



# DUEY STROEBEL

STATE SENATOR • 20<sup>TH</sup> DISTRICT

## Testimony on SJR 94

*February 8, 2024*

Thank you Chairman Knodl and committee members for hearing Senate Joint Resolution 94, the first consideration of a constitutional amendment to prohibit the use of ranked-choice voting in Wisconsin elections. If passed by successive legislatures and approved by the voters, Wisconsin would join five other states in prohibiting the practice.<sup>1</sup>

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

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

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

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

There’s little evidence to suggest that adopting an alternative voting method would bring about the transformative changes to our political environment envisioned by many proponents of ranked-choice voting. Thus, SJR 94 seeks to protect our time-tested election system from such experimentation by reinforcing the principle of one person, one vote in the Wisconsin Constitution.

## References:

- <sup>1</sup> Florida [s. 101.019(1), Stats.], Idaho [s. 34-903B, Stats.], Montana [s. 13-1-125, Stats.], South Dakota [s. 12-1-9.1, Stats.] and Tennessee [s. 2-8-117, Stats.]
- <sup>2</sup> Craig M. Burnett & Vladimir Kogan (2014). Ballot (and voter) 'exhaustion' under Instant Runoff Voting: An examination of four ranked-choice elections. *Electoral Studies*. <https://doi.org/10.1016/j.electstud.2014.11.006>
- <sup>3</sup> Maya King & Zach Montellaro (2021). New York's 'head-swirling' mistake puts harsh spotlight on ranked-choice voting. *Politico*. <https://www.politico.com/news/2021/07/06/new-york-ranked-choice-voting-498221>
- <sup>4</sup> J.R. Stone (2022). Alameda Co. finds error in ranked-choice voting system, investigating Oakland school board race. *ABC 7 News*. <https://abc7news.com/ranked-choice-voting-oakland-school-board-director-district-4-race-mike-hutchinson-alameda-county-registrar-of-voters/12626221/>
- <sup>5</sup> Al Weaver (2022). Alaska set to announce results from 'confusing' ranked choice system. *The Hill*. <https://thehill.com/homenews/state-watch/3747213-alaska-set-to-announce-results-from-confusing-ranked-choice-system/>
- <sup>6</sup> Pew Research Center (2023). Public Trust in Government: 1958-2023. <https://www.pewresearch.org/politics/2023/09/19/public-trust-in-government-1958-2023/>
- <sup>7</sup> Penny Thomas and Lawrence Jacobs (2023). Where's the evidence supporting Ranked Choice Voting Claims? *Hupert H. Humphrey School of Public Affairs*. <https://www.hhh.umn.edu/research-centers/center-study-politics-and-governance/research-and-initiatives-cspg/ranked-choice-voting>
- <sup>8</sup> Oxford Reference (n.d.). Gibbard-Satterthwaite theorem. <https://www.oxfordreference.com/display/10.1093/oi/authority.20110803095851273>
- <sup>9</sup> Dominic Fracassa (2018). Jane Kim, Mark Leno team up against London Breed in SF mayor's race. *San Francisco Chronicle*. <https://www.sfchronicle.com/bayarea/article/Jane-Kim-Mark-Leno-team-up-against-London-Breed-12905048.php>
- <sup>10</sup> Todd Donovan & Caroline Tolbert (2023). Civility in Ranked-Choice Voting Elections: Does Evidence Fit the Normative Narrative? *Representation*. <https://doi.org/10.1080/00344893.2023.2219267>
- <sup>11</sup> Peter Buisseret & Carlo Prato (2022). Politics Transformed? How Ranked Choice Voting Shapes Electoral Strategies. *Political Institutions and Economic Policy*. [https://projects.iq.harvard.edu/files/piep/files/rcv\\_20220325.pdf](https://projects.iq.harvard.edu/files/piep/files/rcv_20220325.pdf)
- <sup>12</sup> Nathan Atkinson, Edward B. Foley & Scott Ganz (2023). Beyond the Spoiler Effect: Can Ranked Choice voting Solve the Problem of Political Polarization? *University of Illinois Law Review*. <https://dx.doi.org/10.2139/ssrn.4411173>
- <sup>13</sup> Jason A. McDaniel (2019). Electoral Rules and Voter Turnout in Mayoral Elections: An Analysis of Ranked-Choice Voting. *Election Systems, Reform and Administration*. <https://cpb-us-w2.wpmucdn.com/web.sas.upenn.edu/dist/7/538/files/2019/07/McDaniel-RCV-Voter-Turnout-Revised-ESRA-2019.pdf>
- <sup>14</sup> Nathaniel Rakich (2018). Maine Is Trying Out a New Way To Run Elections. But Will It Survive The Night? *FiveThirtyEight*. <https://fivethirtyeight.com/features/maine-is-trying-out-a-new-way-to-run-elections-but-will-it-survive-the-night/>
- <sup>15</sup> Dana Rubinstein (2021). Rancor Between Adams and Yang Marks End of Bruising Mayoral Campaign. *The New York Times*. <https://www.nytimes.com/2021/06/21/nyregion/nyc-mayor-primary.html>

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# Ty BODDEN

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STATE REPRESENTATIVE • 59<sup>TH</sup> ASSEMBLY DISTRICT

## Testimony on Senate Joint Resolution 94

### Senate Committee on Shared Revenue, Elections and Consumer Protection

Thursday, February 8, 2024

Thank you, Chairman Knodl and members of the Shared Revenue, Elections and Consumer Protection Committee for the opportunity to testify in favor of Senate Joint Resolution 94. I extend my gratitude to Senator Stroebel, Representative Green, and Representative Goeben for their leadership on this legislation.

This constitutional amendment, proposed to the 2023 legislature for first consideration, aims to prohibit the use of ranked-choice voting in Wisconsin elections and voting for candidates from more than one political party in partisan primaries held in the state.

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

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

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# Ty BODDEN

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STATE REPRESENTATIVE • 59<sup>TH</sup> ASSEMBLY DISTRICT

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

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

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



Tuesday, February 6, 2024

Wisconsin State Senate Committee on Shared Revenue, Elections, and Consumer Protection  
via Committee Clerk Neville  
Wisconsin State Capitol  
2 East Main Street  
Madison, WI 53703

**RE: Opposition to SJR 94 prohibiting Ranked-Choice Voting and Open Primaries**

Thank you for hearing testimony on Senate Joint Resolution 94, related to prohibiting ranked-choice voting in Wisconsin elections and prohibiting voting for candidates of more than one political party in primaries for partisan office

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, including veterans.

The proposed constitutional amendment, SJR 94, would lock in this current process and eliminate the possibility of a new process that would change the incentives and result in a U.S. Congress that could solve problems through bipartisan solutions to our biggest challenges. Such a process would not necessarily result in different people being elected, but it would 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 open and honest during 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.

The amendment proposed by SJR 94 would restrict current and future legislatures from making any meaningful changes to congressional incentives. It would reduce the rights of Wisconsin citizens while expanding the power of political parties. Don't take away your own freedom to make future choices in the best interest of our state and nation.

The undersigned Wisconsin citizens and Veterans provide this letter in strong opposition of SJR 94.

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

# Final Five Voting: Top-Five Primaries + Instant Runoff General Elections



**Why?** America is at its best when government is effective. Right now, it is not.

By updating the way Wisconsin conducts our federal elections, we can realign incentives for Congress, producing results and accountability.

**How does it work?** Two changes to how we vote in federal elections.

## 1. In the Primary Election:

What is your favorite Wisconsin professional sports franchise?  
Fill in the oval next to your choice, like this ●

<input type="radio"/>	Beloit Snappers <small>Beloit Party</small>
<input type="radio"/>	Forward Madison <small>Madison Party</small>
<input type="radio"/>	Green Bay Blizzard <small>GB Party</small>
<input checked="" type="radio"/>	Green Bay Packers <small>GB Party</small>
<input type="radio"/>	Milwaukee Admirals <small>Milwaukee Party</small>
<input type="radio"/>	Milwaukee Brewers <small>Milwaukee Party</small>
<input type="radio"/>	Milwaukee Bucks <small>Milwaukee Party</small>
<input type="radio"/>	Milwaukee Wave <small>Milwaukee Party</small>
<input type="radio"/>	Wisconsin Herd <small>Ozaukee Party</small>
<input type="radio"/>	Wisconsin Timber Rattlers <small>Appleton Party</small>

All candidates run on a single ballot, regardless of party affiliation.

Voters select their favorite candidate.

When the votes are tallied, the top five finishers advance to the general election.

## 2. In the General Election:

Voters pick their favorite, just like always. If they want to, they can also pick their 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and last place candidates (using a ranked-choice ballot).

What is your favorite Wisconsin professional sports franchise?

		1 <sup>ST</sup> CHOICE	2 <sup>ND</sup> CHOICE	3 <sup>RD</sup> CHOICE	4 <sup>TH</sup> CHOICE	5 <sup>TH</sup> CHOICE
Admirals	<small>Milwaukee Party</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Brewers	<small>Milwaukee Party</small>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bucks	<small>Milwaukee Party</small>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Forward	<small>Madison Party</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Packers	<small>GB Party</small>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The first-place votes are counted. If one candidate gets a majority (50%+), that candidate wins.

If no one has a majority, tabulation continues via instant runoff voting. The last-place candidate is eliminated and anyone who voted for that candidate has their single vote transferred to their second choice. The votes are counted again, and the process continues until one candidate gets over 50%.

In an instant runoff, the candidate with the widest appeal to the greatest number of voters wins.

## Leadership

**Founders and Co-Chairs:** Katherine Gehl, Former CEO, Gehl Foods and Austin Ramirez, CEO, Husco International

**Board and Advisory Council:**

- |                                             |                         |
|---------------------------------------------|-------------------------|
| Drs. Kathryn Quadracci Flores & Raja Flores | Becky & Gus Ramirez     |
| Mary Jo & Don Layden                        | Sue & Bud Selig         |
| Madeleine & David Lubar                     | Lynde Uihlein           |
| Linda & Greg Marcus                         | Sarah & Steve Zimmerman |
| Andy Nunemaker                              |                         |

More supporters noted on [www.democracyfound.org](http://www.democracyfound.org)

Executive Director | Sara Eskrich

"I have supported progressives for years, and I strongly support this cross-partisan work. It is not about electing more moderates. Strong progressive ideas and strong conservative ideas may drive the debate, but ultimately, we need elected officials who are able to compromise. This requires structural change." – Lynde Uihlein

"As one of the only people who threw a Trump fundraiser in Wisconsin, I feel strongly that supporting Democracy Found doesn't mean we have to shed our various political identities. But we must come together to fix the system."  
– Andy Nunemaker

[sara@democracyfoundation.org](mailto:sara@democracyfoundation.org), 262-290-8679

# Final Five Voting: Top-Five Primaries + Instant Runoff General Elections



## Frequently Asked Questions

Question	Answer
Isn't FFV just a solution in search of a problem?	<p>Wisconsiners know we have a problem with our politics. They're frustrated. They want change. They want accountability. And they want action.</p> <ul style="list-style-type: none"> <li>• While there is some veracity to the concerns about changing to a new election system, they do not outweigh the benefits of healthy competition in elections.</li> <li>• The choice is to do something or to do nothing. We must do something.</li> </ul>
Does FFV favor Democrats?	<p>No. FFV favors general election voters.</p> <ul style="list-style-type: none"> <li>• It is not designed to change who wins. It's designed to change the incentive of whoever wins, to represent their voters and solve problems.</li> <li>• FFV favors hardworking candidates of any party who run good campaigns with policy positions that resonate with general election voters in the district/state.</li> <li>• It also brings new ideas and competition into elections—enhancing accountability for all voters.</li> <li>• Some people with power in the existing system seem to object—on both sides.</li> </ul>
Isn't FFV too confusing?	<p>Voters are not confused.</p> <ul style="list-style-type: none"> <li>• Voters can only rank one candidate if they want, and their ballot still counts.</li> <li>• Voters are less likely to throw their votes away under FFV than traditional plurality voting.<sup>1</sup></li> <li>• Errors are not more common or likely on ranked ballots.<sup>2</sup></li> <li>• In Alaska, 99.8% of ranked ballots were correctly cast and counted.<sup>3</sup> 85% said it was simple.<sup>4</sup></li> </ul>
Isn't FFV too hard to implement? Leading to delayed results?	<p>Over 85% of municipalities in Wisconsin, representing 95% of registered voters, already have an instant-runoff capable voting system.<sup>5</sup></p> <p>Delays in results reporting are not due to the use of a ranked ballot. They are because absentee ballots are collected after election day.</p> <ul style="list-style-type: none"> <li>• Delays in results reporting in is not new. When all votes matter, it's not as simple to predict who is going to win.</li> <li>• Wisconsin collects all absentee ballots on election day, so we will be able to tabulate the instant runoff much faster.</li> </ul>

*Final Five Voting is not designed to change who wins, it's designed to change incentives that shape how officials campaign and govern.*

<sup>1</sup> "Alaska Exhausted Ballots: A Comparison—U.S. Senate Pre- and Post-FFV," The Campaign for Final Five Voting, December 12, 2023.

<sup>2</sup> <https://fairvote.app.box.com/v/kimball-anthony-full-study>

<sup>3</sup> Alaska Division of Elections. <https://www.elections.alaska.gov/>

<sup>4</sup> "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>.

<sup>5</sup> Wisconsin Elections Commission, *Approved Voting Equipment*, <https://elections.wi.gov/approved-voting-equipment> (last visited Aug. 24, 2023); Verified Voting, *Verifier Search - Wisconsin / 2024*, <https://verifiedvoting.org/verifier/#mode/search/year/2023/state/55> (last visited Aug. 24, 2023).

## Statement in Opposition to SJR 94 from Kevin Miller, Volunteer for Veterans for Wisconsin Voters

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

Our organization was formed in 2021 by U.S. military veterans who were frustrated serving to support and defend our constitution and country while a dysfunctional Congress regularly caused turmoil for service members and veterans. The reason, of course, is the incentives of our current election system.

If you want proof, look at Congress this week. A bipartisan effort to address three significant issues that affect the military—the wars in Ukraine and Gaza and border security—an actual compromise with significant support among Republicans and Democrats, is being derailed because of the incentives of our current election system. Our representatives in Congress know that if they do what's right and what the majority of their constituents want, they risk losing campaign resources and possibly even being primaried because it is not the general election they have to worry about.

And yet those who are pushing SJR 94 want to lock the current system in place so it can never be changed. And, by the way, our election systems have changed numerous times in our history, so don't buy the argument that this is what our founders had in mind. What our founders did do is warn of the dangers of partisan politics and political parties.

All service members agree to make sacrifices and even give their lives if necessary for the honor of defending our country. I recently came across the letter I left for my eight-year-old son when I deployed to Afghanistan in 2008 hoping he would understand why he would be without his dad for a year—and hopefully only a year. That someone had to make the hard choice to fight our nation's battles. I obviously did come home, but three families will not have their Army Reserve soldier come home after the attack in Jordan last month.

There is sometimes a price to pay for making the right choice; a sacrifice for having moral courage. As elected officials, you sometimes face political threats to make certain choices. Sadly, these threats typically come from those in your own political parties and with shared ideologies, such as those happening in Congress this week.

The organizations pushing SJR 94 are threatened by open primaries and Final Five Voting. They know the changes would be good for democracy; they would give voters real choice and power; they would make primary elections meaningful to all voters; and elected officials would have incentives to listen to their constituents and do what they know is right without fear of the political fallout.

Early in January, the Assembly Elections Committee heard Republican Senator Cathy Giessel, the Alaska Senate Majority Leader, testify how staunchly she opposed Final Four Voting in Alaska



and how she campaigned against it. She was convinced by the same groups pushing SJR 94. Then Senator Giessel experienced being a candidate and serving as a legislator under Final Four Voting. Now she realizes this system allows her to do what's right, not what's politically expedient. That includes being an advocate for open primaries and final four or five voting.

Today we are discussing a proposed constitutional amendment. Constitutional amendments, whether state or federal, should be limited to protecting citizen rights. SJR 94, in fact, is specifically written to limit the rights of citizens and expand the rights of political parties.

The only threat open primaries and final five voting pose is to those who currently have power and control over who gets on the ballot. Some of these same people will threaten legislators who don't support SJR 94 with loss of campaign resources or even a primary opponent. This is exactly the sort of power and control those pushing this amendment want to preserve.

Please have the moral courage to say no to SJR 94. Stand up for the voters of Wisconsin. Though I encourage you to adopt open primaries and Final Five Voting, at the very least, don't restrict such opportunities in the future. And don't harm our legacy of local control by forever restricting the options of Wisconsin counties and municipalities.

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

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

**Hearing Testimony: Wisconsinites want FFV, It's Not Complicated, and Who is the Opposition?** - *Mike DeRubis, Voters First Wisconsin, (Re-submit petition in support of FFV)*

**My name is** Mike DeRubis and I am a volunteer with Voters First Wisconsin. I'm from DeForest and have lived in Wisconsin for more than 20 years. As a sales manager, I travel the state and talk to folks from all walks of life. A common thread in many of these conversations is a growing frustration with the dysfunction in Washington. It doesn't have to be this way, and I'm here today because I care deeply about the community that I've come to call home.

**Since the reason** we are all here is a bill proposing to ban Final Five Voting in our state, I'll start my testimony today with an observation. After more than five years of Wisconsinites considering Final Five Voting, Wisconsin leaders speaking with community groups across the state to hear their concerns, and building bipartisan support and in-state funding for a Wisconsin-born and bred idea from across the ideological spectrum, only now are we seeing opposition.

**This effort was** officially launched by Democracy Found in May of 2018, at an event attended by 400 people, hosted by the same person who also hosted the only Trump fundraiser in Wisconsin in 2016 in his home, as well as one of the largest progressive fundraisers in the state – those two are still jointly together in the effort for Final Five Voting. So, why the opposition?

**This opposition is** being led and funded, from what we can tell, by mostly out-of-state groups who are also pushing to ban a different system, ranked choice voting, in several other states. And I have to ask, why is the opposition here? Where did they come from? What is their purpose and what are their motivations? Why did they show up after we've been talking about Final Five Voting in Wisconsin to voters for over five years – and where were they before? Most importantly, what other solutions are they proposing to break the gridlock in Washington, D.C. so our nation can address our most pressing issues and voters can hold their representatives accountable for delivering results?

**I will finish** by making crystal clear that there are several dedicated Wisconsin-based grassroots groups led by Wisconsin volunteers, including Voters First Wisconsin, Veterans for Wisconsin Voters, and Bridge the Divide, that are regularly engaging voters across the state on this issue. We speak to Wisconsinites about their concerns and explain the solution we champion, Final Five Voting. **Collectively, we have** conducted over 180 house parties and events. We estimate we have directly reached more than 3,500 people this way, likely more including our speaking events to community, religious, and other civic groups, and countless one on one conversations.

**I will be** sending to your clerk a petition signed by nearly 1,000 Wisconsin citizens each with their own reasons to see Final Five Voting remain possible in our state. That petition reads:

**"As an engaged** voter in Wisconsin, I respectfully petition you to vote in favor of Final Five Voting (Assembly Bill 563 on Final Five Voting) so that we can help fix our broken political system and solve the problem of Congress not being incentivized to work together."

**Thank you for** accepting our petition into the record and listening to your constituents on this important matter. As we've demonstrated by our work over the past five years and more work to come, we care about listening to our fellow citizens in this state and making the lives of Wisconsinites better – we live here, and it matters to us.

Final Five Voting Petition Supporters  
sorted by County, City, Last Name

County	City	First	Last	Address	Zip
Waukesha	Waukesha	Jeanne	Hartje	2119 Yvonne St	53188
Iowa	Dodgeville	Rachel	Hartline	5251 Section Line Road	53533
Waukesha	Brookfield	Margaret	Hashoian	3735 Shadybrook Pl	53005
LA CROSSE	La Crosse	Chris	Haskell	111 17th Street South	54601
Racine	Waterford	Jim	Hawkinson	7102 Breezy Point Rd	53185
Racine	Waterford	Roxanne	Hawkinson	7102 Breezy Point Rd	53185
Milwaukee	Whitefish Bay	Leslie	Hayes	4741 N. Cumberland Blvd	53211
WAUKESHA	Sussex	Jean	Heaster	N63W23955 Terrace Dr	53089
Ozaukee	Mequon	Jim	Hecht	12425 N Golf Dr	53092
Dunn	Menomonie	Margo	Hecker	1417 Main Street East	54751
DUNN	Menomonie	Margo	Hecker	1417 Main St. E.	54751
Dodge	Beaver Dam	Allen	Heim	W7449 Hillendale Pkwy	53916
La Crosse	La Crosse	Joe	Heim	W5866 Cedar Rd	54601
La Crosse	La Crosse	Pat	Heim	W5866 Cedar Rd	54601
Waukesha	Delefield	Rich	Hein	332 Wells St. #110	53018
Sheboygan	Plymouth	Scott	Heinig	W6287 Hammann Road	53073
Dane	Lodi	Sue	Heintz	8338 Jade Dr	53555
Sheboygan	Elkhart Lake	Brian	Henne	W5454 Cty Rd EH	53020
Sheboygan	Elkhart Lake	Mally	Henne	W5454 Cty Rd EH	53020
	La Crosse	Clare	Henneman	3354 East Ave	54601
	Cedarburg	Michael	Hennick	415 Green Bay rd	53012
Racine	Waterford	Sally	Hensel	7308 Pine Lane	53185
Waukesha	Menomonee Falls	Anne	Hesse	N51W17266 Chestnut Rd	53051
Waukesha	Oconomowoc	Frank	Hicks	N7899 Hillcrest St	53066
Washington	Germantown	Carolyn	Hiemenz	W156N10058 Pilgrim Road	53022
La Crosse	La Crosse	Sheila	Hilke	2442 Smith Valley Road	54601
OUTAGAMIE	Appleton	Steve	Hirby	209 East McArthur Street	54911-2111
Waukesha	Oconomowoc	Barb	Hirsch	N69W34424 Oconomowoc Rd	53066
Milwaukee	Wauwatosa	Laura	Hochmuth	2602 N Lefebere Avenue	53213
Waukesha	Waukesha	Virginia	Hoelt	3421 Walnut Trall	53188
Milwaukee	Milwaukee	Suzy	Hoffman	2950 S 45th St	53219
Dunn	Menomonie	Steve	Hogseth	614 Woodridge Ct.	54751
Waukesha	Delafield	Ellen	Hohenfeldt	506 Lillian Ct	53018
Sheboygan	Sheboygan Falls	Kyle	Hokel	209 1st St	53085
Milwaukee	Milwaukee	Jacob	Holiday	2628 N Maryland Ave	53211
Waukesha	Brookfield	Mark	Holiday	3310 Old Lantern Dr.	53005
Green	Monroe	William	Holland	W6767 Pond View Rd	53566
St. Croix	Hudson	Hans	Holmberg	504 McCutcheon Rd	54016
St. Croix	Hudson	Sara	Holmberg	504 McCutcheon Rd	54016
LA CROSSE	La Crosse	Noreen	Holmes	1213 26th St S	54601
Milwaukee	Shorewood	Suzy Clarkson	Holstein	1605 E Menlo	53211
Racine	Waterford	Diane	Horeth	29308 Forest Isle Ln	53185

Final Five Voting Petition Supporters  
sorted by County, City, Last Name

County	City	First	Last	Address	Zip
Racine	Waterford	Greg	Horeth	29308 Forest Isle Ln	53185
La Crosse	La Crosse	Sue	Horne	3930 Fairway St	54601
Sheboygan	Sheboygan	Stuart	Horwitz	732 Broughton Dr	53081
La Crosse	La Crosse	Tom	Houlihan	3610 Old Vineyard Rd	54601
Waukesha	Oconomowoc	Michael	Hoyng	531W34906 Holland Ln	53066
St. Croix	Star Prairie	Mary	Hubbell	1300 County Road H	54026
LA CROSSE	La Crescent	Robert	Huff	530 Regent Drive	55947
	River Falls	Lynn	Huiskamp	N8245 650th St	54022-4552
Brown	Green Bay	Carl	Hujet	1217 gross av.	54304
MILWAUKEE	MILWAUKEE	CHRISTINA	Hulen	3173 S. Quincy Ave.	53207-2717
Waukesha	Menomonee Falls	Linda	Humphrey	W172N8498 Shady Lane	53051
Columbia	Lodi	Bob	Hunt	W11437 Red Cedar Dr	53555
Waukesha	Waukesha	Adam	Hunter	3304 Hightop Circle	53188
Waukesha	Waukesha	Cindy	Hunter	3304 Hightop Circle	53188
Waukesha	Oconomowoc	Mary	Hunter	1205 E Lisbon Road	53066
Waukesha	Waukesha	Tracy	Hunter	3304 Hightop Circle	53188
Burnett	Siren	Patti	Hurd	23320 Malone Rd	54872
Shawano	Shawano	Traci	Hutchcraft	309 E Center St	54116
BUFFALO	Cochrane	Elisabet	Ibach	52270 State Road 35	54622
Shawano	Shawano	Maya	Ihrcke	1022 S Sawyer St	54166
OZAUKEE	Mequon	Ed	Inderrieden	9642 N Lamplighter Ln	53092
BARRON	Cumberland	Kurt	Jacobson	2600 12th st	55829
Sheboygan	Plymouth	Andrea	Jaeger	908 Eastern Ave	53073
Sheboygan	Plymouth	Gary	Jaeger	908 Eastern Ave	53073
	Madison	Lynette	Jandl	1846 Kropf Ave.	53704
Dane	Fitchburg	Andy	Jaw	5523 Quarry Hill Dr.	53711
Ozaukee	Mequon	Vernetta	Jefferson	11404 North Pinehurst Circle	53092
	La Crosse	Juan	Jimenez	N2353 Briarwood Ave	54601
Dane	Oregon	Jason	Johns	4670 Rutland Dunn Townline Rd	53575
Ozaukee	Cedarburg	Barbara	Johnson	N28 W6640 Alyce St	53012
St. Croix	Deer Park	Carol	Johnson	2261 270th street	54007
Dane	Madison	Dan	Johnson	210 Crystal Lane	53714
Jefferson	Fort Atkinson	Elaine Dorough	Johnson	1419 Jamesway	53538
ROCK	Evansville	Madison	Johnson	659 champion court	53536
Waukesha	Waukesha	Mary	Johnson	190 Debbie Dr	53189
RICHLAND	Viola	Sheila	Johnson	10697 Parker Hill Drive	54664
La Crosse	La Crosse	Susan	Johnson	2530 29th St. So	54601
ROCK	Evansville	Forrest	Johnson	321 south 3rd street	53536
St. Croix	Hudson	Benjamin	Johnston	821 Harbor View Rd	54016
MILWAUKEE	Shorewood	Bernice	Jones	3838 N Oakland Ave	53211
WINNEBAGO	Oshkosh	Mary	Jones	1243 W. 10th Ave.	54902
Waukesha	Menomonee Falls	Robert	Jones	W204N7818 Lannon Rd	53051



# TESTIMONY SUPPORTING S.J.R. 94

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**Wisconsin Senate Committee**  
**on**  
**Shared Revenue, Elections and Consumer Protection**

February 8, 2024

Sam Rogers, *Visiting Fellow*  
Opportunity Solutions Project

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

I'm here today to testify in support of Senate Joint Resolution 94, which would amend the Constitution of the state of Wisconsin to prohibit the use of ranked-choice voting in any election conducted in our state.

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

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

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

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

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

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

Policy choices initiated by both Hodges and Frey have had significant negative outcomes for Minneapolis: There is now more crime and there are fewer cops on the street to protect residents.<sup>5</sup>

<sup>6</sup> Ranked-choice voting may be policy agnostic, but as a mechanism, it gave political office to

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

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

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

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

I urge you to protect every lawfully cast ballot in Wisconsin and vote in favor of SJR 94. No Wisconsin voter should wonder if his or her ballot will be discarded to create a fabricated election outcome.<sup>12</sup>

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

## References

<sup>1</sup> Madeline Malisa, Michael Greibrok, "Ranked-Choice Voting: A Partisan Plot to Engineer Election Results," the Foundation for Government Accountability (2023), <https://thefga.org/research/ranked-choice-voting-partisan-plot-to-disrupt-elections/>.

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

<sup>3</sup> City of Minneapolis, Official 2013 Election Results, <https://vote.minneapolismn.gov/results-data/election-results/2013/mayor/>.

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

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

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

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

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

<sup>9</sup> FL S.B. 524 (2022), TN S.B. 1820 (2022).

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

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

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

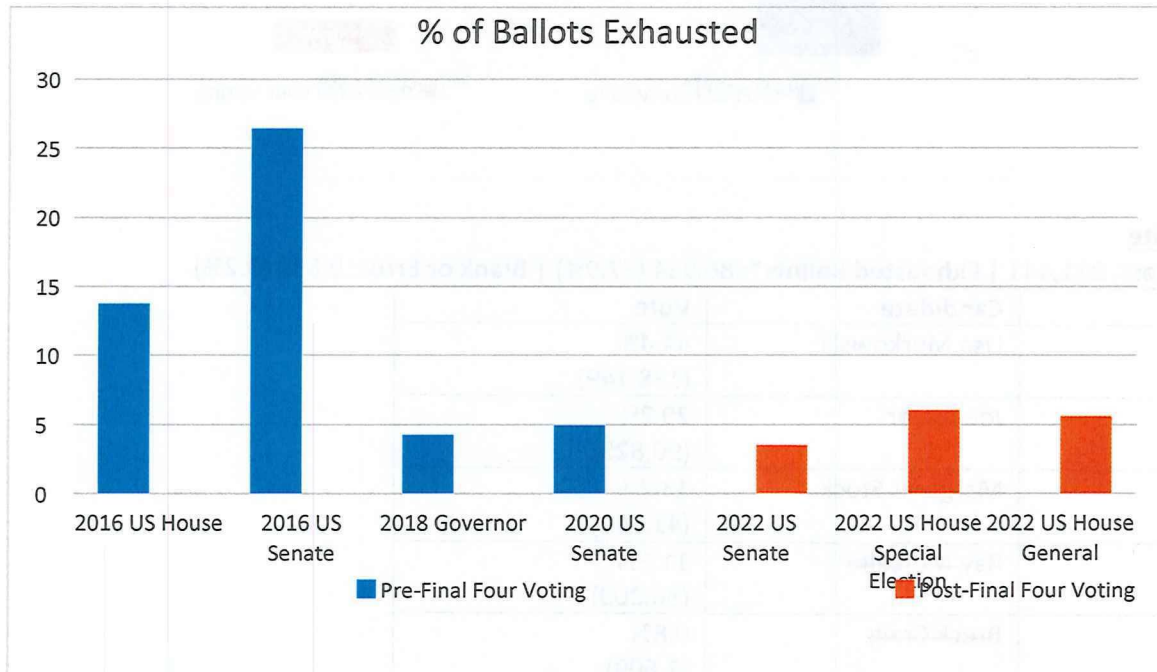


**2022 US Senate**

**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



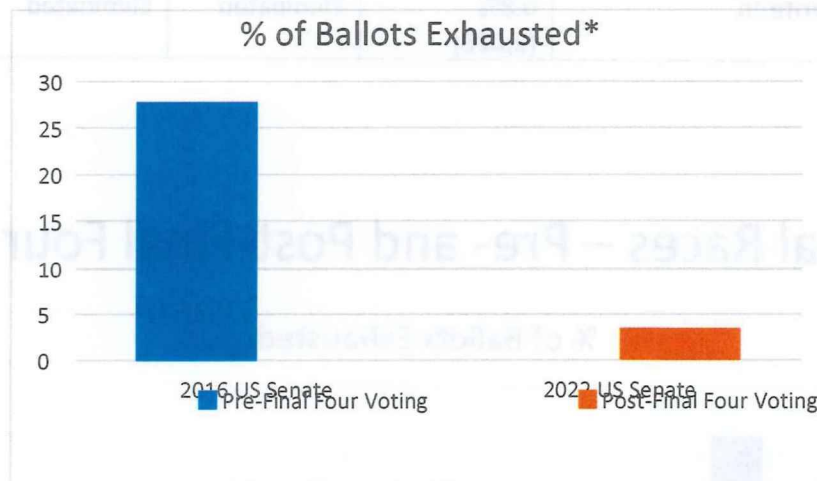
\*Denotes ballots not cast for one of the top two candidates.  
Data obtained from the Alaska Division of Elections Website.

## 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)

Assembly Committee on Campaigns and Elections  
Committee Chair: Senator Daniel Knodl

Testimony to be Delivered on 2-8-2024

Senate Joint Resolution 94

Chair Knodl and members, My name is Matt Dean from Heartland Impact and I am here to share our concerns with ranked choice voting, and support for Senate Joint Resolution 94. Heartland Impact is the advocacy and outreach affiliate of The Heartland Institute, a nearly 40 year old public policy research organization based in Arlington Heights, Illinois. Both are independent, national, nonprofit organizations working to discover, develop, and promote free-market solutions to social and economic problems. Heartland Impact specializes in providing state lawmakers the policy and advocacy resources to advance free-market policies towards broad-based economic prosperity.

As political activists seek to complicate, extend, and subject to influence, elections, voters need to protect their ballot. Covid emergency declarations extended voting time, and dramatically increased mail-in balloting. States across the country are adopting ranked choice voting (RCV) to further influence voters after they have ballot in hand. SJ94 seeks to ensure that voters are protected from RCV at every level.

Here in Wisconsin, SB 528 which was heard here on December 12th, would require the use of so-called “final- five” voting in primaries, which would (regardless of party) advance five candidates from a California-style “Jungle Primary” into a complicated ranked-choice voting (RCV) system to replace traditional Election Day voting.

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

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

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

In our republic, we believe every legal vote should be counted. But under RCV, so-called “exhausted votes” (those eliminated because of incomplete ballots) are uncounted. In 2018, Maine's first trial with RCV left 9,000 voters with uncounted ballots because of exhausted ballots. There were 126,139 valid votes cast in Maine's Democratic primary. In the final round,

only 117,250 ballots were counted. The other ballots didn't count in the final tally because they did not include rankings for the top two candidates. That translates to more than 6 percent of voters who tried to cast a ballot but had the same impact on the election as they would if they had just stayed home.

In our last hearing, I shared some of the experiences Minnesota has had in more than a decade of ranked choice voting at the municipal level.

Today, I would like to share the experience of another state. In Nevada, RCV was put before the voters in 2022 in a statewide ballot initiative very similar to Maine and Alaska. In that initiative, a handful of wealthy donors put up nearly 80% of the \$43.69/vote to narrowly pass the initiative (53% in favor, 47% against). As astronomical as that may sound, consider that Nevada is in store for round two to pass a constitutional amendment in favor of RCV. In Nevada, voters must pass constitutional amendments twice in even years, meaning it is likely they will spend even more to get it across the finish line this year.

Wisconsin has nearly twice the population of Nevada. If a similar campaign was run to put RCV into the state constitution, proponents would spend upwards of \$44M in 2024. Ranked choice balloting is being pushed at the local and statewide level across the country this year.

Voters need the protection this amendment offers because proponents will be pushing massive campaigns to pass RCV at every level as soon as possible. Ranked choice voting will make ballots harder to cast, harder to count and more susceptible to outside interference.

Any changes to the constitution should be done with the utmost care and only done so when the legislative remedies are insufficient to protect the right to vote. As the other states show, this is such a rare case. Thank you.

-END-

February 8, 2024

Chairman Dan Knodl  
Members of the Committee on Shared Revenue, Elections and Consumer Protection

Chairman Knodl and Members of the Committee,

Please accept this testimony in opposition to Senate Joint Resolution 94. This proposed Constitutional Amendment goes to the most extreme measure possible to stifle political innovation in favor of a failing status quo.

Our organizations, Democracy Found and Democracy Found Action, have spent the last several years advocating for Final Five Voting, which would change our election statutes to give greater freedom to elected officials to solve problems on behalf of voters, by placing electoral accountability with general election voters. We have worked with Wisconsinites from across the political spectrum to build support for Final Five Voting.

We appreciate that your committee, and the Assembly Elections Committee, have heard hours of powerful testimony in support of SB 528 and AB 563 (Final Five Voting). Relevant points from our previous testimonies are attached.

The intent of Final Five Voting is not to change *who* wins elections, it's designed to change incentives that shape how officials campaign and govern. With a greater emphasis on general elections, our expectation is that Final Five Voting would force behavioral change in Congress, an institution that is miserably failing Wisconsin voters and the American people.

**SJR 94 is an extreme and unnecessary reaction to efforts at political innovation.** It would be shortsighted for the legislature to constitutionally ban a bipartisan attempt at fixing our electoral incentives while simultaneously failing to offer any alternative proposals to address Congress' dysfunction.

Passing SJR 94 would also have a chilling effect on future attempts at meaningful election reforms. At a time when our elected representatives at the federal level are largely prevented from applying their own innovative ideas, for fear of a partisan primary, we should not be sending the message that new ideas will be immediately shut down, forever, through extreme action such as amending our state's constitution.

Thank you for your consideration,

Katherine Gehl  
Former CEO, Gehl Foods

Austin Ramirez  
CEO, Husco International

Co-Founders and Co-Chairs of Democracy Found and Democracy Found Action

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

***Katherine Gehl, Co-Founder and Co-Chair, Democracy Found Action  
Former CEO, Gehl Foods, Germantown, WI***

Good morning. I'm Katherine Gehl and here to testify in support of House Bill 563. And it's a pleasure to be here.

We've already talked a lot about the election, the election cycle. And that is a very important moment in time, but I want to switch our focus to the longer a moment, the two years that those elected serve in the House and the six years that they serve in the Senate, because that's fundamentally the real reason why those of us in support of Final Five Voting are here.

Which is that Washington, D.C. doesn't solve problems. They don't solve the deep, challenging problems that we all care about, like immigration, health care, the national debt. And it doesn't solve problems because solving problems, complex problems where nobody can get everything they want, isn't a good way to win. In fact, solving complex problems where nobody can get everything, reaching a compromise solution that can be sustained from administration to administration, and paying for it - that's a good way to lose in today's system.

Everybody does what it takes to get and to keep their jobs. And elected officials are no different. Congress people are no different. We shouldn't expect that they would. So everything that we see in the current political system is because it's a good way to win. And the purpose of Final Five Voting is to change how we hire and fire people so that we make solving problems the best way to get hired.

And I'm going to give you an example. As of January 7th, the U.S. national debt is over \$34 trillion. And we all know that that is a huge problem. The broad outlines of the solution are completely known and pretty much agreed to behind closed doors in Washington, D.C. it's a combination of spending cuts and some revenue increase.

But we're not going to pass that bill, and we haven't passed it in the 25 years that we've known it's available to us, because neither the Republicans nor the Democrats can vote yes on that bill that they agree to behind closed doors. Because they're going to lose their primaries if they vote for it. The Democrat - and I'm being simplistic, but you'll get this - the Democrat can't vote yes to solve our \$34 trillion and rising problem, because there's going to be some spending cuts and a decrease in the associated benefits. And the Republican can't vote yes because there's going to be some revenue increase.

They're both going to lose by doing the thing that we need them to do, and they're going to lose because they get elected in their primary. This was referred to: 83% of the U.S. House was elected by September 13th of 2022, because that was the day the last primaries were over in

this country, and only 8% of the voting public participated in the primaries that chose 83% of the U.S. House.

And look, we're all primary voters, I'm sure, and everybody should be. But having said that, one thing we know about these primary voters, these 8% that choose 83% of the U.S. House, is that you think they couldn't be more different from one another, but they're actually virtually identical in one wildly consequential way, which is that this 8% and this 8% are characterized by what political scientists call negative partisanship, which means the primary motivation of people turning out in these primaries is not the allegiance to a specific policy, program or platform, but rather how much they hate the other side.

And when people are hired by these eight percents, these are the hiring managers, these are the bosses, and these are the people who will determine whether the elected official in those 83% of districts is fired or not two years from now. So people cannot - elected in this hiring and firing system, which is our election system, can't afford to work on behalf of all of their constituents because that's not who they report to. They don't report to November voters. They report to a small fraction.

And we should be horrified, as Americans, that we are letting all of our citizens go to the polls in November to participate in a farce, because the decision was already made months before, months before.

So, point being, if we were in our businesses and we hired people, were super talented and dedicated, and we brought them in, and then on the first day we said, you know, we're so glad you're here, but. You know, by the way, we do need to let you know that if you do your job really well, in two years, we're going to have to fire you. But that's pretty much what our existing election system says to members of the U.S. Congress.

So Final Five Voting is simply designed to change the election system, to change how we hire and fire, to make sure that nobody wins an election until November. Because if you have the primary and everybody runs, you pick your favorite. The top five finishers go to the general election. Nobody's won yet. If it's a red district, you'll have multiple Republicans competing in November. You don't know which one won yet. You might know who's favored, but you don't know who won. The decision has not been made the same in a Democrat district. There could be more Democrats competing then in November. There's real choices for the voters. Real competition. Every single November vote matters. Every voter in that district has the choice. And then we get the winner in November. This changes the incentives that we're talking about.

Because now when you have Final Five Voting these elected officials, their hiring managers are November voters, and it's a majority of November voters. And there's real competition. So they're held accountable. And accountability is the way you get results. And market competition is the way you get results. That's why I call Final Five Voting free market politics.

So what we need to do is not think of this simply as the election system. And let's get in the details of that. Although we have to do our due diligence and make sure it works. We have to ask ourselves a different question as well, which is, "what would it take to get Washington, D.C. and those working for us to deal powerfully with these complex questions?" And we aren't going to get there unless we change the way we hire and fire.

So, when people testify in opposition today, as they certainly should, and we need to address any concerns they bring up, we need to also ask ourselves, so therefore, what is the plan to change the ability of DC to change to solve problems? If you leave our existing system the same, you allow 8% of this country to be, as my six-year-old son Teddy would put it, the boss of us.

Thank you.

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

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

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

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

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

*In response to a question about AJR101:*

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



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

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

**From Transcript of Testimony to WI Assembly Committee on Campaigns and Elections  
January 30, 2024  
Hearing in Opposition to AJR 101**

***Katherine Gehl, Co-Founder and Co-Chair, Democracy Found Action  
Former CEO, Gehl Foods, Germantown, WI***

Mr. Chair, members of the committee, thank you for having me. My name is Katherine Gehl, and I'm here to testify in opposition to the bill in question.

I do think it's a great conversation to have because in large part, I would say that the objections that have been brought up here today, and the ones that have been brought up in this committee room a number of weeks ago, as well as in the Senate committee hearing on our Final Five Bill, if those objections were correct, I would agree that the Final Five bill is not a good idea. So, I understand why, when people hear those objections, that it's too complicated, that ballots are thrown away, that it's pro-Democrat, versus being fair to all parties, that, you know, any oh, that, that it's more than one person, one vote, all of these things—if that were true, we shouldn't do Final Five Voting and you could pass a ban.

I mean, I don't know that I would bother with the ban. I'm for local. I'm for local government and everything. But, I would understand why people would be opposed. What I would respectfully suggest is the arguments are not correct. So what I would like to quickly do is make comments in two areas. I will comment on the issue of a ban, and then I will take the opportunity to address one particular objection that people keep bringing up, that ballots are thrown away. And I want to just really uncover why that is a misunderstanding.

So, first of all, let's address whether we should have a ban. The first thing is, and this has already been brought up - certainly I and many people here believe that local control is better. The further we can get things to the people, you know, the better. One of the things that I like is that our Constitution in Article One, gives all the states the power to make the rules of their elections, certainly in their state, but absolutely, even for their congressional representation.

And so, what this ban bill would prohibit are two things:

1. It would keep local jurisdictions from trying ranked choice voting if they want it to; and

2. It would also keep the state legislature from exercising their right under Article One of the US Constitution to decide that they would like to have Final Five Voting for their legislature, for their federal delegations.

Local jurisdictions already, right now, today cannot implement ranked choice voting. They can't do it without the authorization of you guys. Of everybody in Madison. Which is why I believe was you Representative Subeck that had authored a bill that would have allowed local jurisdictions to use ranked choice voting, and it did not pass. So you're fully in control. All these things, even if the objections are true, don't worry. They're not about to happen in any Wisconsin jurisdiction. They are not going to happen unless you guys vote to allow jurisdictions to do it. So you don't need to ban yourselves from taking that vote because you already don't have to take it.

The second thing is that you already don't have to implement Final Five Voting you. That's why we had the other hearings, because we're in a conversation statewide with Wisconsinites that began all the way back in 2013, in my dining room, meaning a conversation that's been going on in Wisconsin for ten years that eventually led to founding this initiative for Final Five Voting in Wisconsin. You know, in well, we founded it in 2017 and then officially launched in 2018. And we're in that conversation with you. Final Five Voting will move when you have completed your due diligence and have decided that it is, on balance, a good idea for the state of Wisconsin.

Why would you want to take away your own freedom? To decide that you're totally free and you decide that you don't like it, you're already 100% free. Why do you need to tie your hands? There's no way you need to stop yourselves, as if you were accidentally going to vote yes on Final Five Voting. Because I'm confident that you won't accidentally do that until you've completed enough of a conversation with Wisconsinites. So, I think the ban Bill's just completely unnecessary. And we shouldn't go there.

We should keep having the conversation with Wisconsinites. However, because this has been, as I said, Final Five Voting is Wisconsin born. Maybe Alaska passed it first because they have ballot initiative there so they could go direct to the citizens. And we couldn't. But it was going on here for years prior to Alaska. And, and it has always been a bipartisan conversation. We have grassroots. We have grasstops. We've been meeting with many of you for years, and we knew that it would take that long. We believe that this is a legitimate issue to due diligence over time. And Wisconsinites are having that conversation now because nationally, some people have decided they don't like ranked choice voting, which we do not propose candidly. And I do not support ranked choice voting on its own. I simply do not support it. Okay, but they are now going into states to create bills, you know, for anti-ranked choice voting. And although I believe in experts, I don't mind that people come in nationally. If they have good ideas we should hear from them. But, what we've just pointed out is you're totally free to not, to not move forward with Final Five Voting, and you don't need to ban it because and stop, like, abruptly say no to the Wisconsin conversation that's been happening for years.

Why would you say no to a bipartisan group that was founded with two people, for example, standing up, Andy Nunemaker who had a fundraiser for Trump in his home, the only Wisconsinite to do so in 2016, standing up jointly with Lynde Uihlein, one of the largest progressive funders in this in the state, in May of 2017 and saying, hey, you know, here's who we are and we don't agree on anything except we agree the current system doesn't work and we agree on Final Five Voting. And we're going to keep voting for different people, contributing to different people, preferring different policies. But we're going to stay together on the system for the benefit of all voters. We have 400 people in that room. The opponents have never had 400 Wisconsinites in any room. And since that time, we've met with hundreds of people. And you'll see, I think we have over 1000 petitions today. We are having a deep and truly democratic conversation in this state, in this American republic, and we should absolutely keep having it.

So quickly, I want to give you an example of the confusion on one of the objections. And I will promise you that if you want to ask me about any other objection and you're willing to listen to the analysis, I will be able to show you why the objection is totally misguided. And some people don't understand. They're not totally trying to trick you, okay? But they themselves do not understand. Perhaps.

Okay, so ballots being thrown away, that's been said multiple times. So first thing we have to say is in any election process, nobody ever throws ballots physically in the trash. Nobody does that in the current system. Nobody will do that in any new system. You're going to keep all the ballots because you might need to audit them. Okay. So, nothing is actually in the trash. So nobody should ever say that. So why are they using those words? Well, they are using those words to describe a situation where someone casts a ballot where their vote is cast for someone who is not in the final two candidates. So they're saying, if you cast a ballot and you're not having your voice heard between the final two candidates, your ballot was thrown away.

Which is - and I'll give you an example - in Alaska, they're saying that if you voted for Republican Nick Begich and then he was eliminated and you didn't put either Republican Sarah Palin or Democrat Mary Peltola as your second choice, then you your ballot was thrown in the trash because you didn't have a say between the final two. Okay, first thing, you're free to do that. It's as if you're saying if it comes down to those two, I don't want any of them, okay. Which is totally fine to do. And secondly, that's exactly how our system works today.

There are way more exhausted, or as they would want to say, ballots thrown in the trash today. I will give you the facts. So, in 2016, US Senate race in Alaska—so this is prior to Final Four Voting—there were 1, 2, 3, four, five, six - six candidates on the general election ballot. One Republican, one Democrat, three Independents, and a Libertarian. The top two, in the end, came down to a race between Lisa Murkowski and Joe Miller. But this is just regular plurality voting, so everybody voted for their favorite candidate. In that race, 27.9% of Alaskans did not have a vote, either for Joe Miller or Lisa Murkowski, because they preferred the Independent Margaret Stock, the Democrat Ray Metcalf, the Independent and the other Independent. And they said, I'm going to vote for them. And then they didn't get to vote for the final two. So, according to what everybody's saying is bad about ranked choice voting, their votes were

thrown in the trash because they had no say between the top two. But they knew that and they still chose to vote that way.

Actually, with instant runoff voting, which is what we propose for Final Five, they wouldn't have had to have their ballot exhausted. They could have voted for the Independent Margaret Stock and said, she's my favorite, but if I can't have her and it comes down to Murkowski and Miller, I really don't like either of them, but I'd rather have Joe Miller, the Libertarian. I'd rather have him. And so there will be far fewer exhausted/thrown in the trash ballots under Final Five Voting. The only reason the people are confused is either they know it's true that there aren't these thrown away ballots, or they're just confused. Just because nobody realizes right now how often this happens. Right. You guys didn't really know that. But whenever you vote for someone who's not in the top two, your vote didn't choose between the two main competitors. And we're just used to it. So we think, okay, it's fine. But now to bring it up is that's a new problem made worse with Final Five Voting, when actually it's a problem we've always had and it is fixed by ranked voting is crazy.

So now to continue with the facts in the 2022 US Senate race, which was now held under Final Four Voting, and there we had we had a total of four candidates. The exhausted ballots, so ballots that did not indicate a preference among the final two candidates, were 3.5%. So we have 27.9% exhausted, thrown in the trash ballots—never thrown in the trash, I want the public to know they didn't actually go in the trash—even then, 27.9%. After Final Five Voting 3.5%.

They're just wrong and I beg them. I follow people out of here and I give them my card and I say, can we talk? Can I explain this to you? Can I? They just don't know. And unfortunately, the reason we're here is because people have gone on Wisconsin talk radio. I think this is the reason we're here. People have gone on Wisconsin talk radio, which is totally legitimate, to talk to the Wisconsinites who listen and are engaged in these issues. But they have told people on Wisconsin talk radio things that are not true, and they've told the hosts things that are not true.

I'm going to just quickly give you a quote on Vicki McKenna's show on September 25th of last year, Madeline Malisa, who has testified in the Senate hearing previously and her colleague is here to testify today, said, "ballots are thrown in the trash." This is a quote from the transcript. "And the Democrat wins. And I'll tell you, it's been my experience. I've seen this all over the country that ballots are thrown in the trash at every single election. I can't think of anything that's more undemocratic than that. All the stuff you can really trash is a vote of confidence because as you imagine, results like this, where you go in and you don't know if your ballot counts, you've got a winner and your ballot didn't count." So that's what she said. And she either knows that the problem, quote, is worse under the current system and is just not telling the truth, or she actually doesn't get it. But she told Vicky McKenna this. Of course Vicky's horrified. Of course, our public in Wisconsin has heard that there is a bunch of people here trying to put a system out that's going to throw ballots in the trash. Well, they're calling your offices, I'm sure. They're just not right. We're making their votes more powerful. They will always have a say.

And so, I encourage you to reject the ban amendment because you're free to not let, if this turns out to be a terrible thing, you're free to not let it happen. It is not going to happen even if you don't ban it. Unless you decide to have it, unless you decide to let it happen.

And then let's continue this conversation so that we can actually share with you those who are interested, the real facts behind this. And then you will know that this is all pro-voter, and it has nothing to do with benefiting one party or the other. It benefits November voters, makes everybody accountable to them, makes sure nobody wins until November, and makes sure there's real competition to make voters happy. So, I would be happy to take any questions if you'd like anything else to be debunked that has been said here. Because it's pretty serious allegations.

February 7, 2024

Chairman Dan Knodl  
Members of the Committee on Shared Revenue, Elections and Consumer Protection  
Wisconsin State Senate  
Madison, WI

Chairman Knodl and Members of the Committee,

Please accept this testimony in opposition to Wisconsin Senate Joint Resolution 94. This proposed Constitutional Amendment would ban beneficial electoral reforms.

I was unable to attend your hearing in December but appreciated testifying in the Assembly Committee Hearing in support of Final Five Voting (FFV), AB 563, on January 9, 2024. At that hearing, I shared my experience with a substantially similar election system here in Alaska.

As I noted when I testified, in 2019, when the citizens' initiative in Alaska was introduced to establish the top four primary and the instant run off general, I opposed it. Looking back now, I shudder to think what would have happened if we had responded by banning such a system in Alaska. Instead, the citizens voted to implement the system and we have run the process twice. I have become a strong proponent of the system and I encourage you to do the same.

Key to my changed position has been my experience leading the State Senate under the electoral incentives provided by a FFV-type system. We're getting a lot done for the people of Alaska. And we're doing it in a bipartisan way that reflects the values of Alaskans. That is something I'm very proud of.

I encourage Wisconsin to stay open to a new system such as this one, not ban it in your constitution. I would urge you to keep watching Alaska and other states, and their citizens, who have or will be adopting this collaborative public policy approach to governing. We can update our electoral incentives to better serve our constituents by accomplishing the best for our states.

I would be happy to answer any additional questions on my experience with a top-four open primary and ranked choice/instant runoff voting system in Alaska. Thank you for your consideration.

Respectfully,



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Eli Huber, Wisconsin State Director  
Heritage Action For America  
February 8th, 2024

### Proponent Testimony on SJR 94

Chairman Knodl and Members of the Committee,

We believe at least three things should be true of Wisconsin's elections:

1. It should be easy to vote and hard to cheat.
2. Every Wisconsinite should have confidence in the security and integrity of their election system.
3. Voters should be able to cast their vote for the one candidate they want to represent them in a particular office. One person, one vote.

Ranked-Choice Voting (RCV) fails on all three of these points. It is a confusing scheme that would fundamentally change the election process by making it more opaque and prone to errors, disenfranchise voters, and allow marginal candidates not supported by a majority of voters to be elected.

In one stark example of a Ranked-Choice election in California, the wrong candidate was certified as the winner after a tabulation issue was discovered two months after the election<sup>1</sup>. In other RCV elections, it has taken as long as two weeks to determine a winner – an untenable timeline when trust in elections has already declined in recent years.

Ranked-Choice Voting would also coerce voters to potentially cast votes for candidates they do not support, or face the risk of having their ballot discarded. If a voter only ranks a subset of the candidates because they would never consider voting for some of the others, and the candidates they ranked don't make it to later rounds of tabulation, their ballot would be thrown out and not counted. When you consider that one-in-three voters only rank one candidate in

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<sup>1</sup> Elissa Harrington, "Election Error in Alameda County Names New Winner in District 4 Race," *KTVU FOX*

ranked choice voting elections<sup>2</sup>, any “majority” that comes out of such a process would be a false majority. This outcome undermines the democratic process and the idea of the consent of the governed.

**Heritage Foundation election law expert Hans Von Spakovsky pointed out consequences of RCV in his paper “Ranked-Choice Voting Should be Ranked Dead Last as an Election Reform”:**<sup>3</sup>

- “In the 2022 U.S. House of Representatives general election in Alaska, one of the two states that has implemented RCV for federal elections, it took three rounds of vote-counting before the Democratic candidate was declared the winner over two Republican candidates—but not before more than 15,000 ballots were thrown out by the final round because those voters had not ranked all candidates in the race. In the August 2022 RCV special election for that seat, the two Republican candidates garnered 60 percent of the vote—yet the Democrat candidate was declared the winner after over 11,000 ballots were eliminated”.
- In the 2018 Maine U.S. House of Representatives general election, the incumbent Republican congressman who received the most first-choice votes was defeated by his Democratic challenger in a second round of ballot tabulation after the votes for two other third-party candidates were redistributed and the ballots of more than 8,000 voters were discarded.
- In the 2021 New York mayor's race, it took eight rounds of vote counting of the 10 candidates during two weeks' time before a final winner was announced. By the eighth round, the ballots of more 140,000 voters had been thrown out because they did not completely rank all candidate choices; they were effectively disenfranchised due the recognized problem of “ballot exhaustion,” which leads to disenfranchisement.

Our nation was built on the consent of the governed. When citizens believe elections produce clear results between known opposing ideas, they learn to live with results even if they do not

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<sup>2</sup> Oakland, December 29, 2022,

<https://www.ktvu.com/news/election-error-in-alameda-county-names-new-winner-in-district-4-race>

<sup>3</sup> Von Spakovsky, Hans “Ranked-Choice Voting Should Be Ranked Dead Last as an Election Reform” January 27, 2023

<https://www.heritage.org/election-integrity/report/ranked-choice-voting-should-be-ranked-dead-last-election-reform>



like the outcome. Ranked-Choice Voting is a gimmick that would undermine Wisconsin's elections. The badger state is right to pass SJR 94 and keep RCV out of Wisconsin.

**Please support SJR 94.**

Thank you,

Eli Huber  
Wisconsin State Director  
Heritage Action For America