



RON TUSLER

STATE REPRESENTATIVE • 3rd ASSEMBLY DISTRICT

Testimony on Assembly Bill 563 Assembly Committee on Campaign & Elections January 9, 2024

Chair Krug and committee members,

Currently, fewer than two in ten Americans say they trust the government in Washington to do what is right "just about always" (1%) or "most of the time" (15%) according to a September 19, 2023 survey conducted by Pew Research. This troubling trend comes at a time when bad actors in the Federal government are prosecuting their political opponents to try and interfere with the outcome of an election. Considering all that has occurred, most people can agree that the current system is broken.

The reasons stated above are why I am here to advocate for Assembly Bill 563 which proposes to update the election method for federal elections in Wisconsin (U.S. Senators and U.S. Representatives) to Final Five Voting.

The essence of Final Five Voting lies in its ability to reshape the incentives for those elected to office. Rather than altering the identity of elected officials, it fundamentally changes their motivations. Under Final Five Voting, officials are elected by and accountable to a wider electorate, encouraging them to focus on comprehensive solutions to our nation's challenges.

Final Five Voting, inspired by Alaska's recent reforms, simplifies the election process into a more voter-centric approach. By eliminating the low-turnout, separate Democratic and Republican primaries, it combines all candidates into one primary. Voters cast a single vote to determine the top five candidates who then advance to the general election. In this election, voters rank up to five candidates in order of preference. The innovative instant runoff voting system then kicks in, eliminating the lowest-ranked candidates in successive rounds until a candidate emerges with over 50% support. This method not only increases voter choices but also emphasizes the importance of candidates' ideas and solutions, echoing the democratic ideals of the Founding Fathers.



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The beauty of this system is that it caters to both committed ideological voters and those seeking more mainstream options. Voters can prioritize their preferred candidate while still having the opportunity to support a more established party candidate as a secondary choice. Also, this system eliminates the need for independents or leaners to turn to a third party or abstain from voting and reduces the likelihood of strategic funding in primaries to promote a weaker candidate from the opposing side. This nuanced approach promises a more balanced and representative electoral process.

Thank you for considering Assembly Bill 563. I am happy to answer any questions the committee may have.



JEFF SMITH

WISCONSIN STATE SENATOR – 31ST DISTRICT



**Testimony in Support of Assembly Bill 563
Assembly Committee on Campaigns and Elections
January 9, 2024, 328 Northwest State Capitol**

Chairman Krug and members of the committee, thank you for agreeing to hear this bill, and for giving me the opportunity to speak on its behalf.

As you know, Assembly Bill 563, like its Senate bill, is a historic piece of legislation that could change the way Wisconsin's voters pick their U.S. House of Representatives and U.S. Senators.

Regardless of who is in power in Washington, one thing the majority of Americans can agree on is that partisanship is alive and well. These divisions are creating gridlock and they are impeding on progress.

If we can agree on that, then voters should have the opportunity to vote for a candidate who can appeal to the majority of voters.

In Final Five voting, the candidate with the broadest appeal to the majority of voters will win the election.

Why is Final Five needed? Partisan primaries encourage candidates to adopt more extreme partisan positions in order to come through the election. With Final Five Voting, we can ensure that voters get a true choice of who should represent them in the House of Representatives and the United States Senate.

This proposal has the ability to reduce partisanship, encourage cooperation, and puts the power back in the hands of the voters.

Federal politics have become extreme and we have seen an ineffective and unaccountable stalemate. Traditional partisan primaries leave voters with a stark contrast between political parties instead of a vast middle ground that can be owned by candidates who have a chance to win in a general election using Final Five voting.

During the spring, summer, and fall, I hold Stop and Talks. I constructed a 6 foot sign for the top of my 1999 Dodge Ram that I can fold down when driving, but then lift up for drivers to see when I'm parked in a place that constituents can find me to stop to talk.

I have heard many times from my constituents that they will have to vote for the lesser of two evils. Folks say to me:

Why can't you guys get along? Why should I participate? My vote doesn't count?

It doesn't have to be that way, if voters don't believe their vote counts or matters, then why should they be a part of this?

If we do not have a diverse and participatory electorate then we will not have a true representative democracy to represent the people.

I enjoy this way of connecting immensely. I hear it all the time from my constituents, Republicans, Democrats, and Independents. Dissatisfaction with the current system is the only thing they all agree on.

They get a bad taste in their mouths from the partisan division and it makes them pessimistic of government.

This BIPARTISAN bill will improve federal representatives and senators' accountability to their constituents and incentivize cooperation rather than competition.

Lately, my office has been receiving form generated emails from individuals who are being misled. Special interest groups are exploiting the current cynical sentiment about our federal government to drive opposition to this bill that seeks to alleviate that distrust. This is exactly the problem with politics right now.

In other states, such as Alaska, Final Five Voting has been used successfully. Voters understand the procedure and do not have difficulty filling out their ballot.

In closing, Final Five Voting gives Wisconsin voters an opportunity to have their voices heard and a way to ensure greater accountability in our elected officials. Wisconsin has historically been a leader in political innovation and this is an opportunity to improve the responsiveness of our democracy.

I am proud to be with my Republican and Democratic colleagues testifying before this committee. This bill has the opportunity to change the divisiveness in Washington, tone down the politics in Wisconsin and get back to a functional democratic-republic. Wisconsin voters crave elections rooted in ideas rather than partisan rhetoric. It's time to adopt Final Five voting for our federal representatives and senators.



January 9th, 2024

Representative Krug, Chair
Representative Maxey, Vice-Chair
Members of the Assembly Committee on Campaigns and Elections

Testimony on 2023 Assembly Bill 563

Relating to: top-five primaries and instant runoff voting for the offices of U.S. senator and U.S. representative in Congress.

Dear Chairman Krug and Committee Members:

For much of the 20th century, both major political parties had considerable ideological overlap. There were liberal Republicans and conservative Democrats who moderated each party and encouraged candidates for public office to appeal to a broad coalition of supporters to win their respective elections.

Unfortunately, over time, we have seen a sorting of ideologies into camps where there is little diversity in beliefs and worldview. This siloing of philosophies has removed a major incentive for politicians to broadly appeal to the electorate, so candidates today are now encouraged to race towards base politics which often rewards the most extreme and the most partisan voices in a room.

Assembly Bill 563 seeks to change the incentives for public officials. The bill would implement a final five voting (FFV) system for Wisconsin's congressional delegation. Candidates would run in an open primary, and voters would pick one candidate and the top-five finishers advance to the general election.

In the general election, voters have the opportunity to rank up to five candidates in order by preference. As results are tabulated, the lowest vote-getter would be eliminated and have their voters' single vote redistributed to the next candidate that voter ranked as their second choice, and this process would continue until there are only two candidates remaining. The candidate with the majority of votes after that instant runoff would be declared the winner.

This process has several benefits. Firstly, it makes the general election matter again. In 2022, 83 percent of the U.S. House was elected by just 8 percent of Americans. This mismatch in accountability can give radical groups far outside the mainstream a disproportionate amount of say in policy – another explanation for the breakdown we have been seeing recently in even the most basic functions of government. By advancing five candidates to the general election, we make general electorates matter.

This point directly relates to the next advantage of FFV – it requires that each candidate elected has a majority of support in their general electorate, rather than a plurality of the vote to win (meaning candidates can currently win with less than 50% support). This leads to increased cooperation and bipartisanship. Since candidates will need to secure a clear majority of votes to win, they will need a message and a voting record that is able to get them a majority of the votes. In solidly red and solidly blue districts, we will still have strong conservatives and strong progressives getting elected to bring ideas to the table. But in many districts, positions will need to be moderated to get elected and legislators will need to cooperate, two things necessary for governing. Our current system is incentivizing the exact opposite.



Now I'd like to take a moment to discuss some misconceptions regarding FFV:

1) **FFV Disenfranchises Voters through Ballot Exhaustion**

No, FFV does not disenfranchise voters through ballot exhaustion, which is when a ballot is not counted for a round because not all candidates were ranked. If anything, FFV gives voters more of a voice because it allows their vote to still count if their first candidates does not advance, and history shows that the vast majority of voters under a FFV system rank multiple candidates, drastically reducing the risk of their ballot not counting during a round.

2) **There is Less Voter Turnout Under FFV Systems**

No, there is actually evidence to suggest that FFV generates relatively higher turnout. Generally, turnout is connected to the competitiveness of a race, and campaigns are more competitive under a FFV system.

3) **FFV Fails to Make Campaigns More Issue-Oriented**

This is just false. For instance, peer-reviewed literature on the recent elections in Alaska show that the eventual winner of their open congressional seat spent most of her time campaigning on popular issues, which allowed her to build a broad coalition, while her opponents spend most of their time attacking various other candidates and their policy positions. FFV clearly rewarded the issue-specific campaign versus the negatively-toned platitude campaigns of the others.

4) **FFV Fails to Address Political Polarization**

Again, this is another statement that is just not true. Alaska right now is governed by a bi-partisan super-majority coalition of moderate Republicans and Democrats who have banded together around the promise of consensus-building. This is an extraordinary feat that is only possible because Alaska-focused elected officials, rather than ideologues were able to succeed under a FFV system.

Change is hard. I understand the hesitation from some of my colleagues around a new concept like FFV. However, our current system is not working. Politicians in Washington are struggling at even their most basic functions – governing. Assembly Bill 563 provides us an alternative solution to the chaos, and it will help us achieve commonsense solutions to some of America's most pressing matters.

Thank you again for your time. I am happy to take any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Jesse James".

Senator Jesse James
23rd Senate District

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January 9, 2024

Assembly Committee on Campaigns and Elections:

Testimony for Public Hearing

Chair Krug and Committee Members:

Thank you for allowing testimony today.

Assembly Bill 563 – relating to: top-five primaries and instant runoff voting for the offices of U.S. senator and U.S. representative in Congress.

INFORMATIONAL

When hearing about Top Five voting and Instant Runoff, I thought okay this is an interesting concept. Then as an election administrator, I looked at how we would make this work if implemented in Wisconsin.

These are the items that we need to implement this bill:

- Voter education – We would need videos, flyers, etc. to explain:
 - How to vote the ballot
 - August partisan primary
 - November rank choice
 - How votes are counted after the election
 - Explain ballot cast vote records.
- Redesign our ballots to include the Rank Choice option.
- Recertify our voting equipment to ensure they can handle rank choice voting.
- Cast vote records will need to be created for ALL ballots in the state to create the reports needed by the Elections Commission.
 - All ballots will need to be scannable to create those the cast vote records. Even ballots used in hand count municipalities will need to be scannable. Roughly 180 municipalities will need to implement a way to have their ballots scanned into a tabulator to create the cast vote record reports.
 - All counties will need to be able to extract and collect the cast vote records to create cast vote record reports.
- New guidance for handling recounts for instant runoffs contests.
- Secure funding to order extra ballots for spoilage, possibly longer ballots, and additional equipment cost.

Other items to take into consideration.

- If municipalities and counties need to purchase more equipment. Is there time to order and receive the equipment before it is needed for the November ballots.
- Is there time to recertify all the voting equipment in the state for 2024 elections.
- When will we have the new maps for the state legislative districts to begin ballot programming?
- Will this system give our voters more confidence in our system or make them scratch their heads?

Thank you for your consideration, Lisa Tollefson

Assembly Bill 563**Testimony for Information only**

Ken Braun

Senior Investigative Researcher

Capital Research Center

January 9, 2024

Members of the Committee, thank you for this opportunity. I'm Ken Braun, a senior investigative researcher for the Capital Research Center. We are a Washington DC think tank that tracks the individuals and groups seeking to influence public policy with their money and power. This includes efforts to introduce ranked-choice voting (RCV).¹ I am here to share information with you regarding Assembly Bill 563.

I live in Michigan and neither I nor CRC is in a position to presume to tell you whether ranked-choice voting is desirable for Wisconsin. What we are qualified to do is advise you regarding the agenda of those hoping to make ranked-choice voting part of YOUR agenda.

We have identified tens of millions of dollars collectively spent to advance this proposal in other states.

It has been promoted as "nonpartisan."

Of course, no individual or group spends millions while boasting they are working on something that is "nakedly partisan." As a former legislative staffer in Michigan, I'd advise you to always look more critically when someone thinks they need to claim their idea is "nonpartisan."

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

With ranked-choice voting, clear partisans with left leaning agendas and/or strong Democratic Party affiliations have been the primary donors and promoters. Examples include Sam Bankman-Fried, the disgraced cryptocurrency billionaire who was one of the largest Democratic donors during the 2022 cycle.²

Wisconsinite Katherine Gehl, a former bundler for President Obama, was a seven-figure donor to RCV in Nevada. Prior to 2018, according to OpenSecrets, her political donations were overwhelmingly and almost exclusively to Democrats. Her Republican donations correlate to the recent era when she began needing Republican votes for RCV in committees such as this one. It is your prerogative to decide whether this correlation equals causation.^{3 4}

Left leaning Ebay billionaire Pierre Omidyar is another big RCV donor. He's a megadonor to numerous left-wing causes.⁵

The two most prominent, well-funded groups that have promoted RCV are FairVote and Unite America, both supported by left-leaning megadonors.

FairVote receives support from George Soros and his son Jonathan.⁶ Omidyar supports FairVote, as do the Tides Foundation and the Rockefeller Brothers Fund.⁷ FairVote also receives major support from Laura and John Arnold. Some claim the Arnolds are conservative or Republican donors, but as our InfluenceWatch website reports, their giving in recent years has been "center-left."⁸

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

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/>.

Unite America has an advisory board implying a bipartisan agenda, but a *governing* board comprised of heavy donors to Democrats.⁹ Its largest donor is Kathryn Murdoch, a Democrat who worked for the Clinton Climate Initiative and donated heavily to the Hillary Victory Fund.¹⁰

Though you can find the occasional Republican donor or advisor on the side of ranked-choice voting, it is overwhelmingly an agenda promoted and funded by partisan-left billionaires and Democrats.

Political speech is the foundation of the first amendment. Partisan interests should be permitted to spend money on their agendas. But when it happens, those in the policy making process should be advised of what is taking place.

Thank you. I'm happy to answer any questions.

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

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



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 Pfof, 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

Testimony given January 9, 2024 in support of AB 563 from Kevin Miller, 5964 Prairie Wood Drive, McFarland, WI 53558; 608-345-9098

My name is Kevin Miller, I am a lifelong resident of Wisconsin, a retired Army colonel, and I represent Veterans for Wisconsin Voters.

"I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic." That is the beginning of the oath of enlistment, the oath of commissioned officers, and the oath of office for congress.

I swore that oath when I enlisted, when I reenlisted, and when I commissioned, and I was privileged numerous times to administer that oath for reenlisting soldiers and commissioning officers. All of you swore a similar oath to support the US and Wisconsin constitutions.

As a soldier, I embraced the Army Values throughout my 37-year military career to ensure I was always fulfilling the oath I made, and I continue to use them as a moral compass. Three days ago, I keynoted an Army Reserve Dining Out, a formal dinner, in Portland, Oregon talking about this very subject of living by one's core values.

I emphasized that unless all soldiers on a team, in a unit, or across the Army lived these values, we could never achieve our potential and peak effectiveness. The same is true of our government; if elected leaders don't live their values, we will never develop and implement the best solutions to our country's biggest challenges.

If one of your values is loyalty, you should understand that loyalty doesn't require us to blindly follow individuals or organizations. Loyalty requires us to hold others accountable to their or a shared organization's values. When others compromise these values, our loyalty requires that we help them restore their honor by returning to their core values. If they won't do that, THEY are being disloyal, not us. You should never have to compromise your values to remain loyal.

If one of your values is integrity, which is doing the right things, the right way, for the right reasons, you should never allow the ends to justify the means. Every time we do this, we erode trust. When elected officials do this, it erodes the trust of our citizens. This is, in my opinion, the underlying reason our country has become so divisive.

Even when done for an outcome we want, our fear grows that we will be the next sacrifice to someone's desired end. By definition, justifying the means compromises one's integrity, because if we aren't compromising our integrity, we have nothing needing to be justified.

And if one of your values is personal courage, you can show it through never compromising your integrity by allowing the ends to justify the means or allowing anyone or any organization to guilt you into showing blind loyalty.

I have served with thousands of soldiers who made incredible sacrifices to live the Army Values and fulfill their oaths. One soldier with whom I served was then CPT Will Swenson who was awarded the Congressional Medal of Honor for repeatedly driving into AK-47, machine gun, and RPG fire in an unarmored Toyota pick-up to rescue Afghan soldiers and retrieve the bodies of four Marines and their interpreter who had all been killed.

I'm asking you to live your values, assuming they include loyalty, integrity, and personal courage, by seeking the facts and truth about Final Five Voting, Open Primaries, and RCV and then acting on them in the best interests of our state and its citizens.

I have sought such facts and truth—including openly listening to and considering arguments for and against—and I've filtered them through my values. My conclusion is that AB 563 will free our Congressional representatives to live by their values, truly serve their constituents, and fulfill their oath of office.

All veterans made sacrifices and many of us risked our lives to serve our country and fulfill our oaths, while our families often made even greater sacrifices. You have an opportunity to let your core values be guideposts in fulfilling your oaths of office.

I will ask you the same question I asked the room full of soldiers and their families whom I spoke to last Saturday, "Will you be leaders with integrity who have the personal courage to do what's right, the right way, and for the right reasons?"

Thank you again for this opportunity to testify. I'm happy to answer any questions you have.

OPINION

Top 5 Election Changes Needed for 2024



By John Pudner

Tuesday, 02 January 2024 09:30 AM EST

[Current](#) | [Bio](#) | [Archive](#)

Excerpts - #5 in bold is the issue that Final 5 would solve

Most conservatives, if given the opportunity to outline kingship for a day in 2024, would likely include electing a Republican White House and Congress, guaranteeing safety for Israel against Hamas and keeping men out of women's sports.

1. Halt judicial attempts to remove Trump from the ballot

The first thing I would do is end the attempt to prevent Americans from choosing who they want for president.

The RealClearPolitics average indicates 38% of Americans would like to vote for Donald Trump, 37% for Joe Biden and 15% for Robert Kennedy Jr. Liberal lawyers are trying to deny Americans the choice of voting for Donald Trump by keeping him off the ballot — successful so far in Colorado and Maine.

Is it simply ironic that the same people who identify their goal as “protecting democracy” don't see — or perhaps just don't admit — that expelling an opponent from the ballot is a blatant attack on our democratic republic?

2. Get more conservatives to vote

The second thing I'd do as “King for a Day” is to re-engage conservatives' focus on getting more like-minded patriots out to vote.

This presentation included a map with dots showing the 500,000-plus Wisconsin conservatives who did not vote in 2020 — a race lost by just 20,000 votes. Internal numbers indicate that turnout among faith-based evangelical voters may have been as low as 52% whereas almost 70% of other voters cast ballots.

I am not, in fact, likely to be king for a day, but I do feel that I can do something about this priority: I am starting this nonprofit to re-engage faith-based voters — just as I did nationally for the successful 2000 presidential election.

3. Require voter ID and signature matches

The third thing I'd do as “King for a Day” is reinstate Voter ID laws and require Utah-style signature matches for anyone who votes by mail rather than voting in person.

Everyone who wants to protect our Republic should want to ensure that voters are who they say they are — yet most liberal election organizations maneuver to overcome the three-quarters American majority who believe Voter ID should be required.

Look at Michigan, where a ballot measure last year asked voters whether they wanted Voter ID or some other kind of document; voters understood their “Yes” to be in favor of Voter ID, but in fact, it went to permit an alternative, thereby aborting any future attempts to legally require a Voter ID.

As “King for a Day,” I’d require Voter ID for general as well as in-party elections, and moreover, I would require state-of-the-art signature verification, as Utah has now.

4. Eliminate same-day registration

The fourth thing I’d do as “King for a Day” is go back to requiring people to register 10 days or more before voting, so election officials have time to verify whether a voter is in fact eligible, as opposed to, say, being registered in another state and voting there.

Liberal attempts to gut these rules are especially misguided; when same-day registration was on the ballot in New York, less than 40% of even the overwhelmingly liberal New Yorkers voted to allow same-day registration..

Students registering can be informed whether they are still registered back in their home state — and then they can choose where they are going to vote.

5. Stop social media efforts to divert conservative votes to spoiler candidates

The final thing I would do as “King for a Day” is to quash Big Data’s manipulation of social media to siphon off thousands of conservative votes to a spoiler Pro-life, Libertarian or Constitution Party candidate.

In Wisconsin in 2020 (just as one example) Biden garnered 1,630,866 votes — which would have lost the state had not the 1,659,080 conservative votes cast been split among the Libertarian (38,491), Pro-Life Solidarity (5,259) and Constitution (5,146) candidates.

The math is similar in a half dozen other states where millions of out-of-state dollars are spent to divert conservative votes to “spoilers” with no chance to win in order to switch presidential electors or flip U.S. Senate races despite a majority voting for one of the conservative candidates.

Of course, neither I nor any of us will be — or want — a king for even a day. The good news is that in a democratic republic, it doesn’t take a king to move these five policy goals. We can do it ourselves.

John Pudner is president of Takebackaction.org, a nonprofit home for Americans seeking true political reform. The organization's conservative solutions include: working for voter integrity through steps like voter ID; stopping illicit foreign money via groups from impacting elections; and supporting innovations like Instant Runoff/Final-Five voting to take away the opposition's incentive to fund spoiler libertarian or pro-life candidates, that often allow progressive candidates to win with less than 50% of the vote. Read more John Pudner Reports — [Here](#).

**Written Statement to the Wisconsin
Assembly Committee on Campaigns and Elections**

Legislative Hearing on 2023 Assembly Bill 563
January 9, 2024

John Ketcham
Fellow and Director of Cities, Manhattan Institute for Policy Research
52 Vanderbilt Avenue, New York, NY 10017

About the Author

John Ketcham is a fellow and director of cities at the Manhattan Institute for Policy Research.* He obtained a JD, *magna cum laude*, from Harvard Law School in 2021 and earned a BS in management information systems, *summa cum laude*, from Fordham University. He has authored a number of MI reports and op-eds on electoral reform, particularly at the local level.

*The Manhattan Institute does not take institutional positions on legislation, rules, or regulations. Although my comments draw upon my research as an Institute scholar, the views represented today are solely my own, not my employer's.

Testimony

I thank the Assembly Committee on Campaigns and Elections for the honor and opportunity of providing this testimony on 2023 Assembly Bill 563, and electoral reforms such as ranked-choice voting (RCV) and Final-Five voting (FFV). No single electoral system is ideal for every jurisdiction and elected office. States and localities should decide each system's tradeoffs in light of their voters' preferences and values. Within the framework of the United States' federalist system of government, voters can choose from a wide range of reasonable electoral systems, subject to constitutional and federal statutory constraints.

Wisconsinites and their lawmakers must carefully consider the tradeoffs of each electoral system, ensuring that the chosen system accurately represents majority preferences and encourages meaningful democratic participation for political minorities. My testimony aims to provide some clarity in this decision-making process and describe some of New York City's experiences following its 2019 adoption of single-winner RCV for local primary and special elections.

It is critical that these deliberations keep ranked-choice voting analytically distinct from Final-Five voting. Though FFV necessarily entails the use of one form of RCV for general elections, RCV may be implemented as a standalone replacement for the voting system used in primary and general elections in Wisconsin and elsewhere. FFV, by contrast, is a more ambitious and comprehensive reform than RCV alone, one that mandates a specific structure for primary and general elections.

Understanding Ranked-Choice Voting

Multiple forms of ranked-choice voting exist, making it more of an umbrella concept. For example, RCV can be used to elect the winner in single-member districts, with the most commonly used variant (including the one under consideration in Assembly Bill 563) known as "instant-runoff voting" (IRV).¹ But it may also be used in multi-seat districts in a multi-winner form called the "single transferable vote" (STV).²

RCV may, moreover, be used in primary elections, general elections, or both.³ Maine, for example, uses IRV in both primary and general elections for federal legislative races, whereas New York City's use of IRV is limited to closed primary and special elections for local offices.⁴

IRV aims to address the shortcomings of the widely used plurality (or "first-past-the-post" (FPTP)) voting system. Under plurality voting, including in Wisconsin, the candidate with the highest number of votes wins, even without securing a majority.⁵ In plurality voting with three or

¹ MIT Election Data + Science Lab, "Instant runoff voting," MIT (Apr. 25, 2023), <https://electionlab.mit.edu/research/instant-runoff-voting>.

² See ELECTORAL REFORM SOCIETY, WHAT IS STV? 1-2 (2018), <https://www.electoral-reform.org.uk/wp-content/uploads/2017/06/What-is-STV.pdf>.

³ FairVote, "Forms of Ranked Choice Voting," (Nov. 2022), <https://fairvote.org/wp-content/uploads/2022/11/Forms-of-RCV.pdf>.

⁴ *Id.*

⁵ ELECTORAL REFORM SOCIETY, WHAT IS STV? 1 (2018).

more candidates, votes may be split among two ideologically similar candidates, inadvertently improving the chances of electing their voters' least-favorite candidate. This leads to the "spoiler effect," where voters might not choose their preferred candidate, but instead vote strategically for the least-objectionable candidate they believe is most likely to win.⁶ This helps major-party candidates secure election, while discouraging minor-party and independent candidates from competing.

By contrast, under IRV, the winner obtains a majority of final-round votes. In an IRV contest with three or more candidates, if no candidate receives a majority of first-preference votes, the last-place candidate is eliminated, and the candidate's votes are reallocated to the next-highest preferences indicated on his or her voters' ballots.⁷ This process repeats until a winner emerges with a majority of the final-round votes.⁸

If voters do not rank any remaining candidates in the final round of voting, their vote does not count in that decisive round (known as "ballot exhaustion").⁹ Therefore, the winning candidate might not have a majority of the total ballots cast, but will secure a majority of the final-round votes.¹⁰ Although ballot exhaustion is a concerning aspect of RCV systems, it is worth noting that it may be ameliorated through intensive voter-education efforts.¹¹ In some cases, exhaustion may be intentional, as when voters select only one candidate because they only wish to see that candidate elected and have no view about any others.¹²

While RCV methods do not entirely eliminate strategic voting,¹³ they significantly reduce incentives for strategic voting present in plurality voting. Voters most often choose to rank candidates closest to their views highest, but also include a candidate with a high probability of winning somewhere among their rankings.¹⁴ This substantially reduces the chances that selecting their favorite candidate will contribute to the election of a less-preferred candidate. As a result, RCV should theoretically encourage more third-party and independent candidates to run.

⁶ Rachel Hutchinson, *Defining the Spoiler Effect*, FAIRVOTE (Jan. 25, 2023), <https://fairvote.org/defining-the-spoiler-effect/>.

⁷ MIT Election Data + Science Lab, *supra* note 1.

⁸ *Id.*

⁹ See FairVote, *RCV Elections and Runoffs: Exhausted Votes vs Exhausted Voters in the Bay Area*, (Oct. 19, 2016), https://fairvote.org/rcv_elections_and_runoffs_exhausted_votes_vs_exhausted_voters_in_the_bay_area/ ("In RCV, ballot exhaustion occurs when all the candidates a voter ranked have lost even though two or more other candidates remain in the race. This might happen because a voter chose not to rank all or many candidates or because a voter ranked as many candidates as allowed on the ballot paper (in the Bay Area this is three candidates). Since such a vote contains no rankings of a candidate still in the race, it is allowed to exhaust and is no longer included in the tally for winner.")

¹⁰ Craig M. Burnett & Vladimir Kogan, *Ballot (and Voter) "Exhaustion" Under Instant Runoff Voting: An Examination of Four Ranked-Choice Elections*, 37 ELECTORAL STUD. 41 (2015).

¹¹ LEE DRUTMAN & MARESA STRANO, EVALUATING THE EFFECTS OF RANKED-CHOICE VOTING 9, 66–67 (2022), https://d1y8sb8igg2f8e.cloudfront.net/documents/Evaluating_the_Effects_of_Ranked-Choice_Voting.pdf.

¹² NYC VOTES, 2021–2022 VOTER ANALYSIS REPORT 73, 94 (2022) https://www.nycfb.info/pdf/2021-2022_VoterAnalysisReport.pdf.

¹³ The Center for Election Science, *The Spoiler Effect*, (last visited Jan. 5, 2024), <https://electionscience.org/library/the-spoiler-effect/>.

¹⁴ See LEE DRUTMAN & MARESA STRANO, WHAT WE KNOW ABOUT RANKED-CHOICE VOTING 49 (2021), <https://www.newamerica.org/political-reform/reports/what-we-know-about-ranked-choice-voting/>.

Maine, for example, saw independent candidates run in its congressional races in 2018 and 2022,¹⁵ as well as its U.S. Senate races in 2018 (an incumbent independent)¹⁶ and 2020.¹⁷ That could, however, be explained by Maine's long and idiosyncratic history of electing independents.¹⁸ And as Lee Drutman and Maresa Strano of New America explain, prospective candidates in Maine did not fully understand the benefits of IRV; some chose not to run because they did not want to spoil the election.¹⁹ Their research also found that many American voters strongly disapprove of outcomes in which the runner-up from the first round of voting wins in the second round, known as "come-from-behind" victories (theoretically, one of the main advantages associated with ranked-choice voting).²⁰ These results suggest that a robust educational campaign is necessary for voters and candidates to understand and appreciate the benefits of IRV.

New York City's Experience with Instant-Runoff Voting

In 2019, New York City voters approved a revision to the city charter that introduced IRV for primary and special elections for local offices like mayor and city council, which was first utilized in June 2021.²¹ General elections are still conducted using a traditional single-choice vote using plurality-winner rules.²²

Thus far, the results are far from transformative. New York's lack of political competition and poor voter turnout are essentially unchanged after two elections under the new voting system. IRV was simply integrated within the city and state's existing electoral architecture: single-member council districts, fully closed primaries, and elections held on odd-numbered years, which generally discourage robust political competition. Local general elections are, as before, effectively decided in the low-turnout Democratic primary, except one that now uses IRV.

IRV has done little to boost turnout in New York City local races. Consider that in the 2021 mayoral primary, the first without an incumbent since 2013, only 26.5 percent of eligible New Yorkers voted in the ranked-choice primary.²³ This was higher than recent past primaries, but only by a relatively slim margin. In the comparable 2013 mayoral primary, for example, 23.3 percent of eligible primary voters participated.²⁴ Last June's city-council primaries had even

¹⁵ Ballotpedia, *Maine's 2nd Congressional District election, 2022*, (last visited Jan. 5, 2024), https://ballotpedia.org/Maine%27s_2nd_Congressional_District_election,_2022.

¹⁶ Ballotpedia, *Maine elections, 2018*, (last visited Jan. 5, 2024), https://ballotpedia.org/Maine_elections,_2018.

¹⁷ Ballotpedia, *United States Senate election in Maine, 2020*, (last visited Jan. 5, 2024), https://ballotpedia.org/United_States_Senate_election_in_Maine,_2020.

¹⁸ See, e.g., Micah Cohen, In Maine, Independent Streak Complicates Political Landscape, *FiveThirtyEight* (Oct. 15, 2012, 1:37 PM), <https://fivethirtyeight.com/features/in-maine-independent-streak-complicates-political-landscape/>.

¹⁹ DRUTMAN & STRANO, *supra* note 11, at 64.

²⁰ *Id.* at 61–62.

²¹ New York City Board of Elections, *Learn about Ranked Choice Voting for NYC Local Elections*, <https://vote.nyc/page/ranked-choice-voting>; NYC VOTES, *supra* note 12, at 7.

²² NYC VOTES, *supra* note 12, at 18.

²³ *Id.* at vii.

²⁴ *Id.* at 45.

worse turnout, in or near the single digits for many districts, and in line with earlier city-council contests.²⁵

Neither has IRV alone spurred greater political competition. Today, one party still controls nearly 90 percent of city-council seats and the three major citywide offices of mayor, comptroller, and public advocate.²⁶ If there is any political competition to speak of, it is almost entirely found within the local Democratic Party.²⁷ In short, simply allowing voters to rank their preferences has not—and cannot—alone introduce genuine political competition to New York City, given the other structural elements that insulate the dominant political party from outside challenges.

Research indicates that in other jurisdictions where it has been introduced as a standalone reform, ranked-choice voting has not fundamentally altered political dynamics. Evidence on its effects on voter turnout is mixed, with little to suggest that it leads to substantial increases in voter participation.²⁸ In a New America report discussing the results of 15 papers on the effects of RCV, Lee Drutman and Maresa Strano found a pattern of “null to small” effects.²⁹ Most of these papers suggest it is a modest procedural change, a “comparable or modestly better alternative” to plurality, or first-past-the-post, voting.³⁰ Their report sums up the matter succinctly:³¹

[R]eplacing FPTP with RCV without addressing the other structural drivers of America’s hyperpolarized and inequitable two-party system, including single-member districts, is unlikely to bring about the large-scale change we need to repair our national political dysfunction. Put another way, adopting RCV will not hurt as much as you might fear, but it may not help as much as you might hope.

The lack of political competition in American elections, which IRV cannot correct singlehandedly, has serious ramifications for the quality of our governance. It contributes to a shortage of fresh ideas with broad public appeal, a lack of political compromise, and

²⁵ See Jennifer Bislam, *Low voter turnout in NYC may reflect “lost faith in the system”*, CBS NEWS NEW YORK (Nov. 7, 2023, 9:03 PM), <https://www.cbsnews.com/newyork/news/low-voter-turnout-in-nyc/>; Carl Campanile, *NYC’s 2023 primary election had less than 200K voters cast ballots — with only 5% of Democratic Bronx voters showing up: analysts*, N.Y. POST (June 28, 2023, 6:55 PM), <https://nypost.com/2023/06/28/nycs-2023-primary-election-had-less-than-200k-voters-cast-ballots-analysts/>.

²⁶ New York City Council, *Council Members & Districts*, (last visited Jan. 5, 2024), <https://council.nyc.gov/districts/>.

²⁷ See, e.g., Chris Sommerfeldt, *NYC’s next comptroller, public advocate are progressives who could be thorns in Eric Adams’ side*, N.Y. DAILY NEWS (Nov. 2, 2021, 9:56 PM), <https://www.nydailynews.com/2021/11/02/nycs-next-comptroller-public-advocate-are-progressives-who-could-be-thorns-in-eric-adams-side/>.

²⁸ DRUTMAN & STRANO, *supra* note 14, at 25–30.

²⁹ DRUTMAN & STRANO, *supra* note 11, at 9.

³⁰ *Id.* at 7.

³¹ *Id.* at 9.

representation that does not accurately track constituents' preferences and values.³² Considering that, in the 2022 federal midterm elections, 84 percent of U.S. House elections were either uncontested or decided by 10 or more points,³³ it is little wonder why Congress suffers from frequent political logjams and inaction. Members and parties have little incentive to stand out or obtain results for their constituents because they are elected nearly entirely on the basis of party affiliation. The threat of a genuine electoral challenge would instead impel members of Congress, senators, and their parties to be more responsive to the needs and preferences of voters.

Compared with New York's fully closed primaries, Wisconsin's current primary system no doubt opens greater possibilities for political competition, but this does not mean it is sufficient to obtain the quality of representation and outcomes that would best match the values and preferences of Wisconsinites in their various districts and at large. Though a wide range of impactful electoral reforms are available to lawmakers, RCV alone is, as CATO Institute senior fellow Walter Olson writes, a "modest procedural reform aimed at somewhat improving the match between voter preferences and electoral outcomes, with implications that are neutral as between left and right."³⁴

Final-Five Voting: A More Comprehensive Reform

In contrast to RCV's ability to be incorporated in general elections and various primary systems, Final-Five voting is a combination of three specific reforms: (1) a "nonpartisan primary," in which all qualifying candidates appear, regardless of party, in a preliminary election open to all registered voters, who choose a single candidate using a non-ranked vote; (2) the top five primary vote-getters, regardless of party, advance to a general election where; (3) voters then use IRV to elect a single winner with a majority of final-round votes.³⁵ Proposing changes to both Wisconsin's primary system and method of electing its members of the U.S. House and Senate, Assembly Bill 563 represents a far more sweeping reform compared with the introduction of IRV alone, while retaining single-member House districts as currently required by federal law.³⁶

³² See, e.g., KATHERINE M. GEHL & MICHAEL E. PORTER, WHY COMPETITION IN THE POLITICS INDUSTRY IS FAILING AMERICA, 2–6, 45 (2017), <https://www.hbs.edu/competitiveness/Documents/why-competition-in-the-politics-industry-is-failing-america.pdf>.

³³ Madison Fernandez, *Competitive congressional districts decline*, POLITICO (Feb. 27, 2023, 10:00 AM), <https://www.politico.com/newsletters/weekly-score/2023/02/27/competitive-congressional-districts-decline-00084506> ("Nationally, more races are getting decided by a wide margin. Eighty-four percent of House seats last year were decided by 10 or more points or were uncontested, and the average margin of victory in contested races was 28 points.").

³⁴ Walter Olson, *Why Conservatives Shouldn't Fear Ranked Choice Voting*, CATO INST. (April 27, 2023), <https://www.cato.org/commentary/why-conservatives-shouldnt-fear-ranked-choice-voting>; for another leading right-of-center commentator on the importance of electoral reforms, see Kevin R. Kosar, *Could election reform in DC help conservatives embrace it nationwide?*, THE HILL (Aug. 8, 2023, 8:30 AM), <https://thehill.com/opinion/campaign/4141399-could-ranked-choice-voting-in-dc-help-conservatives-embrace-it-nationwide/>.

³⁵ JOHN KETCHAM, NYC ELECTORAL REFORM: HOW TO INCREASE POLITICAL COMPETITION AND REVITALIZE LOCAL DEMOCRACY 24 (Manhattan Inst. 2022); see also Nat'l Inst. Standards & Tech, *Election Terminology Glossary: ranked choice voting*, (last visited Jan. 5, 2024), <https://pages.nist.gov/ElectionGlossary/>.

³⁶ 2 U.S.C. § 2c.

Under Wisconsin's current "open primary" system, voters choose which party's primary they wish to participate in, thereby choosing that party's nominees for various offices.³⁷ By definition, a "primary" is a process whereby voters select a party's nominee,³⁸ making FFV's "top-five primary" not a true primary. Instead, it reduces the larger pool of candidates who run initially to a smaller, more manageable five in the general election, and is therefore better termed a "qualifying-round" election.³⁹

All candidates compete in this preliminary qualifying round, regardless of political party, so multiple candidates from the same major party can compete against one another, as well as against minor-party and independent candidates, in the general election. Given that many elections have at least one or two clear front-runners, the third, fourth, and fifth qualifying-round vote-getters should secure general-election spots with relatively small shares of the vote—around 10 percent, according to a report by members of the American Political Science Association.⁴⁰ FFV general elections should, therefore, routinely feature third-party and independent-candidate competition.⁴¹

And because of the relatively minor effects that IRV has produced as a standalone reform, FFV's main mechanism to enable greater political competition is not IRV, but the top-five primary. In states that use a similar primary system, such as in California, Washington, and Louisiana, only the top two vote-getters advance to the general election.⁴² There is no spoiler effect in these two-candidate general elections. The use of IRV in FFV general elections results from the latter's feature of advancing more than two candidates from the qualifying-round election.

Alaska is currently the only state to use a variant of FFV, "Final-Four voting" (in which the top-four vote getters from the qualifying-round election advance), demonstrating that the system has been tried in a real-life setting. The results of its 2022 congressional special election have sometimes been characterized as unfair because the two Republican candidates together earned approximately 60 percent of first-preference votes, yet the Democratic candidate won after one of the Republican candidates was eliminated and his votes were reallocated to his supporters' second-ranked choices.⁴³ In truth, Alaska's voters have (like Maine's) long expressed

³⁷ See, e.g., Emily Brooks, *Republicans rage against ranked choice voting after Alaska election*, THE HILL (Sept. 1, 2022, 4:29 PM), <https://thehill.com/blogs/blog-briefing-room/news/3624553-republicans-rage-against-ranked-choice-voting-after-alaska-election/>.

³⁸ Libr. Cong., *Political Primaries: How Are Candidates Nominated?*, (last visited Jan. 5, 2024), <https://www.loc.gov/classroom-materials/elections/presidential-election-process/political-primaries-how-are-candidates-nominated/>.

³⁹ Ketcham, *supra* note 35, at 24; LEE DRUTMAN, WHAT WE KNOW ABOUT CONGRESSIONAL PRIMARIES AND CONGRESSIONAL PRIMARY REFORM 59 (2021), <https://www.newamerica.org/political-reform/reports/what-we-know-about-congressional-primaries-and-congressional-primary-reform/implications-for-top-four-five-voting/>.

⁴⁰ APSA PRESIDENTIAL TASK FORCE ON POLITICAL PARTIES, MORE THAN RED AND BLUE: POLITICAL PARTIES AND AMERICAN DEMOCRACY 144 (2023), <https://protectdemocracy.org/wp-content/uploads/2023/07/APSA-PD-Political-Parties-Report-FINAL.pdf>.

⁴¹ *Id.*

⁴² See, e.g., Dan Ordorica, *Blanket Primaries or Ranked-Choice? Why Not Both?*, BOSTON U. SCH. L. DOME (Apr. 20, 2019), <https://sites.bu.edu/dome/2019/04/20/blanket-primaries-or-ranked-choice-why-not-both/>.

⁴³ Igor Derysh, *"Scam to rig elections": Tom Cotton fumes over Sarah Palin loss as GOP fans cry "stolen election"*, SALON (Sept. 1, 2022, 9:30 PM), <https://www.salon.com/2022/09/01/scam-to-rig-elections-tom-cotton-fumes-over-sarah-palin-loss-as-fans-cry-stolen-election/>.

idiosyncratic political preferences, and party labels have not carried the same overwhelming significance as in other states.⁴⁴ FFV simply allowed voters to express these more nuanced preferences in a way that plurality voting does not, given its incentives to vote strategically for the voter's perceived lesser of two evils offered by the major parties.

In New York City, the muted impact of IRV has impelled electoral-reform advocates to create a movement—FFV in NYC—to bring Final-Five voting to New York (I served on the group's launch committee).⁴⁵ Last year, the editorial board of the *New York Daily News* endorsed FFV,⁴⁶ as have a number of advocacy groups that cut across ideological and partisan lines.⁴⁷ If IRV were sufficient to deliver robust turnout and political competition, these calls for further reform would not have gained such traction.

Suggestions for Improvement and Conclusion

Elections matter, not only to give voters a meaningful choice among competing ideas and candidates, but also to assemble an effective and democratically responsive legislature. Despite criticism, political parties play a crucial role in coordinating legislative votes, maintaining cohesion among lawmakers, and providing voters with identifiable political brands.⁴⁸ But Assembly Bill 563 currently allows U.S. House and Senate primary candidates to select their affiliated political party, even if the party does not support such an affiliation.

Voters ought to hold accountable not only candidates, but parties too. As the bill is currently written, voters will not know whether the candidate's party affiliation on the primary ballot can be understood as having earned the party's endorsement. Assembly Bill 563 consequently requires printing the following notice on ballots: "A candidate's designation of a political party affiliation on this ballot does not constitute or imply the nomination, endorsement, or selection of the candidate by that political party."

This uncertainty between party labels and official party support may impede voters' ability to hold parties accountable for winners' results in office. It may also introduce greater unpredictability in Congress, as candidates may not feel beholden to support legislation

⁴⁴ LEE DRUTMAN, MORE PARTIES, BETTER PARTIES 74 (2023), <https://www.newamerica.org/political-reform/reports/more-parties-better-parties/4-the-contemporary-choice-will-we-repeat-the-mistakes-of-the-past-or-build-something-better-for-the-future/> ("The three statewide elections in 2022 each yielded a different result. Alaskans elected a moderate Democrat to the House in its one statewide race, a moderate Republican to the Senate, and a conservative Republican to the governorship. This likely represents Alaska's somewhat idiosyncratic politics.").

⁴⁵ Jeff Coltin, *Andrew Yang, political outsiders, want to get rid of partisan primaries in NYC*, CITY & STATE NY (Jan. 12, 2023), <https://www.cityandstateny.com/politics/2023/01/andrew-yang-political-outsiders-want-get-rid-partisan-primaries-nyc/381753/>.

⁴⁶ New York Daily News Editorial Board, *High five: Final Five voting is a big improvement on NYC's current ranked-choice voting system*, N.Y. DAILY NEWS (Jan. 14, 2023, 9:05 AM), <https://www.nydailynews.com/2023/01/14/high-five-final-five-voting-is-a-big-improvement-on-nycs-current-ranked-choice-voting-system/>.

⁴⁷ Final Five Voting NYC, *Endorsements of Final Five Voting*, (last visited Jan. 5, 2024), <https://www.finalfive.nyc/endorsements>.

⁴⁸ See JACK SANTUCCI, MORE PARTIES OR NO PARTIES: THE POLITICS OF ELECTORAL REFORM IN AMERICA 39 (2022); APSA PRESIDENTIAL TASK FORCE ON POLITICAL PARTIES, *supra* note 40, at 144.

advanced by the party that nominated them and supported their election to victory. Wisconsin's parties will likely find it harder to build coherent political brands.

Instead, I suggest that the Assembly Committee consider allowing internal party mechanisms to select a party's endorsees in qualifying-round primaries, perhaps up to two endorsements per party per contest.⁴⁹ Empowering party insiders is less of a concern due to the increased political competition that FFV encourages in general elections. Insiders' endorsees must appeal to enough general-election voters to secure a majority of the last-round votes, giving parties an incentive to endorse broadly appealing candidates.⁵⁰ Voters will be able to hold political parties accountable for their endorsees' performance once in office.

In conclusion, electoral reform promises to reinvigorate American democracy through more robust political competition. FFV is one viable option for doing so. I commend the Assembly Committee on Campaigns and Elections for considering the substance of Assembly Bill 563, and I appreciate the opportunity to provide this testimony.

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⁴⁹ See KETCHAM, *supra* note 35, at 25–26.

⁵⁰ See *id.*



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Testimony from:

Matthew Germer, Interim Director, Governance & Elections Fellow, R Street Institute

In SUPPORT of AB 563, “A bill relating to: top-five primaries and instant runoff voting for the offices of U.S. senator and U.S. representative in Congress”

January 9, 2024

Assembly Committee on Campaigns and Elections

Chair Krug, Vice Chair Maxey and Members of the Committee:

Thank you for considering my testimony. My name is Matthew Germer, and I conduct research on election reform for the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government across a variety of policy areas, including election reform. This is why Assembly Bill 563 is important to us.

The best way to reform our elections is by better aligning the incentives of politicians with the will of their constituents. Assembly Bill 563 creates healthier political incentives by implementing top-five primaries along with instant-runoff general elections to determine Wisconsin’s congressional delegation.

Congress Is Broken—Our Elections Play a Key Role

Right now, our country’s elections empower a small slice of Americans to determine our leaders. With highly polarized congressional districts, congressional representatives are determined not in the general election but by our partisan primary elections. This phenomenon can be seen in the results of the 2022 congressional elections, where only one of Wisconsin’s eight U.S. House races was within a five-point margin in the general election.¹ And while congressional districts contain roughly 760,000 residents, partisan primary elections are often low-turnout affairs, giving outsized influence to relatively few voters.² Take, for example, the election for Wisconsin’s 5th Congressional District in 2020. With an open seat in a strong Republican district that ultimately was uncompetitive in the general election, just over 78,000 voters participated in the Republican primary election—just over 10 percent of the population of

¹ “U.S. House results across Wisconsin,” *Politico*, Nov. 26, 2023. <https://www.politico.com/2022-election/results/wisconsin/house>.

² U.S. Census Bureau, “2020 Census apportionment results delivered to the President,” Press Release No. CB21-CN.30, April 26, 2021. <https://www.census.gov/newsroom/press-releases/2021/2020-census-apportionment-results.html>.



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the district.³ That such a small electorate would choose the representative for the entire district is not unique. Across the country, 83 percent of the U.S. House was elected by just 8 percent of Americans.⁴

The incentives created by our elections are a substantial reason for our congressional dysfunction. Right now, federal lawmakers have more reason to fear losing their seats to a challenger in a primary election than in the general. This pressure incentivizes legislators to maximize support among the narrow, energized base of primary voters who value “fighting” over “serving.” Perhaps unsurprisingly, many members of Congress now prioritize appearing on cable news above actual legislating, with one congressman famously stating “stagecraft is statecraft.”⁵

The Reforms in Assembly Bill 563 Could Help

Assembly Bill 563, which combines a top-five primary election with an instant runoff in the general election, shifts the meaningful election from the primary to the general. In turn, candidates are incentivized to represent a broader electorate.

Similar reforms elsewhere in the country have already borne fruit. In 2022, Alaska held its first elections using a “Top Four” format, similar to the proposed structure in Assembly Bill 563. Early analysis already shows that the most successful campaigns were those that mobilized broad coalitions for support.⁶ Similarly, in 2021, GOP voters in Virginia used an instant-runoff election to select Glenn Youngkin as their gubernatorial nominee. Because the electoral rules incentivized positive campaigning and discouraged mudslinging, Youngkin emerged from the primary with positive momentum that ultimately helped him win in the general election.⁷

³ “Wisconsin Primary Election Results: Fifth Congressional District,” *The New York Times*, Aug. 12, 2020.

<https://www.nytimes.com/interactive/2020/08/11/us/elections/results-wisconsin-house-district-5-primary-election.html>.

⁴ “The Primary Problem,” Unite America, last checked Dec. 11, 2023. <https://primaryproblem.uniteamerica.org>.

⁵ Abigail Tracy, “‘If you aren’t making news, you aren’t governing’: Matt Gaetz on media mastery, influence peddling and dating in Trump’s swamp,” *Vanity Fair*, Sept. 14, 2020.

<https://www.vanityfair.com/news/2020/09/matt-gaetz-donald-trump-firebrand>.

⁶ Matt Germer, “Ranked Choice Voting Is Working in Alaska,” *The Dispatch*, Nov. 29, 2022.

<https://thedispatch.com/article/ranked-choice-voting-is-working-in-alaska/comment-page-2>; Ryan Williamson, “Evaluating the Effects of the Top-Four System in Alaska,” R Street Shorts No. 122, Jan. 2023.

<https://www.rstreet.org/research/evaluating-the-effects-of-the-top-four-system-in-alaska>.

⁷ Matt Germer, “Republicans could benefit from ranked-choice voting,” RealClearPublicAffairs, Aug. 4, 2023.

https://www.realclearpublicaffairs.com/articles/2023/08/04/republicans-could-benefit-from-ranked-choice-voting_970635.html.



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While some may be concerned that voters might find the instant runoff voting to be confusing, the data from real voters shows that the system is easy to use. Following Alaska's first instant-runoff election, 85 percent of voters reported that participating in the state's instant-runoff election was "simple."⁸ The experience of Alaskans aligns with the 81 percent of Utah voters and 88 percent of Minnesota voters who found instant runoffs easy to use for their local elections.⁹

Congressional elections need reform. Too many members are more worried about being outflanked in a primary election than they are about serving their district. We encourage members of the Assembly Committee on Campaigns and Elections to support Assembly Bill 563, a bill designed to realign political incentives, encourage more positive campaigning and give more power to all voters.

Thank you for your time,

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⁸ "Polling shows Alaskan voters understand ranked choice voting," Alaskans for Better Elections, Aug. 30, 2022. <https://www.alaskansforbetterelections.com/polling-shows-alaskan-voters-understand-ranked-choice-voting>.

⁹ Kyle Dunphey, "Did Utahns like ranked choice voting? A new poll has answers," *Deseret News*, Nov. 15, 2021. <https://www.deseret.com/utah/2021/11/15/22783224/did-utahns-like-ranked-choice-voting-a-new-poll-has-answers-elections-2021-local-politics-election>; "Ranked Choice Voting: By the Numbers," FairVote Minnesota, Dec. 2021. https://fairvotemn.org/wp-content/uploads/2023/01/RCV-by-the-numbers_Minneapolis.pdf.

Evaluating the Effects of the Top-Four System in Alaska

By Ryan Williamson



In 2022, the top-four system in Alaska gave citizens greater choice and elevated the most broadly appealing candidates, in turn improving representation.

Executive Summary

In 2020, Alaska modified its electoral process to a top-four ranked choice voting system and away from more traditional partisan primaries, making Alaska the first state to do so for state executive and legislative races, as well as federal congressional seats. The 2022 cycle was the first time an alternative system was employed in the state, first with a special election to fill the vacancy caused by the death of Rep. Don Young, and then for all other legislative and statewide elections in November. A review of initial evidence found that races in the state became more civil and competitive overall, and, despite it being a major change in process, the top-four approach caused little disruption in the composition of government. Elected officials and incumbents continued to fare well under the new format compared with their performance in recent traditional elections.

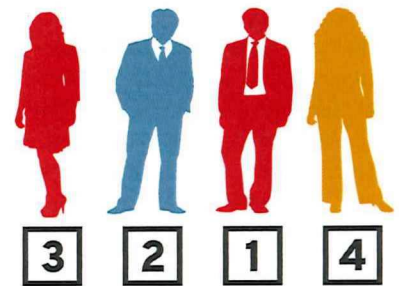
Introduction

Alaskan voters passed Ballot Measure 2 in 2020, altering their electoral system to move away from a traditional primary system in favor of a top-four system.¹ Under this new arrangement, candidates for elected office appear on the ballot together during the primary, regardless of partisan affiliation. Voters cast a ballot for their favorite candidate, and the four candidates who receive the greatest number of votes proceed to the general election. Typically, if a candidate receives 50 percent of the vote, they are declared the winner. However, if no candidate reaches a majority, then the last-place candidate is eliminated and their votes are reallocated to the voters' second choices. This process continues until one candidate achieves a majority and wins the election.

The 2022 election cycle was the first time each legislative seat was subject to the new rules, providing valuable real-world data about how a top-four approach affects elections. This paper explores how the new system increased competition among candidates without upsetting the overall partisan balance in the state and evaluates how the top-four approach affected incumbents and shaped the strategies of successful candidates. It concludes by considering the future of top-four voting in Alaska.

The Top-Four Approach Rewarded Candidates with Broad Appeal

Alaska's congressional races illustrate how the new election rules can change incentive structures for candidates. With up to four candidates on the ballot, winning a majority after the first round of tabulation is now more difficult. Because of this, candidates must campaign not only for first-choice, but also for second-choice, support, which is an added incentive to avoid negative campaigning and to appeal to supporters of their opponents.² By compelling



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candidates to craft broad coalitions among competitive constituencies, politicians have more to lose by engaging in uncivil campaigning.³

Though Alaska votes reliably Republican in presidential elections, its partisan and ideological composition is unique in a variety of ways, and it tends to favor politically moderate candidates who are willing to challenge national party platforms.⁴ For example, despite the Republican lean of the state, 63 percent of Alaskans believe abortion should be legal in all or most cases.⁵ In addition, Alaska's Permanent Fund Dividend, a redistributive program akin to universal basic income, represents one of the most important issues to voters of all stripes and has been the focal point of many debates among Alaska's politicians.⁶ Finally, Alaska was the third state, behind Colorado and Washington, to legalize marijuana for recreational purposes, even as other Republican and Democratic states continued to oppose legalization.⁷

The unique political composition of Alaska is perhaps best reflected in the tenure of Lisa Murkowski, who has made a name for herself as one of the most moderate members of the U.S. Senate, voting with her party only about 56 percent of the time.⁸ In recent years, Murkowski deviated from her party by voting to convict Trump on his impeachment charges, voting against the 2017 repeal of Obamacare and being the only Republican to vote against confirming Brett Kavanaugh for a seat on the Supreme Court.⁹ Her stances have earned scorn from fellow Republicans as far back as 2010 when she failed to win the Republican primary. Nevertheless, she famously won re-election with 39 percent of the vote as a write-in candidate.

Likewise, Don Young, who served Alaska in the U.S. House of Representatives for nearly half a century, routinely faced regular challenges for his seat. In his last four bids for re-election, Young survived multiple competitive elections while never receiving more than 54.4 percent of the vote. While serving in the House, he was a reliable Republican vote but took a more moderate position than most others in the chamber, especially with respect to federal spending.¹⁰ Like Murkowski, Young made a name for himself prioritizing the preferences of Alaskans over those of his party.

Taking these factors into consideration, the victory of Democrat Mary Peltola over Republicans Sarah Palin and Nick Begich should not be surprising. Peltola ran a highly localized, Alaska-centric campaign tied to issues like fishing, whereas her main challenger, Sarah Palin, appealed to voters through more populist, culture-war-centric issues.¹¹ Although Peltola reached across the aisle and asked to be ranked second among voters who didn't mark her as their first choice, Palin ran against ranked-choice voting, calling it "rigged."¹² The two Republicans spent more time attacking each other than they did making the case against Peltola.¹³ This is perhaps one of the reasons why Peltola's vote share increased between the special and general election.¹⁴

As previously mentioned, top-four voting is designed to reduce polarization, as candidates are incentivized to craft broad coalitions to win.¹⁵ Peltola managed to do this by earning endorsements from Lisa Murkowski as well as a number of Young's former staffers.¹⁶ Though Peltola's victory may simply reflect Alaska's unique political culture, the dynamics of the election nonetheless shaped her victory. A more progressive candidate likely would have struggled to earn as many first-choice votes, and second-choice votes from Republican voters may have been even harder to come by. This would have spelled defeat, as second-place votes from Republicans are what pushed Peltola over the 50 percent threshold.¹⁷

By understanding the incentives of the electoral system and the complexity of the state's partisanship, and by running as a moderate Democrat rather than as an ardent partisan beholden to the national platform, Peltola was able to win a full term to represent Alaskans.¹⁸

Similarly, Murkowski won another six-year term in the U.S. Senate over a challenge from Kelly Tshibaka, a more conservative and populist opponent, by effectively wielding her unique brand of conservatism. In previous elections, Murkowski won with only a plurality, which meant most voters wanted someone else in the office but could not agree on an alternative.

The top-four voting system offered a real test of Murkowski's brand within the state by requiring the winner to achieve a majority. However, this may have been to her benefit, as she did not need to appeal to more traditional or populist Republicans to advance past the primary—she just had to initially finish in the top four. As a result any liabilities she had with the Republican base were muted in a way that they may not have been in a more traditional partisan primary.



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After the first round with all four candidates, Murkowski held a less than one percentage point lead over Tshibaka.¹⁹ Her lead was even smaller in the second round. However, by the third and final round of tabulation, Murkowski's lead widened, culminating in her seven-point victory. This substantial increase in her vote share came from Democratic supporters overwhelmingly ranking her above Tshibaka.²⁰

Taken together, victories by Peltola and Murkowski demonstrate how top-four voting both rewarded those willing to engage in more civil campaigning and boosted candidates who represented the unique views of voters in Alaska.

Top-Four Voting Increased Electoral Competition in Alaska

The new top-four system also increased the number of competitive races in Alaska. As with other states, Alaska was redistricted in response to new data from the 2020 census. Although this means that we cannot make district-by-district comparisons across election years, we can compare how electoral competitiveness across the state changed before and after the implementation of top-four voting.

The increase in competition was felt by the voters themselves, as evidenced by a poll taken immediately after the election in which 60 percent of Alaskans reported that the 2022 elections were more competitive than other recent elections.²¹ This sentiment is supported empirically by fewer uncontested races and an increased number of races that were decided by narrow vote margins. The greater competition inherently fostered in top-four systems represents an important improvement to elections in the state, as competition is known to improve accountability and representation.²²

One way Alaska was able to increase competition was by moving primary election battles into the general election. Under the old primary system, each party held primaries to determine their general election candidates. In evenly divided, "purple" districts, these primaries set the stage for competitive general elections. However, in heavily skewed districts where one party held a substantial advantage over the other, the primary elections often served as the deciding contest, as the majority party candidate cruised to victory in the general election. These primary elections were typically low-turnout affairs, with only a few thousand voters participating, which is only about 10 to 20 percent of all registered voters in the district.²³

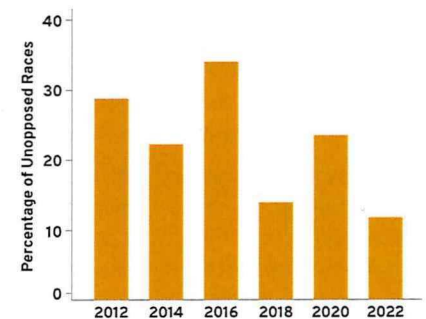
As is common across the country, the constituents of most of Alaska's legislative districts lean heavily toward one party. In 2020, voters in more than one-third of the 60 districts voted overwhelmingly in favor of either the Republican or Democrat.²⁴ For these districts, the deciding election was the lower-turnout primary election. Under the new top-four structure, however, the deciding election shifted to the general election. In fact, in 13 races, the candidates all hailed from just one party, and four of these races proved to be especially tight, requiring additional rounds of tabulation to determine a winner.²⁵

This increase in competition in the 2022 elections is evident in the number of races in which there were multiple candidates vying for the same seat relative to other elections in the past 10 years. **Figure 1** illustrates that less than 12 percent of elections were uncontested in the 2022 cycle, slightly lower than the next lowest year in recent history (14 percent in 2018) and well below the average from the previous decade of 24.5 percent.²⁶ Thus, the implementation of a top-four approach took elections that would have been decided in low-turnout primaries and brought them to the general election, decreasing the number of uncontested races and giving more voters meaningful options in November.

For context, in 2010, nearly one-third of all state legislative elections in the United States featured only one major party candidate, and over 75 percent of incumbents did not face a primary challenger.²⁷ That trend has persisted with time. Across the country, more than one-quarter (23 out of 88) of the legislative chambers holding elections during the 2022 cycle had partisan control decided before Election Day because there were already enough uncontested races featuring one party's candidates to constitute a majority.²⁸ Therefore, Alaska's number of contested elections is noteworthy.²⁹

Another way to assess competitiveness is by evaluating the final vote margin, as increasing the number of candidates is only helpful if they serve as viable alternatives to each other. Assessing competitiveness this way in states that use the top-four system, winning candidates

Figure 1: Percentage of Unopposed State Legislative Races in Alaska, 2012-2022*



*Data was obtained for each year from official returns provided by the Alaska Division of Elections. Unopposed races are classified as those in which only one candidate was named on the ballot.

Source: "Primary, General, and Statewide Special Election Results," Alaska Division of Elections, last accessed Dec. 15, 2022. <https://www.elections.alaska.gov/doc/info/ElectionResults.php#2022A>.

received 55 percent or less of the vote—a standard definition of competitiveness—in almost one-third of state legislative elections across the 60 lower and upper chamber seats, one-quarter of senate races and nearly one-third of House of Representative races.³⁰

Compared with the previous five election cycles, 2022 marks the highest level of competition for Alaska state legislative seats, as shown in **Figure 2**. Between 2012 and 2022, only 17 percent of elections were classified as competitive in the general election, which means that 2022’s cycle nearly doubled that recent historical average.

Though 30 percent may not seem high, state legislative races are notoriously uncompetitive affairs, as noted previously with respect to the number of uncontested elections. Therefore, it appears that the implementation of top-four voting in Alaska delivered on its promise of more competitive elections.

Both Parties Fared Well with the Top-Four System

Contrary to some arguments from skeptics of reform, Alaskan Republicans generally fared well with the top-four approach. While some opponents to the new system have described it as a “scam to rig elections” in favor of Democrats and others have suggested that it makes it difficult for parties to support their candidates, neither of these arguments are valid.³¹ The evidence shows that Republicans saw no change in their ability to translate their support into seats in the state legislature.

A comparison of 2022 elections against past elections illustrates Republicans’ continued strength in Alaska. The easiest way to examine this question is to calculate the ratio between the average Republican vote share across all state legislative elections for each cycle between 2012 and 2022 and the percentage of seats won by the Republican Party in the Alaska legislature. A value of 1 implies that the average Republican vote share was the same as the percentage of seats won that cycle (for example, an average of 60 percent of the vote and 60 percent of available seats won). A number greater than 1 represents the party overperforming their vote share.

As illustrated in **Figure 3**, Republicans had one of their best years in recent history by this metric, with a vote-to-seat ratio of 1.19. This is well above both the average of the preceding decade (1.16) and the median (1.11). Thus, 2022’s increased competition did not have a negative impact on Republican candidates.

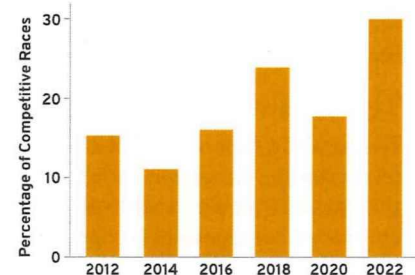
This change in competition without a meaningful change in partisanship is not a coincidence. A main advantage of having multiple candidates from the same party competing for office, as is possible under a top-four system, is that it provides a viable off-ramp for supporters who want to see their party win but who may not like the candidate who won a partisan primary. It also gives a choice to members of the opposing party, whose candidates may not be viable in a given district but who still would like a meaningful say in who represents them. In other types of elections, if an unfavorable candidate advances out of the primary, a voter may feel stuck choosing between the lesser of two evils—a member of their own party with whom they have substantial disagreements or a member of the opposing party.

With up to four candidates on the ballot as established with top-four systems, voters have greater choice and an ability to identify a more agreeable candidate. In 2022, for example, Republicans were able to field multiple candidates and therefore were not stuck with weak candidates who could have lost the general election. This dynamic was particularly present in the 2022 Alaska state legislative elections. (A notable exception to this is the election of Democratic Rep. Mary Peltola to the House of Representatives. However, this proved to be more of an anomaly than a norm for reasons discussed earlier.)

For example, in Alaska State Senate Districts (SD) A, C, D, E, L and R, Republicans faced at least one challenge from another Republican in the general election. In each of these, the Republican who won likely would not have advanced in a more traditional closed primary system where more ardent, less broadly appealing candidates typically prevail.³²

The case of SD E is particularly striking. After the initial round of balloting, Cathy Giessel earned 33.64 percent of the vote, Roger Holland earned 33.1 percent and Roselynn Cacy earned 32.92 percent. Both Giessel and Holland ran as Republicans while Cacy ran as a

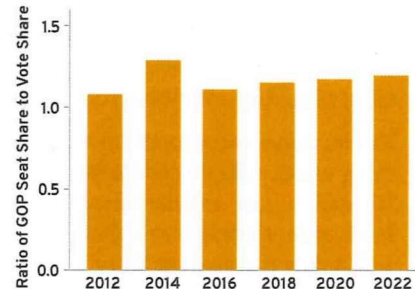
Figure 2: Percentage of Competitive State Legislative Races in Alaska, 2012-2022*



*Data was obtained for each year from official returns provided by the Alaska Division of Elections. Competitive races are classified as those in which the winning candidate received 55 percent or less of the vote.

Source: “Primary, General, and Statewide Special Election Results,” Alaska Division of Elections, last accessed Dec. 15, 2022. <https://www.elections.alaska.gov/doc/info/ElectionResults.php#2022A>.

Figure 3: Republican Seat Share to Vote Share Ratio in Alaska, 2012-2022*



*Data was obtained for each year from official returns provided by the Alaska Division of Elections. Values are calculated by dividing the percentage of seats won by Republicans after an election by the average percentage of the vote that Republican candidates received in that election.

Source: “Primary, General, and Statewide Special Election Results,” Alaska Division of Elections, last accessed Dec. 15, 2022. <https://www.elections.alaska.gov/doc/info/ElectionResults.php#2022A>.

Democrat. However, Holland ran as a much more staunchly conservative Republican, criticizing former Senate President Giessel for not being conspicuously Republican enough.³³

Given that no candidate received at least 50 percent of the vote, a second round of tabulation was undertaken after reallocating Cacy's vote to their second choice. These voters overwhelmingly preferred Giessel to Holland.³⁴ Under a traditional closed primary system, the general election likely would not have featured Giessel at all, which is precisely what happened in her 2020 primary.³⁵ As evidenced by elections in other states, this could have actually cost Republicans a seat in the legislature as, absent a more moderate Republican, voters tended to prefer moderate Democrats over more populist Republicans.³⁶ This anecdote illustrates how being able to field multiple candidates can ensure partisan success even with polarizing candidates on the ballot.

Incumbents Largely Retained Their Seats Under the Top-Four System

A final observation from Alaska's 2022 election is that increased competition did not result in incumbents faring worse. Incumbents have long been advantaged when seeking reelection, regardless of the institutional rules in place.³⁷ As shown in **Figure 4**, Alaska's shift to top-four voting did not have an effect on this advantage, as incumbents continued to fare well with the new voting system.

The 2022 cycle saw 90 percent of incumbents win reelection, which is one of their best showings in the last decade. This number exceeds the average incumbent win rate from the prior five election cycles by more than three percentage points and is within four percentage points of the two election cycles where incumbents fared better.

This 90 percent reelection rate is particularly striking as the 2022 election cycle came at the end of the most recent round of redistricting. Drawing new maps alters the partisan makeup of districts and sometimes pits incumbents against one another, both of which are factors that can make it harder—or even impossible—for incumbents to win. As a point of comparison, 81 percent of incumbents in Alaska won reelection in 2012 after the last round of redistricting.

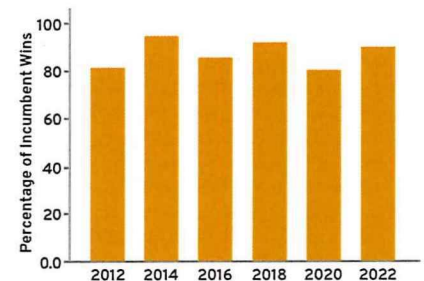
Though incumbents, especially those in the majority, may be hesitant to embrace electoral reforms because such changes can introduce uncertainty and make it more difficult for them or their party to retain power, the fact that incumbents fared as well in 2022 as they did in years prior suggests that such concerns may be unwarranted.

Conclusion

The top-four voting system adopted in Alaska succeeded in increasing the number of candidates running in the general election and overall competition for legislative seats. Under the new system, candidates who ran civil campaigns that appealed to broader audiences were more likely to succeed and incumbents also fared comparably well. Future research should evaluate these and other metrics in subsequent election cycles to identify the trends that persist and emerge as voters and candidates become more familiar with the new system.

The 2022 results also demonstrated the immense benefits of the top-four structure for voters. The system gave citizens greater choice and elevated the most broadly appealing candidates, which improved representation. Importantly, Alaskans viewed the process favorably, largely describing it as "simple" despite some arguments to the contrary.³⁸ In the face of efforts to repeal the system, a successful top-four election represents a huge win for the Last Frontier voters, and elected officials would be wise to retain it. Doing so keeps Alaska on the cutting edge of reform and prevents reversion toward a less competitive and less representative electoral system.³⁹

Figure 4: Percentage of State Legislative Incumbent Wins in Alaska, 2012-2022*



*Data was obtained for each year from official returns provided by the Alaska Division of Elections. Only elections that featured an incumbent are considered. For 2012 through 2020, incumbent losses in both the primary and general elections are included.

Source: "Primary, General, and Statewide Special Election Results," Alaska Division of Elections, last accessed Dec. 15, 2022. <https://www.elections.alaska.gov/doc/info/ElectionResults.php#2022A>.

About the Author

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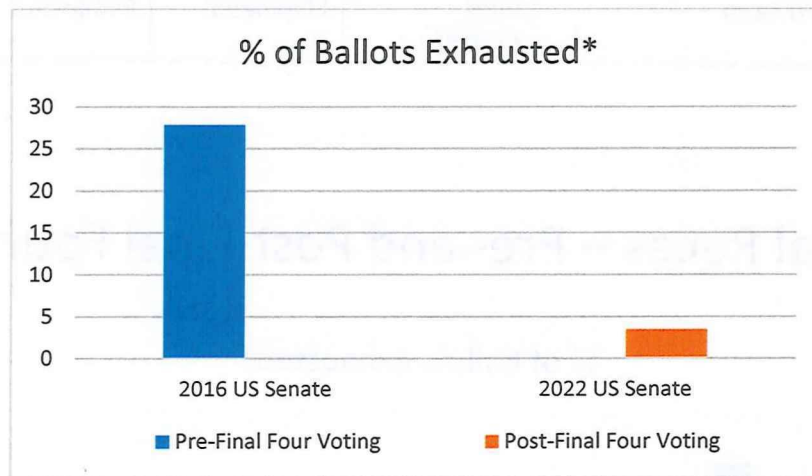
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Alaskan Exhausted Ballots: A Comparison—U.S. Senate Pre- and Post-FFV

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)

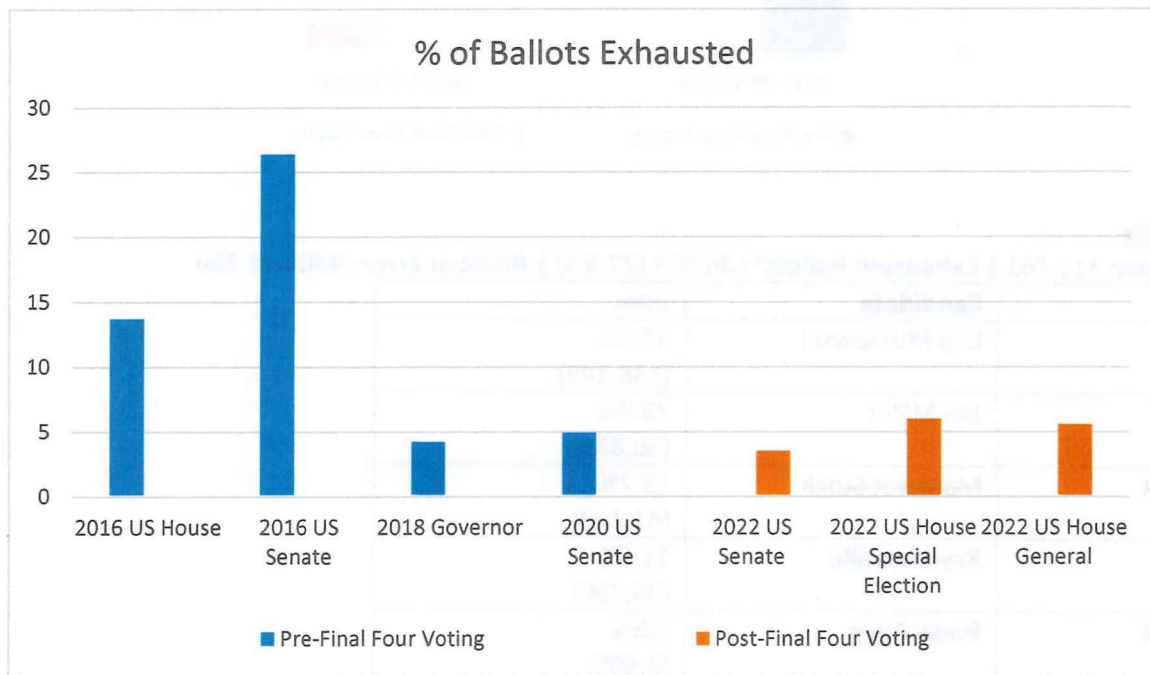
*Denotes ballots not cast for one of the top two candidates.
Data obtained from the Alaska Division of Elections Website.

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.



MacIver Institute

The Free Market Voice for Wisconsin

January 9, 2024

To the Honorable Chairman Scott Krug, and
Committee Members of the Assembly Committee on Campaigns and Elections

RE: AB-563

Please accept our research on AB-563 on Rank Choice Voting, Final Five Voting as our testimony for information.

Our research *Lies, Lucre And Leverage: The Left's Long Game on Ranked Choice Voting* follows.

<https://www.maciverinstitute.com/2023/12/lies-lucre-and-leverage-the-lefts-long-game-on-ranked-choice-voting/>

Thank you!

Annette Olson
Chief Executive Officer
The John K. MacIver Institute for Public Policy, Inc.

Lies, Lucre And Leverage: The Left's Long Game On Ranked Choice Voting

By [MacIver Staff](#) - [December 11, 2023](#)

Wealthy Liberal Elites are Targeting Gullible in the GOP to Eliminate One-Vote-Per-Person

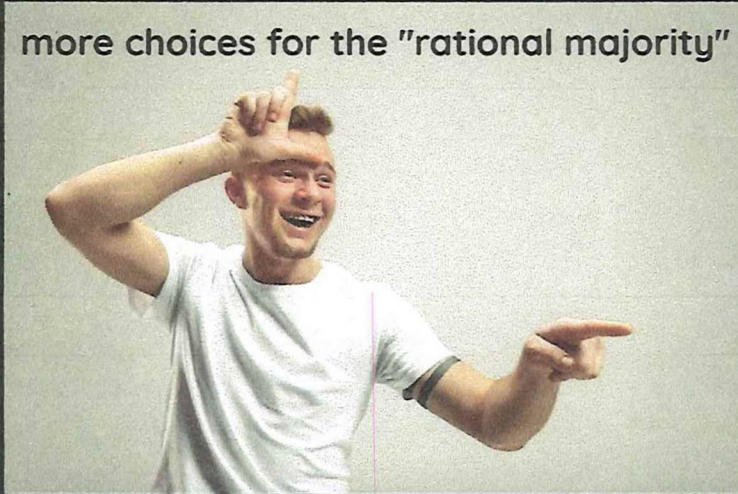


rankthevote



ranked choice voting

more choices for the "rational majority"



**turning election deniers
into election losers**



55 likes

rankthevote The overwhelming majority of voters reject the baseless claims, myths, and li... more

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July 3

The Image Above is from a July 3, 2023 Instagram Post by Rank The Vote, a National, "Non-Partisan" Ranked Choice Voting Organization, Funded by Unite America and FairVote.

Ranked Choice Voting Legislation Targets Gullible Republicans

Tomorrow there will be a hearing on a bill to upend the way Wisconsinites vote for members of Congress and U.S. Senate, eliminating partisan primaries and sending 5 candidates to the general election where they would be ranked by voters, and declare a winner through a complex system of eliminating candidates, shifting votes and throwing out ballots.

- 5 states have a statewide ban on one person-multiple votes RCV voting
- 2 states use RCV statewide – and have had controversial outcomes. A repeal effort is underway in Alaska, attempts to repeal have failed in Maine
- 13 states use RCV in some local races

Just a few years back, Ranked Choice Voting (RCV) legislation was authored only by some of the most extreme partisan Democrats in Wisconsin. Now it's spearheaded by Republicans, many of whom are recipients of campaign funds from liberal interests, dissatisfied with elections, who want to upend our one person, one vote system in order to manipulate outcomes.

Ranked Choice Voting (RCV) seeks to control election outcomes by eliminating the current plurality structure where the candidate with the most votes wins, and replacing it with a multi-round, ballot-eliminating, and vote-shifting structure that gives some voters multiple votes, disenfranchises other voters entirely, all while making election integrity all but impossible to verify.

One might think this would be a non-starter in a state where trust in elections has recently been shaken. But in a profound irony, liberals who are claiming partisan money has too much influence in election-winners is putting gobs of their own partisan money into campaigns of their ideological opponents to buy a new voting structure in the state, advancing (they hope) the left.

RCV Is About Choosing Winners Voters Might Not Choose

Liberal elites, and some gullible Republican monied interests, don't like the way voters vote and the candidates that win, so they are advancing an organized effort, in battleground states (which should tell readers something), dumping cash into campaign coffers of Republicans who will – after winning under the traditional one person, one vote structure – agree to change that system to elect candidates more palatable to the left-wingiest of the left wing.

That's not speculation, that's the roadmap laid out in a book written by one of those deep-pocketed, liberal elites (more on that roadmap later.) The left is looking for a way to swing outcomes their way, since they've failed at fielding candidates that can win the old-fashioned, one-vote-per-voter way.

RCV supporters have a list of arguments against the current one-person, one-vote system including: voters don't have enough choices, candidates are too extreme, the voters who turn out are too extreme, candidates elected are too extreme, campaigns are too negative, not enough eligible voters vote, and winning candidates don't get a majority of votes cast.

A 2022 study (Buisseret & Prato, 2022) found that RCV exacerbates polarization when there is strong partisanship or low voter turnout; it can increase or decrease voter turnout; in strong partisan situations, it increases chances that the winning candidate does not garner a majority of votes cast.

Similarly, a 2023 study (Atkinson et al., 2023) found that Instant Runoff Voting (IRV) as proposed here actually produces winning candidates who are more ideologically extreme than the state's mainstream voter than other forms of RCV. The study found this effect most pronounced in the most polarized states – where IRC is being promoted as a solution for polarization. They say:

“Indeed, claims that IRV is effective at combating polarization contradicts over a century of research and discourse on IRV in particular and runoff voting in general. ”

Yet the monied liberal elite financiers continue to claim RCV will deliver more democratic results, more moderate winners, and better government, while studies show RCV is unpredictable and caution it may well produce the opposite of these stated goals.

The Wisconsin RCV Bill

What's being proposed in Wisconsin is a mosh-pit, non-partisan primary advancing 5 candidates to the general where voters may rank those 5 in order of preference. They may choose to rank fewer than the five, but this will guarantee their ballots are “exhausted” or thrown out in later rounds of tabulations if their top choices do not survive. In other words, if a voter doesn't wish to be disenfranchised, they are forced to cast one or more of their 5 votes for candidates whose beliefs they may detest, or for candidates they know little about. Those votes will count toward totals that purport to represent “majority support.”

One Wisconsin supporter and donor, co-founder (with Katherine Gehl) of Democracy Found, Austin Ramirez, shed light on the priorities of RCV supporters at the October WisPolitics luncheon about election reform.

Ramirez said if elections don't deliver more moderate candidates, then almost nothing else matters, including accessibility and trust.

Ramirez also contended that only 10% of voters vote in primary elections, and they're the most fringe, extreme voters. But last spring's non-partisan spring primary (which garners nowhere near the turnout of a partisan primary) netted more than double that stated 10% turnout of the voting-age population. Liberal powerhouse Dane County turned out at more than 3 times the rate Ramirez suggests is the norm for fall partisan primaries, with 36% of the voting-age public voting in the spring primary.

But the facts don't matter to the RCV supporters, and the studies don't matter either.

The effort to advance Ranked Choice Voting across the nation is strategic, and strategically funded by left, and center-left activists who are pouring millions into initiatives they are selling as a means to elect more moderate representatives.

The Lucre is the Leverage

Another of the leading advocates and funders pushing RCV, Katherine Gehl, hails from Wisconsin. Gehl co-authored a book with a Harvard professor that makes the case for RCV, in particular the non-partisan primaries and final five ranked choice/instant runoff.

Their book, *The Politics Industry*, is a primer for how the wealthy donor class can change election outcomes to benefit more moderate elected officials, by spending money to elect state legislators who will in return use their positions to undo the flawed one-person, one-vote structure (which elected them) in favor of a RCV model that will benefit the goals of their funders.

This is the Gehl-Porter roadmap in a nutshell, **the way they explain it**:

The politics industry has two currencies; some customers pay with votes, some pay with money. Prepare for a protracted battle that can continue for years after the initial campaign has ended. Leverage 'political philanthropy' (i.e. cash) to fund campaigns for 'political innovation' (i.e. RCV). This political philanthropy or 'special interest for general interest' cash offers the best ROI out there because funding these campaigns is not cost-prohibitive. The cost to deliver Final Five (the RCV proposed here) to a state would range from \$5 million for legislative action to \$20-\$25 million for a ballot initiative in a large state.

This once-in-a-generation window to change the rules of the legislative game is opening. And once we've got a new legion of officials elected via Final-Five Voting, our energy will shift to supporting a new crop of 'procedural entrepreneurs.'

In *other* words:

The poor have only their votes, but wealthy liberals can rig the system to get the outcomes they want. As a bonus, it can be done at bargain-basement prices through contributions to individual legislative campaigns, or to finance ballot measure campaigns that will fundamentally undermine the rights and voting power of individual voters.

Gehl has given hundreds of thousands to Democrat parties and candidates across the nation, and a few thousand to GOP candidates. Porter has donated to both Democrats and Republicans.

Both Gehl and Porter also have given money to the Unite America Super PAC.

Unite America: The RCV/Zuckerbucks Connection

Unite America, like many groups, has two arms. Unite America Institute is the 'non-partisan, non-profit' arm, while Unite America is the Super PAC that funds campaign efforts. Both entities are founded and supported financially by Democrats.

The seemingly more benign Unite America Institute has funded CTCL – the Zuckerbucks-funded entity that bought access to Wisconsin election administration, targeting Democrat areas for increased turnout to help skew the outcome.

Their priorities are RCV, Full Vote at Home (where all voters are automatically mailed ballots for every election), redistricting reform where states establish independent citizen redistricting commissions to draw maps, and non-partisan primaries.

Unite America partners with the National Vote at Home Institute (NVAHI), where Hillary Hall (of Colorado elections infamy) runs government affairs, advised by Tiana Epps-Johnson (of CTCL).

The Center for Civic Design (CCD), another uber-liberal group that collaborated with CTCL and NVAHI, is helping design RCV ballots. Whitney May, co-founder of CTCL, is on the Advisory Committee of CCD.

The supporters of the RCV effort is the same incestuous money-sharing/shuffling group that was behind Zuckerbucks and are behind new efforts to control our votes.

Fair Vote is another group spending to promote RCV in Wisconsin. Fair Vote lists their elected official supporters as Barack Obama, Elizabeth Warren, Bernie Sanders, and John Kerry. Their thought leaders include Jennifer Lawrence, Sam Wang (Princeton Gerrymandering Project), David Byrne, Katherine Gehl, Jon Fishman (Phish drummer), and Santa Claus (city council member in AK). It's not exactly a list of moderates. There are some Republicans on their list, but precious few – there may be more actors and musicians.

Wisconsin Legislative Lucre

Hundreds of thousands of dollars have been given to Wisconsin legislative candidates in the past few years, much of it to Republicans, with more in the pipeline. Unsurprisingly, recipients of their funds are also authors of their bill.

The Lies

Lie: The Wisconsin Bill ISN'T Ranked Choice Voting

The supporters claim that the Ranked Choice Voting bill doesn't create Ranked Choice Voting, even though the structure the bill creates is called Ranked Choice Voting in every study that examines alternative voting methods because it has voters rank candidates. Don't buy it and don't cave in to another effort by the left to rename something to suit their narrative.

Final Five Voting is Ranked Choice Voting.

Why lie about the name? Because conservatives generally don't like the idea of RCV (because it's usually pushed by liberals who would like fewer conservatives elected). The left believes conservative voters are generally ignoramuses and figure the name change will trick gullible Republicans, especially those they consider the 'MAGA morons.'

One way they're trying to fool the gullible is by claiming this voting scheme being pushed by wealthy liberal elites would have helped Wisconsin elect Trump.

Lie: Under RCV Winners Will Have Majority Support

Anyone who understands what majority means should be suspicious about this contention. In the scenario contemplated for Wisconsin, 5 candidates would compete in the general election, making it possible, if not likely, no candidate would get a majority of first choice votes. As candidates with the lowest numbers of first place votes are eliminated, and second choice votes counting as much as first round votes, surviving candidates compile larger vote totals.

When voters do not rank all candidates (perhaps ones they don't know or they dislike enough to refuse to vote for) their ballots are thrown out and their voices are silenced, while voters who may be randomly ranking candidates they may know nothing about will have their random rankings count toward a pretense of a majority.

And in practice, RCV can result in a complete fallacy of a majority even if you are willing to accept the nonsense notion that second, third, fourth and fifth-place votes are worth – and should count – the same as a first-choice vote. A 2018 Maine 2018 congressional race proves this:

In a 4-way general, the GOP candidate who would have won with close to a point lead over the second place under traditional voting lost the election to the next highest first-ranked (D) candidate, who picked up more of the third and fourth place voters second choice rankings – which count equal to the first-place rankings of every other voter.

In the course of this so-called majority victory, nearly 15,000 ballots – 5% of all ballots – were declared 'exhausted,' tossed out, and not counted. Once they started throwing out ballots, RCV produced an election where the "majority" winner really only garnered 48% of all ballots cast.

Because so many ballots are tossed out in later rounds of calculations, the results can be anything but a majority win.

Voters may not rank all candidates for reasons other than unfamiliarity and dislike. A 2021 study that looked at this 'ballot truncation' showed that voters who rank popular candidates in first place are less likely to complete rankings on their ballots. (Hoffman et al)

Another concern is that those who vote by mail who mismark ballots will not have the assistance of poll workers so have an increased risk of having a ballot that is thrown out, meaning some or all of their 1 to 5 votes won't be counted.

A 2023 study that looked at deficiencies in RCV elections in the U.S. over 18 years showed that in the majority of RCV elections (52%), the ultimate winner still had not garnered a majority of votes cast.

Lie: Elections Will Be Cheaper

Wisconsin doesn't have runoff elections as some other states do, so there can only be increased costs to RCV, and some of those will be substantial.

Voter education alone – because regardless of what advocates claim, voters do not – and could not possibly – intuitively understand the myriad various forms and nuances of RCV.

New York spent \$15 million on ranked choice voter education efforts in 2021.

The city of Portland spent nearly a million – just the city – on voter education. And we see from accounts of this spending that the education efforts are government-targeted based on racial and ethnic groups – much like the Zuckerbuck's spending worked.

Mechanics alone will cost more: there will be costs for legal counsel to implement RCV. Then there will be costs for design of ballots, and increased cost for ballot printing to account for the numbers of improperly prepared ballots. Reprogramming voting machines for a much more complex tabulation will cost, and for those machines that are unable to be reprogrammed, new purchases will be an expense.

If separate ballots are issued for the partisan and non-partisan RCV primaries – to potentially decrease voter confusion – the print costs double and the postage costs for absentee and early voting will substantially increase because an additional ballot will drive the weight of the mailing over that allowed for regular postage. And because Wisconsin is a state that pays for the mailing of the ballots both ways (to the voter and from the voter) the postage increase would be doubled. The current bill is silent on whether separate ballots would be required.

Lie: Trump Obviously Would Have Won Under RCV

This argument, one of the most reprehensible and geared to the most gullible, is being perpetuated by so-called conservatives on the payroll for liberals financing RCV (who were spurred into action by the very election of Trump).

The pretense goes like this: If all the “spoiler” votes from the Libertarian, pro-life and constitution parties in the 2020 election had defaulted to Trump, he would have beaten Biden by nearly 30,000 votes instead of losing by more than 20,000.

Certainly, some voters may have put Trump second place on their ballots. Just as certainly, many of those votes were the so-called Never-Trump votes of people who may otherwise have voted for a GOP candidate but could not bring themselves to support Trump. The idea that they'd have all ranked him as their number 2 guy flies in the face of the voter profile of a substantial chunk of those voters. Further, the Libertarian and Solidarity party candidates were on the ballot as Independents – so the idea that they only garnered GOP votes presumes those voters were republican-minded and not independent-minded voters who might have defaulted to Biden as a second-choice.

Even assuming every ballot had a second choice ranking for Biden or Trump (and none of the other third-party candidates), and none were thrown out, anything Trump would have had to convert more than 60% of all the second round ballots cast for all the third-party candidates to win.

Lie: RCV Produces Fair, Convincing Wins of Candidates With the Broadest Support

Nope.

For example, the spoiler effect is generally understood to mean a candidate who, if they had not been on the ballot, would have resulted in a different winner. The logic above in the false claim that RCV would have delivered Wisconsin to Trump hands all the spoiler votes to Trump, suggesting that if they had not run, Trump would have benefitted from their votes.

This can happen in RCV votes as well. In fact, by this definition Sarah Palin, who received the second most first place rankings in the 2022 Alaska special election (eventually losing to the candidate who won the plurality and the RCV total), became the spoiler candidate because if Palin had not run, the candidate who was eliminated in the first round (Begich) because he had the fewest first place rankings would have won the election.

If that's not strange enough, consider these other nonsensical effects from the use of RCV in this election:

If the ultimate winner (Peltola) had gained more support from 6000 Palin supporters (who would then have ranked Peltola higher than Palin) then Peltola would have lost the election. Getting more first round support when she was already far ahead of the other two candidates, would have resulted in Palin, not Begich, being eliminated and Begich would have beat Peltola in their head-to-head. In other words, if the winner had done a better job convincing Palin voters to support her, she would have lost because more first round support at the expense of her closest opponent equaled losing the election.

And that's not all. If 6000 voters who placed Palin first, Begich second, and Peltola last had stayed home, Palin would have been eliminated, and Begich would have beaten Peltola. Voters who preferred Begich over Peltola would have had a better outcome for their higher-ranked candidate *if they had stayed home*.

And all of this in a race where the most moderate candidate, Begich, the only one who would have beaten either of the other candidates in a head-to-head, was eliminated in the first round, giving lie to the contention that RCV helps centrist candidates.

And, the candidate who would have won in an old-fashioned voting structure (Peltola) also won in an RCV election still without a majority of votes cast (Peltola only got 48%). And though the outcome was the same – the same candidate won with less than a majority – but the RCV win reasonably produced more distrust, upset, and suspicion about the results.

RCV can result in paradoxical scenarios where voters can help a preferred candidate win by not voting at all or cause a preferred candidate to lose by giving them a higher ranking.

Proponents will minimize these paradoxical impacts of RCV, but there are multiple reported examples of where these have occurred and likely more instances that have not been discovered. Indeed a 2022 study that looked at six of the more common RCV methods found varying levels of disagreement in outcomes, dependent on the type of RCV used. (Calia et al., 2022)

When combined with the fact that RCV winners may not earn a majority of total votes cast, and some voters are disenfranchised while others have multiple votes counted – it's hard to understand why RCV would be preferred.

Consider that in Australia where they've had a form of RCV for decades (registered voters who do not vote are fined, and voters are compelled to rank all candidates), a candidate for senate from the then-newly formed Motoring Enthusiasts Party (platform: tougher vehicle impoundment laws) won election in 2013 after getting a record-low half-percent (0.51%) of first preference votes.

Lie: RCV Increases Turnout

In point of fact Wisconsin voter turnout, always among the highest in the nation, has set records in the recent past. Voters are not being deterred by each voter having only one vote. The contention that more people will vote under a new, more confusing, less transparent voting scheme giving weight to lower ranked choices of some voters while tossing out ballots for voters who do not care to vote for a candidate they don't know or don't like is patently absurd even if it were being pedaled by true non-partisan interests.

And as already referenced (Buisseret & Prato, 2022) turnout can increase or decrease under IRV.

Lie: Campaigns Will Be More Positive Under RCV

A 2023 study of voter-perceived negativity in ranked choice voting in New York and California showed that 2/3 to 3/4 of voters found ranked choice races either equally negative or more negative. (Donovan & Tolbert, 2023)

Lessons

Wisconsin voters have had their confidence in our elections undermined. This has not happened because everyone doesn't get 5 votes for each office, but because of real and perceived irregularities in the application of election law, the impact of outside money and personnel in administering local elections, and delays in tabulation and reporting of results.

RCV does nothing to restore faith in any of those areas. On the contrary, it exacerbates some of them, and creates completely new reasons for voters to find the process and product of elections suspect.

For years on the conservative side, the mantra was that it should be 'easier to vote and harder to cheat' but the surging GOP support for RCV flies in the face of that.

RCV makes it easier to be disenfranchised and harder to tell if there's cheating.

Wisconsin is a state that often has close elections, especially because we have so many independent-minded voters who swing between party candidates even within a given cycle. We have only to look at the 2022 outcome where statewide elections for U.S. Senate, Governor, Treasurer, Secretary of State were evenly split between the parties and the AG race swung to the Democrats by a slim margin. This outcome points to the ability – willingness – of Wisconsin voters to split tickets, to vote for the candidate and not the party, to take an independent approach to casting their vote.

RCV: Hard to Verify

Close elections can result in recounts, where many sets of eyes are involved in recounts.

RCV would end that. The complexity of vote calculation of statewide races make it would be nearly impossible for humans to verify a recount even if the time required to do so would be reasonable. Instead, recounts would only be executed by machine. Since this is an area of distrust in our current voting system, having to trust completely to machines and their programming would exacerbate this problem.

And with good reason. A RCV election in Oakland, CA seated the wrong winner because the mechanism that was chosen to reallocate votes (reallocation is the main feature of RCV but it can be achieved in multiple ways) was not how the machines were programmed. This was only discovered after researchers who were independently studying the race revealed the problem. The real winner was seated months later.

How could this happen?

First, there are choices within any RCV structure of how to count ballots that have skipped rankings and overvotes. For example. If a voter ranks a 1st and 2nd place candidate skips 3rd and 4th and ranks someone 5th how should that be counted? Does the 5th place ranking mean they want that candidate last place and perhaps don't know enough to rank the two unranked candidates?

If you are a voter in Alaska, every candidate ranked after 2 consecutive non-rankings is ignored. But in Alameda County, California, the non-ranked positions are ignored and the 5th place ranking is moved up to 3rd. So a voter who may be trying to indicate they most strongly oppose a candidate may end up having their ranking moved up and benefit that disliked candidate substantially.

Similarly, how overvotes are treated matters. If a voter gives two candidates the same ranking, the resulting overvote may be handled differently by election officials. They may ignore the double ranking and move up a lower ranked candidate. Or they may toss out the ballot as soon as the double ranking is reached.

In the Oakland School Board race, the tabulation software was not calibrated to follow the rules set out by the jurisdiction, and the election administrators didn't realize it.

And this is a final issue with RCV. It can delay final election results for days, weeks, even months. For legislators who support beginning to count votes before election day to keep delays at a minimum, it's astonishing to think they might implement a "reform" where the result might not be known until Thanksgiving.

With the volume of both money and lies flying, it's clear the bill has a foothold that is likely to grow. Indeed, the bill was introduced just a couple weeks ago and already has a hearing – a timeline that's close to light speed in legislative terms, and an indication that the majority party has plans for it. That's well worth worrying about, if you value every person's individual vote having equal weight.

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Written Submission to the Wisconsin State Assembly, January 9, 2024 Public Hearing on Final Five Voting

I'm Dick Leinenkugel, former president and Chief Beer Merchant at the Jacob Leinenkugel Brewing Company in Chippewa Falls, WI. I am also a proud Marine Corps veteran, and a veteran of Wisconsin state government serving our great state as its Commerce Secretary from 2008 – 2010. I am delighted to submit my written testimony about bringing more ideas to our political system and more choice through Final Five Voting.

While it may sometimes feel like an unnecessary obstacle, competition is almost always a good thing. I'd be lying if I said there weren't times during my tenure as President of Leinenkugel's that I'd wished the only choice you as consumers had been whether to order our Original Lager or Honey Weiss at the bar. But the truth is, the competition that we had at Leinenkugel's was good for both the consumer and us as brewers. It gave you more options and pushed us to be better and more innovative at our craft. Competition benefits everyone, not just in the beer market, but in politics, as well.

According to recent studies, more than 80% of districts for the United States House of Representatives across the country are either solidly Democratic or solidly Republican. For most voters, by the time we reach the general election, a small group of voters has already decided the outcome of the election for all voters. The healthy competition in our general elections that our democracy needs is absent for much of our country.

The ripple effects from this lack of competition can be seen every day – elected officials seem out of touch, interest groups exert more and more influence over the legislative process, and there's a complete lack of bipartisanship. The dirtiest word in Washington these days is far from the four-letter variety, instead it's a value we were all taught as children – cooperation. Elected officials know that cooperation and compromise will be seen as weakness and will be met with a more extreme primary challenger in the next election. The system incentivizes gridlock rather than problem solving or serving interest groups while the rest of us get left behind.

Eliminating partisan primaries by implementing Final Five Voting can free us from the undue influence that interest groups, party leadership, and primary voters currently have over our electoral and legislative processes and re-inject some much-needed healthy competition into our democracy. Final Five Voting will give elected officials the freedom to work together to solve meaningful challenges, delivering results to keep their jobs. It is the best way to return to the truly democratic core principles our republic was founded upon.

I am proud that our legislators in Northwest Wisconsin are leading the charge to bring Final Five Voting here. I applaud my fellow veteran, Senator Jesse James, and Senator Jeff Smith for their support of Final Five legislation. The common-sense of real people in Northwest Wisconsin can see through the noise of political hacks telling them they should or shouldn't like something –

and they appreciate the independence of their legislators doing what's best, even if, especially if, it is done in a bipartisan way.

If you agree that our democracy is due for an upgrade, and that we need the competition our political system has been missing, then I encourage you to support Final Five Voting and bring it to Wisconsin. Thank you.

Richard J. Leinenkugel
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TESTIMONY AGAINST AB 563

**Wisconsin State Legislature
Assembly Committee on
Campaigns and Elections**

January 9, 2024

Brian Sikma, *Visiting Fellow*
Sam Rogers, *Visiting Fellow*
Opportunity Solutions Project

Chairman Krug and members of the committee, my name is Brian Sikma, and this is my colleague Sam Rogers, and we are Wisconsin residents and Wisconsin voters. We are also visiting fellows at the Opportunity Solutions Project, a non-partisan, non-profit organization advocating for policies that expand freedom and opportunity for all Americans. Thank you for the opportunity to testify against AB 563 and against ranked-choice voting.

Americans win when their votes count. But in every election that uses ranked-choice voting—also referred to as instant runoff or final five voting in this legislation—ballots don't count and are literally thrown in the trash. This is the designed feature and intent of the system—it is not a flaw or a bug.

To work, ranked-choice voting requires a candidate to receive 50 percent plus one of the votes cast. Since that doesn't always happen when a race has more than two candidates, subsequent rounds of tabulation are used to re-arrange electoral outcomes to contrive a narrow majority win. If a voter chooses to not rank every candidate on the ballot—because he or she simply does not believe that candidate represents his or her political viewpoints—that ballot will be discarded as rounds of tabulation unfold.

Throwing ballots in the trash because voters refuse to support a certain candidate is about as undemocratic as you can get.

In Maine's 2018 Second Congressional District race, there were 8,253 voters who had their ballots discarded before the election results were determined under ranked-choice voting.¹ Ironically, the eventual "winner" of this process received only 49 percent of the total ballots cast in the election.²

On the other side of the country, in Alaska, a similar situation unfolded when ranked-choice voting was implemented. The 2022 special election for U.S. Congress there saw 15,000 votes tossed out.³ In fact, 60 percent of voters chose a Republican in the first round of tabulation, but by the last tally, the Democrat came out ahead by just 5,200 votes.⁴

In New York City, a stunning 150,000 ballots were trashed before the final results of the 2021 Democratic mayoral primary were figured out.

Ranked-choice voting would be absurd if it weren't so offensive.

It's also wildly unnecessary here in Wisconsin. Advocates sell this plan as a political cure-all that will eliminate divisive electoral politics. But this is a state that elects Senator Ron Johnson (R) and Senator Tammy Baldwin (D) to the U.S. Senate. It elects Gov. Scott Walker and Gov. Tony Evers to back-to-back terms. Care to take a guess on how many U.S. House and Senate races over the past 20 years in Wisconsin have received less than 50 percent of the vote in the November elections? If you guessed ZERO you would be right.

In fact, you have to back 30 years to find ONE U.S. House race in Wisconsin—in 1992—in which the winner garnered 49.4 percent. Do "issues" that happen once every 30 years require fixing?

And despite the claims of bipartisanship—the reality of which is already reflected under Wisconsin's current electoral approach—ranked-choice voting doesn't moderate anything. In congressional elections, Republicans have uniformly lost seats under ranked-choice voting, and in municipal elections moderate center-left officeholders have been steadily replaced by far-left officeholders.

Trust in election outcomes is easy to lose and tough to gain. In 2016, Democrats in our state expressed some skepticism with the outcome of the presidential election. Four years later, it was Republicans who lost some confidence in the process as counting delays slowed results.

As we sit here in a battleground state in a year that will be just as contentious as previous election years, do we really want to tell Wisconsin voters the solution to a non-existent problem is a system designed to throw their ballots in the trash?

Fortunately, lawmakers across the country are rejecting ranked-choice voting, and since 2022, Florida, Tennessee, Idaho, Montana, and South Dakota have all banned it statewide and pre-empted local jurisdictions from adopting it.⁵ Last year, ranked-choice voting proponents filed a record 74 bills, but none of them were passed into law. And 92 percent of the bills did not receive bipartisan support.

We urge you to protect the validity of every Wisconsin ballot and reject AB 563, because no ballot should be discarded to create a fake majority election outcome.

References

¹ State of Maine, Department of the Secretary of State, Tabulations for Elections held in 2018, <https://www.maine.gov/sos/cec/elec/results/results18.html>.

² *Ibid.*

³ State of Alaska, 2022 Special General Election RCV Tabulation, August 16, 2022, Official Results, <https://www.elections.alaska.gov/results/22SSPG/RcvDetailedReport.pdf>.

⁴ *Ibid.*

⁵ FL S.B. 524 (2022), TN S.B. 1820 (2022).

Reinemann, John

From: Jon Dolson <jon.dolson@sheboygancounty.com>
Sent: Monday, January 8, 2024 5:35 PM
To: Rep.Krug; Rep.Maxey; Rep.Murphy; Rep.Rozar; Rep.Tittl; Rep.Tusler; Rep.Snodgrass;
Rep.Subeck; Rep.CAnderson
Subject: Public Hearing-Committee on Campaigns and Elections

Good evening Representatives:

Because of the expected severe weather for tomorrow, I'm writing to register in opposition to AB-563 & AB-749. If circumstances proved better driving conditions I would have appeared in person to voice my opposition to these. Other committees in Madison have already cancelled their meetings.

AB-563

To start, top-five primary/instant runoff (another variation of Ranked Choice Voting, or RCV), is promoted heavily by Bernie Sander, Eric Holder and Elizabeth Warren. This should scare the hell out of anyone claiming to be a conservative. Also, it appears that not a single legislator is considering the practical effects that RCV would have on existing post election law in WI. After every major November election, 10% of municipalities (chosen randomly) are required to perform a hand-count audit of their electronic ballot tabulators. Performing a hand-count audit when RCV is in play will be a nightmare that could take weeks. How about performing a hand-recount of an actual election result when RCV is in play? That would be a train wreck that could last months. That's been experienced in other states. You'd have municipal clerks quitting by the droves if that type of recount took place. We simply cannot have that. Our August primary is not broken so why are you attempting to "fix it?" Some states are now trying to go away from RCV.

AB-749

We already have rules in play that dictate post-election audits. Expand those if needed (which I do not think that's needed) but do not create a new law duplicating the process.

And on a related note, no need for the "Monday Processing" bill. Just have municipalities buy enough tabulators to process all ballots (regular and absentee) in their proper ward. This will negate the need (desire?) to have Central Count. No Central Count, no problems. Monday Processing is an attempt at a "fix" for Milwaukee County. Not so long ago, Republican leadership stated that they wanted the running of elections as equal as they possibly can be, from Kenosha Co. to Iron Co. Passing the Monday Processing bill would be going away from that. Far away.

Thank you for your time and service!

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Jon G. Dolson
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Sheboygan, WI 53081
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Upcoming Elections

Assembly Committee on Campaigns and Elections (Wisconsin State Legislature)
Tuesday, January 9 2024 - 10 am
Wisconsin State Capitol
Hearing Room: 328 Northwest
Prepared Testimony - Actual Testimony Shortened Due to Time Limits

Thank you Mr. Chairman.

I'm John Pudner. President of Take Back Our Republic Action, **based here in Wisconsin**. Take Back was formed to address concerns with the rules of elections I saw while running Republican legislative takeovers in all 3 states in which I lived before returning to Wisconsin. Final 5 solves one of the five top election problems I outlined in a recent NewsMax column I will supply with my written testimony.

While I'm sure those of you opposing Final 5 do it because you have real concerns, I want to focus on the three most bizarre arguments I heard against Final 5 at the Senate hearing and during my dozens of meetings and speeches around the state. Hopefully this will address your concerns as well.

The 1st of 3 bizarre arguments I will call the "Tall David" argument. This is the argument of groups that oppose Wisconsin Final 5 attacking pro-Final 5 groups who spend \$3.1 million a year – which is roughly 4% of the \$73.5 million a year those opposition groups are spending . That's like Goliath complaining that David was too tall.



It just so happened that when opponents started making this charge at the Senate Hearing, we had just finished our accounting for the year and Take Back Our Republic Action's entire budget in 2023 was less than \$200,000. I looked up all the other groups lobbying for Final 5 in Wisconsin and our total annual budgets are \$3.1 million.

For comparison I looked up all the groups registered to lobby against Final 5 and those who signed the letter opposing Final 5 (amac.us 11/16/2023) and added up their annual budgets and they spend \$73.5 million dollars a year. I am providing those public numbers in my written testimony - and they are all public so anyone watching knows that groups trying to stop Wisconsin Final 5 have 23 times as much money as those of us lobbying in favor of it.

Groups Working AGAINST Wisconsin Final 5 - \$73.5 million total (not read)
(Based on latest annual IRS filings publicly available)

- AMAC ACTION Inc. 501(c)4 - \$4.1 million
- AMAC FOUNDATION 501(c)3 - \$0.2 million
- American Majority Action Wisconsin - \$1.8 million
- Honest Elections Project Action - No spending reported
- Heritage Action for America - \$21 million
- Save Our States Action - No spending reported
- Restoration of America-Wisconsin - \$20.5 million
- Citizens United, Voter Reference Foundation - \$18.1 million
- Tea Party Patriots Action - \$3.0 - million
- America First Policy Institute - No spending reported
- Election Integrity Network Action - No spending reported
- Opportunity Solutions Project - No spending reported
- Wisconsin Manufacturers & Commerce - \$4.8 million

Groups Working IN FAVOR OF Wisconsin Final 5 - \$3.9 million total

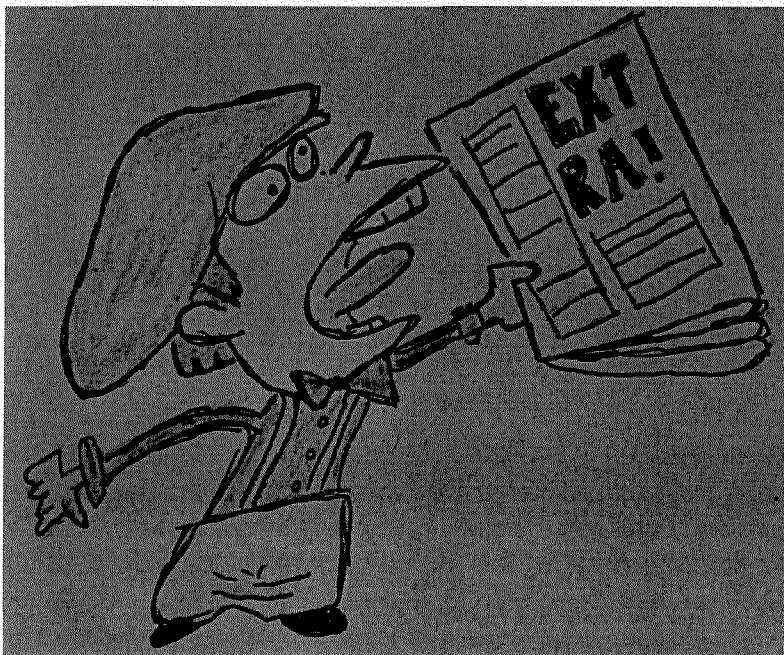
1. Greater Madison Chamber of Commerce - \$1.8 million
2. Wisconsin Democracy Campaign - \$0.7 million
3. Fix the System WI - Action Inc. (DBA Democracy Found Action) \$0.4 million
4. Take Back Our Republic Action - \$0.2 million (Total Annual 2023, Not publicly reported yet)

- Note - All figures are based on the latest public filings with the IRS except for Take Back Our Republic Action, which in previous years has had higher budgets such as \$932,855 in 2020 when conducting research, reported by Fox News in the story Exclusive: Data shows that half of 2019 donations to ActBlue came from untraceable 'unemployed' donors which was retweeted by then-President Trump. However, the total revenue concluded for just completed 2023 was \$199,288 - rounded up to \$0.2 million.

To be clear, I am not attacking the anti-Final 5 groups for having \$73.5 million a year and being able to hire so many people – like the many they flew to Wisconsin to testify in the Senate Hearing. I agree with those groups on most other issues.

While I'm sure no legislator who is already opposed to Final 5 has reached that position because of the Goliath-like \$73 million - the bizarre claim supporters reached that decision because of the David-like \$3 million might indicate their arguments are simply not that strong.

The 2nd of the 3 bizarre arguments I will call the “Public Bribery” argument.



In Wisconsin alone, there were **hundreds of millions of dollars spent to impact the 2022 elections. The money spent by pro-Final 5 groups? About 1% of that total.** And unlike most political and policy spending, it was publicly reported to the state by Final 5 groups – transparently, so everyone could see it. It abided by campaign contribution limits.

To argue that these public, legal political contributions collected in a public conduit mainly from individual Wisconsinites who support Final 5, and which amounted to a paltry 1% of political and policy spending, were bribes meant to curry legislative support where none previously existed...this is ridiculous..

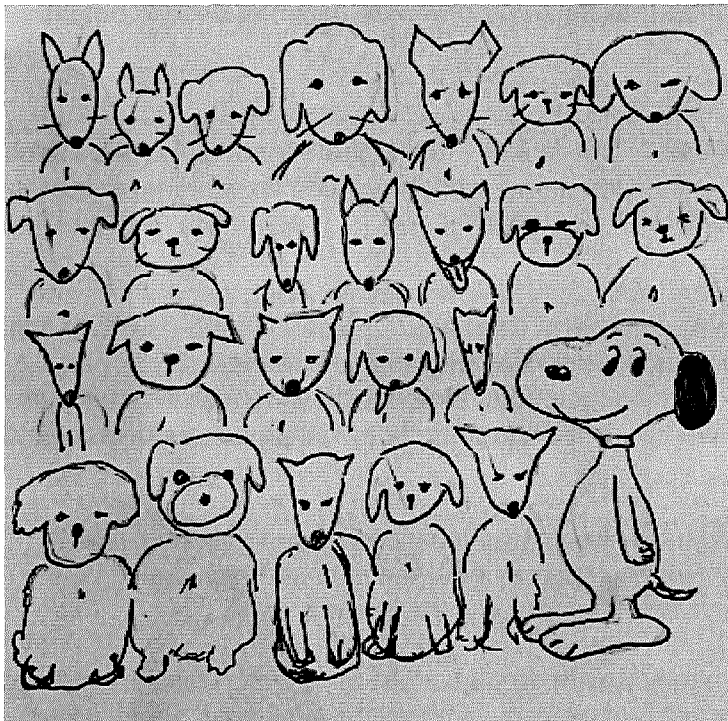
All attempts at bribery have one thing in common: it's under the table.

In public filings you will see my biggest political contribution in the past year was \$500 to Senator Duey Stroebel, with whom I agree with on 95% of all issues – even though he is the actual sponsor of the bill that would kill this measure.

That was my personal contribution, by the way. Take Back Our Republic Action does not give any political contributions or endorse any candidates, contrary to the nasty email I received after my Senate testimony.

In fact, if you look at our team page on takebackaction.org, you will see that our team has done real research to disclose illicit giving. Years ago, our GC researched hundreds of thousands of dollars given personally to another state's Speaker of the House for his business and personal benefit – and that Speaker went to prison.

The 3rd of 3 bizarre arguments I will call the “Not-Snoopy” argument.



I heard a radio attack on me personally after the Senate Hearing, saying that supporting Final 5 while insisting that it not be called “Ranked Choice Voting” is like owning a beagle and insisting it not be called a “dog.”

I immediately called, texted and emailed the host – repeatedly – and had she answered, I would have noted that the analogy proves our point exactly:

Growing up, I was a big fan of Snoopy. One year, I dropped several hints that I wanted a beagle, just like Snoopy, for Christmas. If instead of writing “beagle” on my Santa list, I was only allowed

to write "dog," then I ran the very real risk of getting something other than a beagle – like, say, a pit bull. A far cry from the dog I received and did in fact name Snoopy.

A beagle is a dog, and a pit bull is a dog, but beagles are not pit bulls; it's perfectly reasonable to like beagles and not pit bulls. So, too, it's perfectly reasonable to like Final 5 and not other varieties of ranked choice voting.

Some of the many out-of-state people who testified against Wisconsin Final 5 last time talked about big groups spending a lot of money to support hundreds of other ranked choice voting systems in other states.

When I started advocating for Final 5 in another state a few months ago, I got a call from the lead ranked choice voting lobbyist telling me he would do everything in his power to kill any and all of my attempts to advance Final 5.

Soros-backed groups around the country have supported other ranked choice voting initiatives, but the liberal Democratic Senator and Governor in Nevada tried to kill Final 5. (To be fair, some Republicans also weren't fans there. But others were... and it passed for the first time with the day that the same voters also defeated the liberal Governor who opposed Final 5.)

Just last week, one of the parties working to win support for Ranked Choice Voting in Wisconsin came out blasting Final 5.

So Ranked Choice Voting groups are attacking Final 5, and groups working to stop Ranked Choice Voting are attacking Final 5.

CS Lewis once used the analogy that if half the people said someone was too tall, and the other half said he were too short, it might be that the person was actually the perfect height.

I believe Final 5 is the perfect balance.

In the primary everyone gets a traditional ballot - not ranked - to eliminate most candidates such as the 11 candidates in Portland Maine where a candidate with 4% ending up winning, or the San Francisco ranked choice election with 21 candidates.

On the flip side, the Final 5 stops spoilers because it only allows ranking once you are down to five candidates. After my presentation in Appleton to a Patriot group some voters said they still would only vote for a Constitution Party candidate because they did not believe EITHER party was abiding by the Constitution - so not counting their vote once it is down to just a Republican or Democrat isn't throwing their ballot in the trash - it's honoring their wish to send a message to both parties.

However, many more Wisconsinites would have likely voted first for a great Wisconsin leader Joan Beglinger, if they knew they could show their support but then pick between Tony Evers and Tim Michels or whichever Republican was in the top two. So, in sum:

- It's not true to imply most of the money is with groups supporting Wisconsin Final 5 - for every dollar they spend in their annual budget, groups opposing WI Final 5 spend \$23.
- It's not true to say there's nefarious political support for Final Five Voting—there's publicly reported individual support for those who are considered to be good legislators.
- And it's not true to say that Ranked Choice Voting is the same as Final Five Voting—we like Final 5 but not Ranked Choice Voting generally, and vice versa for Ranked Choice Voting supporters fighting Final 5.

Thank you for seeing through the bizarre "Tall David," "Public Bribery" and "Not-Snoopy" arguments. Please look at the legislation itself in the months ahead and weigh pros and cons.
END



**Written Testimony of Chad Ennis
Vice President, Honest Elections Project
Assembly Bill 563
Wisconsin Assembly Committee on Campaigns and Elections
January 9, 2024**

Thank you for the opportunity to provide this testimony to the committee on Assembly Bill 563. 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.



January 8, 2024

Dear 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 strongly opposes AB 563, which would create a five-person general election ballot and use ranked-choice voting to determine the winner.

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 for 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 proposed 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, creating systematic unfairness in the election.

Moreover, the complexity leads to confusion. Wisconsin has used the principle of one person, one vote since its founding in 1848. Changing to a new, unnecessarily complicated 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 lowered if 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 in this way is unfair to the voters.



In addition to the undemocratic components of ranked-choice voting 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 would be necessary to inform voters of the new and different voting system. The Wisconsin legislature should carefully consider both the fairness and financial burden of ranked-choice voting before rushing towards passage.

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 would have a solid case to make to their supporters that the voting system, not lack of support, caused them to lose. 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 non-existent problem. Wisconsin already has free and fair elections pursuant to 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 stay free from partisan influence.

Thank you for your time and consideration.

Andrew J. Mangione Jr.
Senior Vice President
AMAC Action



JANEL BRANDTJEN

STATE REPRESENTATIVE • 22ND ASSEMBLY DISTRICT

Chairman Krug and Members,

I oppose AB 563, also known as the "Final Five" or "Ranked Choice" bill. Several reasons underscore why this proposed legislation is not suitable for Wisconsin:

1. Complexity:

- The process of ranking multiple candidates can be more complex for voters, potentially leading to confusion or errors in ballot completion. This complexity might deter some voters from participating or result in unintentional mistakes.

2. Limited Voter Expression:

- Ranking only five choices may limit the expression of voter preferences, especially in elections with numerous candidates. Some voters might have preferences beyond the provided five choices.

3. Potential for Strategic Voting:

- In ranked-choice systems, voters may strategically rank candidates not based on genuine preference but on how they believe it will impact the overall election results. This strategic voting can complicate the interpretation of election outcomes.

4. Lack of Familiarity:

- Introducing a new and unfamiliar voting system may face resistance from voters accustomed to traditional first-past-the-post systems. Lack of understanding or trust in the new system may impact voter participation and acceptance.

5. Technical Challenges:

- Implementing and managing a ranked-choice voting system can pose technical challenges, from ballot design to counting and reporting results accurately. If not executed properly, it may lead to logistical issues and delays in determining the winner.

6. Perceived Unfairness:

- The process of eliminating candidates and redistributing votes can be deemed unfair or complex, potentially undermining the perceived legitimacy of the election results.



JANEL BRANDTJEN

STATE REPRESENTATIVE • 22ND ASSEMBLY DISTRICT

7. Potential for Tie Situations:

- In certain scenarios, especially when the number of candidates is high, there is a possibility of tie situations or extremely close results. Resolving such situations may require additional procedures, potentially complicating the electoral process.

In conclusion, my opposition to AB 563 stems from several concerns that render this proposed legislation potentially unsuitable for Wisconsin. The intricacies of the ranking process, potential limitations on voter expression, risks of strategic voting, unfamiliarity among voters, technical challenges in implementation, perceived unfairness, and the potential for tie situations collectively contribute to the contention that this bill may not be the optimal choice for our state's electoral system. These considerations underscore the importance of carefully evaluating the impact and feasibility of any proposed changes to ensure the integrity and effectiveness of our democratic processes.

A handwritten signature in black ink that reads "Janel Brandtjen". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

State Representative Janel Brandtjen



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

Committee on Campaigns and Elections

January 9, 2024

Chairman Krug, Vice-Chair Maxey, and members of the committee, thank you for affording me the opportunity to discuss Election Integrity and the Legislature's responsibility to oversee 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 legislation I oppose, Assembly Bill 563, which if passed would require use of so-called 'final five' voting in primaries whereby congressional candidates run in a single, California-style 'jungle' primary regardless of their party. The top five would then advance to the general election decided by the confusing, complex, and costly Ranked-Choice Voting (RCV) system.

Make no mistake, this bill would be devastating to the integrity of Wisconsin's elections.

Both 'final five' ('jungle') primaries and disastrous RCV (also known as 'instant-runoff voting' and 'preferential voting') are schemes that have 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.

Importantly, 'final five' voting and RCV are 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.

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 has come to our attention that Democrat megadonor and former Obama Administration official Katherine Gehl 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 Republicans in the Senate and Assembly. While recipients may not be familiar with these funding sources, the purpose of such allocations is to ensure Republicans not publicly oppose A.B. 563 (and its companion S.B. 528) in lieu of earning their affirmative support.

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 last year's confusing special election ballot. The candidate withdrew from the race after finishing third among 48 candidates in the ranked-choice special primary election. 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 office 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. Earlier this 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 last year 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," party officials said.

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.

We 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—not expanded. Several states have acted to ban the practice, and we urge you to carefully consider this information as you determine whether it should be allowed to gain footing in Wisconsin.

The Election Transparency Initiative recently led a coalition of a dozen grassroots and public policy organizations—all with concerned members in your state—in a letter to this committee voicing our shared concerns with A.B. 563. 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.

###

Experience To-Date

For a quick explainer of how Final Five Voting works, please view: <https://bit.ly/FFVExplainer>

What does the data tell us about voters and ranked ballots?

In general, research and experience show that voters like, understand, and use rankings to demonstrate their preferences when they vote using a ranked ballot.

Where is Final Five Voting (FFV) used?

Alaska uses Final Four Voting (a top-four primary, as opposed to a top-five primary) for all state and federal races. Voters supported a Final Four ballot initiative in 2020, and first used the system in 2022.

Nevada voters supported a Final Five ballot initiative in 2022. They will need to vote on it again in 2024, as it is a Constitutional Amendment. Therefore, there is no implementation data yet.

How did FFV go in Alaska?

2022 was one of the most successfully administered elections in recent Alaska history:

- 99.9% of RCV ballots were correctly cast and counted;¹
- 65% of voters ranked more than one candidate in statewide races;²
- 79% of voters said it was simple to fill out their ballot.³

Is there any other data we can look at to see how it works?

We can look at data from Instant Runoffs.

However, Final Five Voting is designed to mitigate some of the concerns regarding Instant Runoff-only, by limiting use of the ranked ballot to the general election, where the field of candidates has been winnowed to five (after the Top-Five Primary).

The data is not perfectly analogous, but it helps answer questions.

Questions? Please contact Sara Eskrich, Executive Director. | sara@democracyfound.org | 262-290-8679

Where have Instant Runoffs been used?

Instant Runoff Voting (IRV) has been used successfully in:⁴

- Statewide primaries and congressional general elections in Maine;
- Local elections in both major cities and small towns across 52 jurisdictions in seventeen states (incl. Minnesota, Michigan, Utah, Colorado, and New Mexico);
- Overseas and military voter elections in seven states, to ensure full participation in congressional runoff elections (Alabama, Arkansas, Georgia, Louisiana, Mississippi, and South Carolina);
- Thousands of public and private academic and civic institutions, including by Republican and Democratic state parties (WI uses non-instant runoffs) for caucuses and officer elections; and
- Other countries, it is used by every voter in six countries and in local elections in many more.

What is the biggest concern / pushback to FFV?

The most common concern we hear is that it's 'too complicated' and voters will be confused, particularly by the second part of Final Five Voting, the instant runoff general election (often referred to as Ranked-Choice Voting (RCV)).

NOTE: Ranked-Choice Voting (RCV) is often used as a synonym for an Instant Runoff because an Instant Runoff election is enabled by a ranked-choice ballot. However, Ranked-Choice Voting is an umbrella term that can mean different things. Instant Runoff is more precise, and Instant Runoff General Election, not Ranked-Choice Voting, correctly describes Part 2 of FFV.

Why are people concerned about Instant Runoffs?

Some are worried that a ranked ballot is too complicated to explain and too complicated for voters to use. Skeptics do not believe voters will be willing and able to learn about and rank candidates.

Is there a reason to be concerned about Instant Runoffs?

We know from research and experience that voters generally like, understand, and use rankings—without higher ballot error rates. More details and data are below.

Questions? Please contact Sara Eskrich, Executive Director. | sara@democracyfound.org | 262-290-8679



Do voters think ranked ballots and instant runoffs are too complicated?

No.

- In 2022, 85% of Alaska voters reported that IRV is “simple” in their first IRV election.⁵
- In Utah, 81% said the method is either very or somewhat easy and 90% said the instructions on the ballot were somewhat or very clear.⁶
- In NYC, 95% of voters found their ballot simple to complete, and 78% of New Yorkers said they understood IRV extremely or very well.⁷
- In Maine, more than 74% of people in an exit poll said that ranking was either somewhat or very easy.⁸
- Strong majorities (87 – 95%) of respondents across multiple cities noted they understand IRV well or fairly well and majorities (69 – 84%) reported knowing how to rank candidates before coming to vote.⁹
- In Minneapolis, where voters have used IRV since 2009, 92% of residents said they found IRV to be “simple.”¹⁰
- There are no differences in IRV cities in how White, Black, and Latino respondents reported understanding IRV.¹¹

Do voters like having the option to rank their candidates?

Yes.

- Voters are more satisfied when they get to rank candidates, since they can express the full range of their political voice.¹²
- After the June 2018 primary elections, the first time most voters used IRV, 90% of Maine voters reported that their IRV experience was either “excellent or good.”¹³
- A majority of most demographic groups supported IRV in 11 California cities surveyed.¹⁴
- In Utah, when compared to standard election participants, 65% said they were very satisfied, with 64% of IRV election participants responding likewise.¹⁵
- In 2022, a majority (56%) of Virginia Republican primary voters who used IRV in congressional primaries reported that they prefer IRV to single-choice elections.¹⁶

Do candidates like it?

Yes

- In Utah’s 2019 elections, candidates also expressed satisfaction with IRV; 87.5% of candidates had a positive impression of IRV with no candidates having a negative impression.¹⁷

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Do voters use the option to rank?

Yes.

- In 2022, a supermajority (66%) of Alaska voters ranked multiple candidates.
 - Of the third of voters who only voted for one candidate, 75% reported the reason as, “there was only one candidate I liked.”¹⁸
- In the vast majority of IRV races contested by more than three candidates, a significant majority of voters rank at least two candidates.¹⁹
- A majority of voters in Payson and Vineyard, UT, fully ranked their ballots in 2019.²⁰
- In 2014, three-quarters (74%) of Oakland voters ranked three different mayoral candidates (the maximum allowed). Another 11% of voters ranked two.
- In the 11 Alameda County IRV races that had three or more candidates in 2014, 63% of voters ranked three candidates, and 76% ranked at least two.
- In the 2013 mayoral race in Minneapolis, which was contested by 35 candidates, voters had three available choices and 78% of voters ranked all three of their available choices in the mayoral race.²¹

Are there more errors on ranked ballots?

No.

- Voter error is not more likely in IRV elections, according to research studying 26 cities.²²
- Errors on ranked ballots reveal no significant difference when comparing racial and ethnic groups.²³
- Experimental data showed ranked ballots produced more valid votes than traditional choose-one ballots.²⁴
- In Maine’s first IRV election, less than 0.2 percent of ballots were spoiled by voter errors.²⁵
- In the first two IRV elections in Maine, the proportion of blank ballots were the same as in prior Maine non-IRV elections.²⁶
- In the 24 IRV contests held in the Bay Area in November 2014, overvoting was uncommon. Over 99% of voters cast a valid ballot in each race, including in the 16-candidate, highly competitive contest for mayor in Oakland.²⁷
- In the 2013 mayoral race in Minneapolis, which was contested by 35 candidates, only 0.5% of all ballots cast contained errors, such as an overvote or skipped ranking. 90% of these errors were correctable²⁸, resulting in a valid ballot rate of 99.94%.²⁹

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What is an exhausted ballot?

Exhausted ballots are also known as inactive ballots. They occur when ballots can't be counted for a candidate in a given round of vote tabulation. The more active ballots that are in play in the final round, the more utility those ballots have in deciding the outcome.

Ballots can become inactive because of:

- **Voluntary Abstention:** The voter does not use all allowed rankings, and all ranked candidates are eliminated during the round-by-round tabulation.
- **Ballot Error:** The voter makes an error that prevents their ballot from being counted.
- **Ranking Limit (not applicable to FFV):** The voter uses as many rankings as allowed on the ballot, but all ranked candidates are eliminated during tabulation. This occurs in jurisdictions that limit voters to fewer rankings than the number of candidates.

Why are people concerned about exhausted / inactive ballots?

Voters are permitted to rank all candidates, but they are not required to do so. If a voter does not rank all their choices, they run the risk of all their ranked candidates being eliminated in the instant runoff process and their ballot becoming inactive.

When voters choose not to rank all the candidates, this is not problematic for IRV, rather it's an indication of voter choice (as they could choose to abstain from voting in a race under single-choice voting systems).

If a ballot becomes inactive due to ballot error, there is reason to be concerned. However, research on all single-winner IRV races between 2004 and 2022 (over 14 million ballots) shows that only 0.05% of ballots were inactive due to ballot error.³⁰

Does use of IRV impact voter turnout?

Evidence shows that IRV elections often generate relatively higher turnout; however, full impacts on turnout are not yet known.

In general elections, turnout is most strongly driven by competitive campaigns and whether the election takes place in an even-numbered year.³¹

Other characteristics that are independent of the election method, such as media attention, also make it difficult to control for the impact of IRV when studying turnout.

Questions? Please contact Sara Eskrich, Executive Director. | sara@democracyfound.org | 262-290-8679

Where can I hear more from someone with experience implementing IRV?

Utah County Clerk Josh Daniels (R) shared his experience preparing the electorate for and administering instant runoff elections with the WI Senate Elections committee:

"We went to an assisted living facility where some of our oldest voters in the community live. The purpose of the test was to see what, if any, concerns they would have with zero explanation. So, we simply handed out ranked choice voting ballots after giving our overview of elections generally, and then asked the residents to vote in this sample election. Then we walked around and discussed with the residents and heard concerns, and we were blown away by the degree to which the ballot itself was intuitive to the voters.

It's not surprising...all of us consider making choices in our day to day lives."

Watch his full testimony here: bit.ly/DanielsFFV

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² Ibid.

³ Patinkin, Ben. "Alaska Exit Poll Results – New Election System." Patinkin Research Strategies, November 15, 2022.

⁴ Fairvote (2023) Where is Ranked Choice Voting Used. Available at: <https://fairvote.org/our-reforms/ranked-choice-voting-information/#where-is-ranked-choice-voting-used>

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⁸ Shepherd, M. (2018) 'What exit polling reveals about Maine's experience with ranked choice voting', *Bangor Daily News*, 13 November. Available at: <https://bangordailynews.com/2018/11/12/news/exit-polling-finds-narrow-majority-of-mainers-back-expansion-of-ranked-choice-voting%E2%80%8B/>

⁹ <https://fairvote.app.box.com/v/ExitPollsSummary>

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<https://lms.minneapolismn.gov/Download/RCA/4684/2017%20Municipal%20Election%20Report.pdf>.

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<https://onlinelibrary.wiley.com/doi/full/10.1111/ssqu.12651>

¹² Common Cause New York (2021) *New York City Voters Embrace Ranked Choice Voting (RCV): Preliminary results from largest Ranked Choice Voting exit poll and election in US history*. Available at:

<http://readme.readmedia.com/RANK-THE-VOTE-NYC-RELEASES-EDISON-RESEARCH-EXIT-POLL-ON-THE-ELECTION/17989282> (Accessed: 7 July 2021).

¹³ FairVote (2018) 'Maine voter survey shows RCV was easy to use', *FairVote Voices & Choices*, 15 June. Available at: https://www.fairvote.org/maine_voter_survey_shows_rcv_was_easy_to_use

¹⁴ https://www.fairvote.org/data_on_rcv#research_rcvotersupport

¹⁵ <https://www.deseret.com/utah/2021/11/15/22783224/did-utahns-like-ranked-choice-voting-a-new-poll-has-answers-elections-2021-local-politics-election> (Accessed: 2 December 2021).

¹⁶ Center for Campaign Innovation (2022), *Measuring The Effects Of Ranked Choice Voting In Republican Primaries*. Available at: <https://campaigninnovation.org/research/measuring-the-effects-of-ranked-choice-voting-in-republican-primaries>

¹⁷ <https://www.utah.gov/pmn/files/706149.pdf>

¹⁸ Patinkin Research Strategies (2022), 'Alaska Exit Poll Results—New Election System'. Available at: <https://www.alaskansforbetterelections.com/polling-shows-alaskan-voters-understand-ranked-choice-voting/>

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²⁰ Fairvote (2019) *Utah Voters Rank Their Choices. The 2019 municipal elections in Payson and Vineyard*. Available at: <https://infogram.com/utah-voters-use-rcv-1hzj4o9kmrv74pw?live>

²¹ <https://www.fairvotemn.org/news/rcv-numbers-2013-key-minneapolis-election-findings>

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²⁵ Woodard, C. (2018) 'Maine's pioneering ranked-choice election likely to catch on nationally', *Press Herald*, 18 November. Available at: <https://www.pressherald.com/2018/11/18/maines-pioneering-ranked-choice-election-likely-to-catch-on-nationally/>

²⁶ Germer, Matt, *An Analysis of Ranked Choice Voting in Maine*, R-Street (2021). Available at: <https://www.rstreet.org/research/an-analysis-of-ranked-choice-voting-in-maine/>

²⁷ https://www.fairvote.org/data_on_rcv#research_rcvoteturnout

²⁸ <https://lms.minneapolismn.gov/Download/RCA/4684/2017%20Municipal%20Election%20Report.pdf>

²⁹ "The City of Minneapolis was obligated to develop policy guidance to address these RCV specific ballot errors to satisfy the statutory requirement. As part of its first use of RCV in 2009, the City created a Voter Error Accounting Chart which met this need. The Voter Error Accounting Chart provided consistent treatment of ballots with RCV-specific errors, a process sometimes referred to as "normalizing" a ballot. It is important to emphasize that normalized ballots are not disqualified or excluded from being included in the tabulation of election results. In each and every instance where a ballot error is discovered, that ballot is normalized according to the policy guidelines dictated by the ordinance and then tabulated."

³⁰ https://www.fairvote.org/data_on_rcv#research_rcvoteturnout

³¹ FairVote (2023), 'Inactive Ballots'. Available at: <https://fairvote.org/resources/data-on-rcv/#inactive-ballots>

³² Kimball, David C. and Anthony, Joseph, "Voter Participation with Ranked Choice Voting in the United States," Department of Political Science, University of Missouri-St. Louis (2016). Available at:

<https://www.umsl.edu/~kimball/DKimballRCV.pdf>

Questions? Please contact Sara Eskrich, Executive Director. | sara@democracyfound.org | 262-290-8679

SAMPLE BALLOT




State of Alaska Official Ballot
August 16, 2022
Primary Election

Federal Only

501

PLEASE NOTE: A candidate's designated affiliation does not imply that the candidate is nominated or endorsed by the political party or group or that the party or group approves of or associates with that candidate, but only that the candidate is registered as affiliated with the party or group.

Primary Election - Voting Instructions

- To vote, completely fill in the oval to the right of your choice, like this: 
- Vote for one candidate only.
- Use a blue or black ink pen to mark your ballot. NO RED INK.
- If you make a mistake, ask for a new ballot.

United States Senator (Vote for one)	United States Representative (Vote for one)
Blatchford, Edgar (Registered Democrat) <input type="radio"/>	Armstrong, Jay R. (Registered Republican) <input type="radio"/>
Chesbro, Patricia R. (Registered Democrat) <input type="radio"/>	Begich, Nick (Registered Republican) <input type="radio"/>
Darden, Dave H. (Undeclared) <input type="radio"/>	Brelsford, Gregg B. (Undeclared) <input type="radio"/>
Darden, Dustin T. (Registered AK Independence) <input type="radio"/>	Bye, Chris (Registered Libertarian) <input type="radio"/>
Gungurstein, Shoshana (Nonpartisan) <input type="radio"/>	Dutchess, Lady Donna (Nonpartisan) <input type="radio"/>
Hill, Sidney "Sid" (Nonpartisan) <input type="radio"/>	Heintz, Ted (Nonpartisan) <input type="radio"/>
Keller, Jeremy (Nonpartisan) <input type="radio"/>	Hughes, David (Undeclared) <input type="radio"/>
Kelley, Buzz A. (Registered Republican) <input type="radio"/>	LeBlanc, Davis L. Jr. (Undeclared) <input type="radio"/>
Lee, Huhnkie (Undeclared) <input type="radio"/>	Lyons, Robert "Bob" (Registered Republican) <input type="radio"/>
Merrill, Samuel A. "Al" (Registered Republican) <input type="radio"/>	Mettler, Sherry M. (Undeclared) <input type="radio"/>
Murkowski, Lisa (Registered Republican) <input type="radio"/>	Myers, J.R. (Registered Libertarian) <input type="radio"/>
Nolin, Pat L. (Registered Republican) <input type="radio"/>	Ornelas, Robert (Registered Am Independent) <input type="radio"/>
Schiess, John (Registered Republican) <input type="radio"/>	Palin, Sarah (Registered Republican) <input type="radio"/>
Shorkey, Kendall L. (Registered Republican) <input type="radio"/>	Pellegrini, Silvio E. (Undeclared) <input type="radio"/>
Speights, Karl W. (Registered Republican) <input type="radio"/>	Peltola, Mary S. (Registered Democrat) <input type="radio"/>
Stephens, Joe T. (Registered AK Independence) <input type="radio"/>	Phelps, Andrew H. (Nonpartisan) <input type="radio"/>
Taylor, Ivan R. (Registered Democrat) <input type="radio"/>	Purham, Randy (Registered Republican) <input type="radio"/>
Thorne, Sean M. (Registered Libertarian) <input type="radio"/>	Snowden, Brad (Registered Republican) <input type="radio"/>
Tshibaka, Kelly C. (Registered Republican) <input type="radio"/>	Strizak, Sherry A. (Undeclared) <input type="radio"/>
	Sweeney, Tara M. (Registered Republican) <input type="radio"/>
	Williams, Denise A. (Registered Republican) <input type="radio"/>
	Wilson, Tremayne (Nonpartisan) <input type="radio"/>

Continue Voting on Next Side

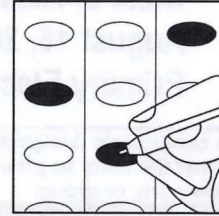
+



PLEASE NOTE: A candidate's designated affiliation does not imply that the candidate is nominated or endorsed by the political party or group or that the party or group approves of or associates with that candidate, but only that the candidate is registered as affiliated with the party or group.

Instructions:

- Do not use red ink or a pencil to mark your ballot.
- Rank as many or as few candidates as you like.
- Completely fill in no more than one oval for each candidate or column.
- For your 1st choice, fill in the oval in the 1st choice column.
- For your 2nd choice, fill in the oval in the 2nd choice column.
- For your 3rd choice, fill in the oval in the 3rd choice column, and so on.
- If you make a mistake, you can ask for a new ballot.



United States Senator

	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice
Chesbro, Patricia R. (Registered Democrat)	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
Kelley, Buzz A. (Registered Republican)	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
Murkowski, Lisa (Registered Republican)	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
Tshibaka, Kelly C. (Registered Republican)	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
Write-in:	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5

United States Representative

	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice
Begich, Nick (Registered Republican)	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
Bye, Chris (Registered Libertarian)	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
Palin, Sarah (Registered Republican)	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
Peltola, Mary S. (Registered Democrat)	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
Write-in:	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5

January 8, 2024

To: Wisconsin Assembly Committee Members

Re: Support of AB563

Ladies & Gentlemen:

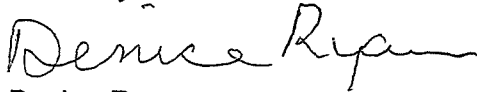
I am writing to express my support in favor of AB 563.

I urge you to consider supporting the idea of offering Final Five and Rank Choice Voting to the voters of our state of Wisconsin.

Too many outside parties with their personal agendas are involved in our state's primary process. Let "We the People" decide who we wish to see in office. Free us from the political rhetoric and positions that big party bosses represent.

This is a fresh and sorely needed reform that deserves our legislature's deep consideration.

Sincerely,

A handwritten signature in cursive script that reads "Denice Ryan". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Denice Ryan
W2644 Kittie Ct.
East Troy, WI 53120
414/758-0841

Good morning,

I'd like to extend sincere thanks to the committee for your attention in hearing today's AB563 testimony.

My name is William Acuff. My first engagement in our political process, I'm here as a private citizen in support of open primaries and instant run-off general elections, commonly understood as FF & RCV.

To start, I want to offer background for my motivation. I'm a Marine, a retired military member of the WI ANG and have worked in WI Manufacturing for 30+ years in various leadership roles before taking leave of working life in 2022. I vote and serve as a poll worker in my community of Troy, WI.

Though I consider myself to be right of center, I have been an independent voter my entire life. A voter who's leaned left of center and right of center, weighing the merits and incentives of the concerns at hand. Life's too complex for a singular leaning or party to advantage all situations.

I'm testifying today to champion Assy Bill-563 for what it brings to our political process.

What does a FF open primary/Instant run-off general election do?

- ✓ It democratizes our elections, stimulates representative government because FFV shifts accountability of a campaign to voters.
- ✓ It returns civility to election discourse by compelling campaigns to appeal to a broader representation of the electorate a candidate seeks to represent.
- ✓ It moves monetary incentives from personal attacks of opponents to policy platforms, tethering a focus on campaign positions, programs, and ideas.
- ✓ **It loosens the shackles of the donor class on elected office.**
- ✓ It neutralizes power of party bosses, returning primaries and elections to the electorate, and a **more Representative Government of "We the People"**.

To achieve this common good, I ask the committee to shepherd AB563 through the process. Too advocate its passage with all representatives in the Assembly, and not be swayed by inaccurate, misleading, and familiar falsehoods of the opposition.

Listen for the phrasing, and nearly identical language in opposition arguments. You will hear coordinated and nearly identical phrasing in opposition.

You're told,

- ✓ voters are *forced* to vote for ALL candidates.

FALSE. This is a manufactured lie. Authors advancing this claim know unequivocally that voters have liberty to vote their preference with FF-RCV; be it a single candidate or several, ranking as they desire up to a maximum of 5 candidates. Further, voters may rank a single candidate as all 5 of their choices and hold freedom to write in a candidate as they wish. Be assured, the opposition is fully aware of these truths.

You're told,

- ✓ votes are *wasted*, not counted.
- ✓ votes are *trashed* or thrown out.

FALSE. Be aware these empty claims are no truer than a vote cast today for candidate that does not have the votes to win office. Do we claim the vote didn't count? Was trashed? We don't.

ALL conscious and deliberate abuse of truth, crafted to distort and restructure facts. Each a known falsehood to those advancing these claims.

- ✓ So, listen closely to the language and phrasing employed. Don't be swayed by charged language. It's a ploy to cloud facts.

Be aware the out of state professionals will, with malice for truth, dishonestly equate FFV with ratified reforms in AK, ME, CA.

- ✓ Do not be misled, **the reform they cite IS NOT AB563.**

Recognize many opposing FFV are not Wisconsin grass root foundations. They're a collection of coordinated special interests, funded in secret in the shadows of dark money, here merely to push agendas of the donors. Agendas that combat the common benefit of WI voters. They're not here to advance a rationale favoring a closed primary process, nor reason how the electorate benefits in any fashion from party primaries. They travel the country; hired to attack reform initiatives. Their attendance today is purely to suppress Wisconsin voter choice. To mute the voice for reform.

- ✓ Do not be deaf to their language nor blind to their motivations.

See the evidence that FFV brings campaign accountability to the electorate and counters influence of the donor class on elections. Be inspired to advance the common good over special interest and return Wisconsin national elections to "we the People". Serve in the benefit of your constituents and shepherd the passing of AB-563. Thank you.

With that I'm glad to answer any curiosity or concern you may have of my testimony.