

## **H.B.5820 – Oppose – Unless Broadened and Corrected**

**Government Administration and Elections Committee  
Testimony – February 27, 2019**

**Luther Weeks  
Luther@CTVotersCount.org  
334 Hollister Way West, Glastonbury, CT 06033**

Chairs and members of the Committee, my name is Luther Weeks, Executive Director of CTVotersCount, a Certified Moderator, and a Computer Scientist.

I have several reservations about the use of *Ranked Choice Voting* (RCV) in Connecticut and other states. Yet, I would support a comprehensive study of all RCV and related options along with the challenges of implementing RCV in Connecticut.

I would support this Task Force if some significant changes were made, especially to the charge for the Task Force, and if it was appropriately funded and staffed.

This proposal is limited to one incorrectly defined type of RCV, known as *Instant Runoff Voting* (IRV). In fact, as stated this proposal limits the study in a way that would be impossible to satisfy.

There are many forms of RCV. Many experts favor related forms called *Approval Voting*, *Score Voting*, and *STAR-voting*, which they find overcome the problems with IRV that occasionally cause unexpected results that seem to contradict what voters would expect in a voting system. Any task force should evaluate all forms of RCV and related methods, not just one.

For some information on the problems with IRV, see:

- A video on the *Favorite Betrayal Problem* and the *Later No Harm Issue*:  
<https://tinyurl.com/fbRCV>
- And this video explaining *Approval Voting*:  
<https://tinyurl.com/AprvVote>

I am not suggesting a particular choice, but that the choice is complicated and that IRV may not be the best choice.

Looking at Section 1, items 1) and 2) clearly limit the study to IRV. While item 3) is inconsistent with IRV which requires that “the candidate receiving over fifty per cent of the *votes cast*<sup>1</sup> is deemed to have been elected to such office”. One of the characteristics of IRV is that it eliminates ballots and votes as candidates are eliminated, so that often the winning candidate using IRV is selected by less than 50% of the votes cast in a race..

I also believe it is premature to claim that RCV was successful in Maine. Claims of success in statewide elections should await many more races, in several elections, also in more and larger states. In addition to such success, the task force should study the cases where jurisdictions have stopped using IRV after several elections, both in the modern era and in the first half of the 20<sup>th</sup> century.

Here are some of the many issues the Task Force should address before reaching a conclusion or making recommendations:

- Which exact method of RCV should we choose? Not only the type, such as Approval Voting or IRV, but the exact rules for voting (e.g. up to 3 preferences and the exact algorithm for elimination or choosing the winner.)

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<sup>1</sup> Reviewing Title 9 of the Connecticut statutes shows no clear definition of *votes cast*, yet how the term is used in the statutes, seems to be consistent with the two common definitions in use in states across the nation. A standard definition is currently under review for standardization by the Election Assistance Commission to be included in the Voluntary Voting Systems Guidelines Glossary, either a) All ballots submitted by voters to an election machine, ballot box, mailed or otherwise submitted as an absentee ballot. Or; b) The same as a) omitting any absentee or provisional ballots rejected before counting.

- Which races would be included? Which state races, which municipal races, which Federal races, including Presidential? Including primaries or eliminating primaries? Vote for multiple or only single vote races?
- Would our current AccuVoteOS Scanners be sufficient or would we need all new scanners?
- How will hand counted ballots be processed through the runoff rounds? Centrally or in each municipality?
- How will Federal military ballots be adjudicated - they do not include a method of specifying more than one candidate or party per race?
- How would our current lever-look ballot change? Would we change to another ballot style, such as the, so called, non-partisan ballot? How would the design incorporate *fusion voting*?
- How big would our ballots be? E.g. using our lever-look and assuming ranking three candidates, and a moderate growth in candidates, our ballot would be about three times as big as it is now.
- How much longer would it take voters to complete their ballots? How many more booths would be required? Would more voting machines be required because a) there would be more ballot sheets to count and b) new voting machines on the market today take longer to process ballots than the AccuVoteOS, especially because their speed is based on the number of marks they have to assess per ballot?
- How would we perform the original counting, recanvassing, and post-election audits with RCV? What would have to change in law, regulations, and procedures?
- Currently we maintain an air-gap between our scanners and memory cards as a security, accumulating results with our Election Night Reporting system. Would we have to give up on that air-gap to determine the RCV winner?
- How would our Election Calendar change? In some circumstances it can take several weeks to determine winners in IRV races, and several more weeks to recount races, while Connecticut law requires that counting and recanvassing must be completed and certified in 10 days. Would this entail later dates for some candidates to take office?
- Do we need a Constitutional Amendment to do RCV? The 10 days maximum to certification for state offices is specified in the Connecticut Constitution. Would there be any other Constitutional changes needed?
- If we were to use RCV for Presidential Electors, could we always be able to complete counting and recounting to select electors in time to meet the requirements of the 12<sup>th</sup> Amendment and the Electoral Count Act?
- If we were to use RCV for Presidential Electors and the National Popular Vote Compact were in effect, which round would count as votes for each candidate? By when could we report our results so that other states could use them to determine the national popular votes for each candidate and award their electors?

Finally, I am concerned that this Task Force needs more time, a significant staff budget to handle all the items above, and also to hire experts to provide information, suggestions, and to create a thorough evaluation.

The Task Force should also provide several, noticed well in advance, opportunities for public oral and written comments.

Thank you