsibility.com



TESTIMONY SUPPORTING AJR 101

**Wisconsin Assembly Committee
on
Campaigns and Elections**

January 30, 2024

Brian Sikma, *Visiting Fellow*
Opportunity Solutions Project

Good morning, Chairman Krug and members of the committee. My name is Brian Sikma and I'm a visiting fellow at the Opportunity Solutions Project, a non-profit, non-partisan organization dedicated to promoting policies that expand freedom and opportunity for all Americans. More importantly, I'm a Wisconsin resident and Wisconsin voter.

I'm here today to testify in support of Assembly Joint Resolution 101, which would amend the Constitution of the state of Wisconsin to prohibit the use of ranked-choice voting in any election conducted in our state.

Ranked-choice voting is a complex process that makes elections more confusing for voters and observers.¹ Hidden behind its promise of consensus-driven outcomes is a dark truth: ballots are thrown out to fabricate fake 50-percent-plus-one electoral margins. The mechanism itself doesn't lead to a much-hyped better result. Instead, the process fabricates an outcome by tabulating and re-tabulating votes, manipulating and shuffling ballots around like a deck of cards until enough of them are discarded that an eventual winner can emerge.

To work as advertised, voters must rank *all* candidates appearing on the ballot to ensure their vote counts. The process of ranking is the process of determining which candidate you want your vote to support in a certain round of tabulation.

But what happens if a voter doesn't agree with every candidate on the ballot? What if one or more candidates hold a position that a voter finds so extreme and distasteful that they would prefer not to vote for that candidate under any circumstance? In that case, a voter's ballot could be discarded as succeeding rounds of tabulation unfold.

Should Wisconsin really require voters to pick between their ballot being counted and voting for a candidate they fundamentally disagree with?

None of this is hypothetical. Our neighbors in the City of Minneapolis implemented ranked-choice voting for their 2013 mayoral race. Instead of a normal race with a handful of candidates, nearly three dozen people signed up to appear on the ballot, with voters confronting hundreds of possible ranking permutations when they went to the polls.² After 33 rounds of tabulation in which thousands upon thousands of ballots were tossed into the trash because voters chose not to vote for certain candidates, an eventual winner emerged.³

Betsy Hodges went on to work with a city council that was likewise elected through ranked-choice voting and under her leadership, Minneapolis began to reduce the size of its police force. After only one term in office, she was succeeded by Jacob Frey, who won only after ranked-choice voting required one in every five ballots cast in the 2017 mayoral race to be thrown out.⁴

Policy choices initiated by both Hodges and Frey have had significant negative outcomes for Minneapolis: There is now more crime and fewer cops on the street to protect residents.^{5 6} Ranked-choice voting may be policy agnostic, but as a mechanism, it gave political office to polarizing figures

who secured their power only after tossing the ballots of thousands of Minneapolis voters in the trash.

Of course, Minneapolis isn't the only city to suffer from ranked-choice voting. In New York City, a stunning 150,000 ballots were trashed before the final results of the 2021 Democratic mayoral primary were figured out.⁷ Across the country in Oakland, California, election officials had to embarrassingly retract the certified results of a ranked-choice election when a computer glitch was found to have shifted votes incorrectly during rounds of tabulation.⁸

Trust in election outcomes is tough to gain and easy to lose. In 2016 and again in 2020, diverse coalitions of Wisconsin voters expressed misgivings about the outcome of the presidential election. As we stand here again in a battleground state in what will no doubt be a contentious election year, do we really want to tell Wisconsin voters that a system designed to intentionally discard ballots is something we're open to using?

Policymakers across the country are increasingly making it clear that a system that intentionally trashes ballots has no place in their elections. Since 2022, Florida, Tennessee, Idaho, Montana, and South Dakota have all enacted legislation banning ranked-choice voting.⁹ Massachusetts voters overwhelmingly went to the polls to vote down a referendum to adopt ranked-choice voting in their state, and back-to-back Democratic governors in California vetoed ranked-choice voting bills, citing the complexity of the process.^{10 11}

I urge you to protect every lawfully cast ballot in Wisconsin and vote in favor of AJR 101. No Wisconsin voter should wonder if his or her ballot will be discarded to create a fabricated election outcome.¹²

Thank you for your time today and I'm happy to answer any questions you may have.

References

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² "Minneapolis sorts out 35 candidates," Associated Press (2013), <https://www.politico.com/story/2013/11/minneapolis-mayor-35-candidates-099439>.

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⁴ City of Minneapolis, Official 2017 Election Results, <https://vote.minneapolismn.gov/media/-www-content-assets/documents/2017-Mayor-Results-Summary.pdf>.

⁵ Nick Halter, Axios Twin Cities (2023), <https://www.axios.com/local/twin-cities/2024/01/02/violent-crime-homicide-declines-minneapolis-saint-paul-2023>.

⁶ Jay Kolls, KTSP (2023), <https://kstp.com/kstp-news/top-news/violent-crime-in-minneapolis-trending-downward/>.

⁷ The City, "2021 NYC Democratic primary results," The City (2023), <https://projects.thecity.nyc/nyc-2021-primary-election-results/democratic.html>.

⁸ J.R. Stone, "Alameda Co. finds error in ranked-choice voting system," ABC7 News (2022), <https://abc7news.com/ranked-choice-voting-oakland-school-board-director-district-4-race-mike-hutchinson-alameda-county-registrar-of-voters/12626221/>.

⁹ FL S.B. 524 (2022), TN S.B. 1820 (2022).

¹⁰ Simon Rios, "Voters Say 'No' to Ranked-Choice Voting in Mass," WBUR (2020), <https://www.wbur.org/news/2020/11/04/question-two-ranked-choice-voting-massachusetts-no>.

¹¹ Jennifer Bracerias, "Ranked-choice voting threatens to distort election outcomes," the Boston Globe (2019), <https://www.bostonglobe.com/2019/12/12/opinion/no-it-threatens-distort-election-outcomes/>.

¹² Madeline Malisa, "FGA's Madeline Malisa on The Vicki McKenna Show: Wisconsin Ranked-Choice Voting Would Be a Disaster," the Foundation for Government Accountability (2023), <https://thefga.org/blog/fga-madeline-malisa-vicki-mckenna-show-wisconsin-ranked-choice-voting/>.