

REGULAR CALENDAR

October 31, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Election Law to
which was referred HB 345-FN,**

**AN ACT enabling ranked-choice voting for state party
primary elections and municipal elections. Having
considered the same, report the same with the following
resolution: RESOLVED, that it is INEXPEDIENT TO
LEGISLATE.**

Rep. James Qualey

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 345-FN
Title:	enabling ranked-choice voting for state party primary elections and municipal elections.
Date:	October 31, 2023
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The legitimacy of our various governments (local, state, and federal) depends on having the consent of the governed. The founders expressed this necessity in the Declaration of Independence as a self-evident truth that a government's "just powers derive from the consent of the governed." The purpose of our election system is to ensure that this consent exists. Our elections fulfill this purpose by accurately assessing the will of the people in such a way that the people's confidence and trust in the validity of election outcomes is rigorously preserved by means of transparent and impartial election processes which produce an unambiguous winner in a timely fashion. This bill establishes procedures for ranked-choice voting (RCV) and allows state parties and municipalities to opt into such procedures. Transparency requires that our election processes are readily understandable by the public. Our current plurality method of determining an election outcome selects the candidate (or proposition) which receives the most votes as the winner (i.e., "most votes wins"). The public can verify the reported outcomes by taking a moment to simply compare the vote totals for the candidates. The RCV method of determining election requires 4 pages to describe (142 lines of text) of which a page and a half (50 lines of text) is a list of 17 new definitions. Under an RCV process, verifying reported outcomes for themselves will require members of the public to understand a complicated calculation which will only become more complicated as the number of candidates and seats in a particular election increases. This change from our current plurality method would constitute a very substantial decrease in the transparency of our election process and thus lead to a serious decline in voter confidence. An additional defect of the RCV approach is the damage it will do to the impartiality of election systems. Impartiality requires that our elections treat all candidates equally without treating any candidate or category of candidate more favorably than any other. Proponents of RCV explicitly state that this method will reward "candidates who reach beyond their base." RCV proponents also claim that, as a benefit of their method, there will be a decrease in a so-called "spoiler effect". This refers to RCV reducing the electoral (and, therefore political) influence of low-vote candidates. It is the role of voters to "reward" candidates for their style of campaigning or reduce their political influence, not the role of the election system itself. That this particular bill includes an "opt-in" for municipalities is also a defect in the RCV approach. All voters in every municipality have a right to expect the same degree of transparency and impartiality in their elections. That this bill would create two classes of voter depending on where they live is a direct violation of the principle that all voters have the same rights and must be treated accordingly. Given the numerous defects in the RCV election system proposed by this bill which, if implemented, would severely damage the public's trust and confidence in our elections, it is requested that the motion of Inexpedient to Legislate be supported.

Original: House Clerk

Cc: Committee Bill File

Vote 12-8.

Rep. James Qualey
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 345-FN, enabling ranked-choice voting for state party primary elections and municipal elections.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. James Qualey for the **Majority** of Election Law. The legitimacy of our various governments (local, state, and federal) depends on having the consent of the governed. The founders expressed this necessity in the Declaration of Independence as a self-evident truth that a government's "just powers derive from the consent of the governed." The purpose of our election system is to ensure that this consent exists. Our elections fulfill this purpose by accurately assessing the will of the people in such a way that the people's confidence and trust in the validity of election outcomes is rigorously preserved by means of transparent and impartial election processes which produce an unambiguous winner in a timely fashion. This bill establishes procedures for ranked-choice voting (RCV) and allows state parties and municipalities to opt into such procedures. Transparency requires that our election processes are readily understandable by the public. Our current plurality method of determining an election outcome selects the candidate (or proposition) which receives the most votes as the winner (i.e., "most votes wins"). The public can verify the reported outcomes by taking a moment to simply compare the vote totals for the candidates. The RCV method of determining election requires 4 pages to describe (142 lines of text) of which a page and a half (50 lines of text) is a list of 17 new definitions. Under an RCV process, verifying reported outcomes for themselves will require members of the public to understand a complicated calculation which will only become more complicated as the number of candidates and seats in a particular election increases. This change from our current plurality method would constitute a very substantial decrease in the transparency of our election process and thus lead to a serious decline in voter confidence. An additional defect of the RCV approach is the damage it will do to the impartiality of election systems. Impartiality requires that our elections treat all candidates equally without treating any candidate or category of candidate more favorably than any other. Proponents of RCV explicitly state that this method will reward "candidates who reach beyond their base." RCV proponents also claim that, as a benefit of their method, there will be a decrease in a so-called "spoiler effect". This refers to RCV reducing the electoral (and, therefore political) influence of low-vote candidates. It is the role of voters to "reward" candidates for their style of campaigning or reduce their political influence, not the role of the election system itself. That this particular bill includes an "opt-in" for municipalities is also a defect in the RCV approach. All voters in every municipality have a right to expect the same degree of transparency and impartiality in their elections. That this bill would create two classes of voter depending on where they live is a direct violation of the principle that all voters have the same rights and must be treated accordingly. Given the numerous defects in the RCV election system proposed by this bill which, if implemented, would severely damage the public's trust and confidence in our elections, it is requested that the motion of Inexpedient to Legislate be supported. **Vote 12-8.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

October 31, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Election Law to
which was referred HB 345-FN,**

**AN ACT enabling ranked-choice voting for state party
primary elections and municipal elections. Having
considered the same, and being unable to agree with
the Majority, report with the recommendation that the
bill OUGHT TO PASS.**

Rep. Heath Howard

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 345-FN
Title:	enabling ranked-choice voting for state party primary elections and municipal elections.
Date:	October 31, 2023
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

Supporters believe that this bill allows for the self-determination of municipalities and political parties. Some municipalities in NH effectively have run-off elections in their municipal elections. The use of ranked-choice voting could save them a lot of time and money, with better turnout. But, because we are a Dillon's Rule state, they cannot do so unless we pass HB 345 in order to enable municipalities to make that choice for themselves. Some municipalities will choose to opt-in; some won't; it should be up to them and their voters. Ranked-choice voting works. If no candidate reaches 50% of the total vote, then the candidate with the least 1st choice votes has their supporters' ballots count towards the remaining candidates, and it continues until a winner is declared. For multi-seat races, the percentage needed to win drops to $1/(x+1)$, or in a 3-seat race 25% because if 3 candidates have 25% or more of the vote no other candidate can compete.

Rep. Heath Howard
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 345-FN, enabling ranked-choice voting for state party primary elections and municipal elections.
OUGHT TO PASS.

Rep. Heath Howard for the **Minority** of Election Law. Supporters believe that this bill allows for the self-determination of municipalities and political parties. Some municipalities in NH effectively have run-off elections in their municipal elections. The use of ranked-choice voting could save them a lot of time and money, with better turnout. But, because we are a Dillon's Rule state, they cannot do so unless we pass HB 345 in order to enable municipalities to make that choice for themselves. Some municipalities will choose to opt-in; some won't; it should be up to them and their voters. Ranked-choice voting works. If no candidate reaches 50% of the total vote, then the candidate with the least 1st choice votes has their supporters' ballots count towards the remaining candidates, and it continues until a winner is declared. For multi-seat races, the percentage needed to win drops to $1/(x+1)$, or in a 3-seat race 25% because if 3 candidates have 25% or more of the vote no other candidate can compete.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 345-FN

BILL TITLE: enabling ranked-choice voting for state party primary elections and municipal elections.

DATE: October 31, 2023

LOB ROOM: 306-308

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Qualey Seconded by Rep. Wherry Vote: Withdrawn

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Hamblet Seconded by Rep. H. Howard AM Vote: 9-11

Amendment # 22702397h

Moved by Rep. Hamblet Seconded by Rep. H. Howard Vote: 8-12

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Qualey Seconded by Rep. Wherry Vote: 12-8

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jessica Grill, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

2023 SESSION

10/31/2023 8:10:53 AM
Roll Call Committee Registers
Report

Election Law

Bill #: _____ Motion: ITL AM #: _____ Exec Session Date: _____

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Berry, Ross Chairman	X		
Boehm, Ralph G. Vice Chairman	X		
Prudhomme-O'Brien, Katherine J.	X		
Qualey, James R.	X		
Ankarberg, Aidan	X		
Burnham, Claudine R	X		
Wherry, Robert J	X		
Wood, Clayton D	X		
Osborne, Jason M.	X		
Kuttab, Katelyn	X		
Lane, Connie Boyles		X	
Ward, Gerald W.R.		X	
Hamer, Heidi M.	X		
Hamblet, Joan L.		X	
Muirhead, Russell		X	
Bay, Luz		X	
Brennan, Angela	X		
Grill, Jessica Clerk		X	
Howard, Heath		X	
Rafter, Hal W		X	
TOTAL VOTE:	12	8	



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

2023 SESSION

10/31/2023 8:10:53 AM
Roll Call Committee Registers
Report

Election Law

Bill #: HB 345-FN Motion: OTR AM #: _____ Exec Session Date: 10-31-2023

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Berry, Ross Chairman		X	
Boehm, Ralph G. Vice Chairman		X	
Prudhomme-O'Brien, Katherine J.		X	
Qualey, James R.		X	
Ankarberg, Aidan		X	
Burnham, Claudine R		X	
Wherry, Robert J		X	
Wood, Clayton D		X	
Osborne, Jason M.		X	
Kuttab, Katelyn		X	
Lane, Connie Boyles	X		
Ward, Gerald W.R.	X		
Hamer, Heidi M.		X	
Hamblet, Joan L.	X		
Muirhead, Russell	X		
Bay, Luz	X		
Brennan, Angela		X	
Grill, Jessica Clerk	X		
Howard, Heath	X		
Rafter, Hal W	X		
TOTAL VOTE:	8	12	



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

2023 SESSION

10/31/2023 8:10:53 AM
Roll Call Committee Registers
Report

Election Law

Bill #: HB 345-FN Motion: Adopt amendment AM #: 2397h Exec Session Date: 10-31-2023

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Berry, Ross Chairman		X	
Boehm, Ralph G. Vice Chairman		X	
Prudhomme-O'Brien, Katherine J.		X	
Qualey, James R.		X	
Ankarberg, Aidan		X	
Burnham, Claudine R		X	
Wherry, Robert J		X	
Wood, Clayton D		X	
Osborne, Jason M.		X	
Kuttab, Katelyn		X	
Lane, Connie Boyles	X		
Ward, Gerald W.R.	X		
Hamer, Heidi M.		X	
Hamblet, Joan L.	X		
Muirhead, Russell	X		
Bay, Luz	X		
Brennan, Angela	X		
Grill, Jessica Clerk	X		
Howard, Heath	X		
Rafter, Hal W	X		
TOTAL VOTE:	9	11	

HOUSE COMMITTEE ON Election Law

BILL NUMBER: HB 345-FN

BILL TITLE: enabling ranked-choice voting for state party primary
elections and municipal elections.

DATE: January 24, 2023

THE COMMITTEE HAS VOTED TO RETAIN THIS BILL.

Rep. S. Smith, Chair

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 345-FN

BILL TITLE: enabling ranked-choice voting for state party primary elections and municipal elections.

DATE: January 24, 2023

LOB ROOM: 306-308

MOTIONS: **RETAINED**

Moved by Rep. Hamblet

Seconded by Rep. Berry

Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jessica Grill, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

2023 SESSION

1/5/2023 1:43:00 PM
Roll Call Committee Registers
Report

Election Law

Bill #: HB 345-FN Motion: RETAIN AM #: _____ Exec Session Date: Jan. 24, 2023

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Smith, Steven D. Chairman	✓		
Berry, Ross Vice Chairman	✓		
Prudhomme-O'Brien, Katherine J.	✓		
Boehm, Ralph G.	✓		
Qualey, James R.	✓		
Ankarberg, Aidan Sweeney, Joe	✓		
Burnham, Claudine R	✓		
Kennedy, Stephen J.	✓		
Wherry, Robert J	✓		
Wood, Clayton D	✓		
Lane, Connie Boyles	✓		
Ward, Gerald W.R.	✓		
Hamer, Heidi M.	✓		
Hamblet, Joan L.	✓		
Muirhead, Russell Paige, David	✓		
Bay, Luz	✓		
Brennan, Angela	✓		
Grill, Jessica	✓		
Howard, Heath	✓		
TOTAL VOTE:	20	0	0

Palmer, William

✓

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 345-FN

BILL TITLE: enabling ranked-choice voting for state party primary elections and municipal elections.

DATE: January 17, 2023

LOB ROOM: 306-308

Time Public Hearing Called to Order: 1:06 pm

Time Adjourned: 2:20 pm

Committee Members: Reps. S. Smith, Berry, Grill, Prudhomme-O'Brien, Boehm, Qualey, Ankarberg, Burnham, Kennedy, Wherry, Wood, Lane, Ward, Hamer, Hamblet, Muirhead, Bay, Brennan and H. Howard

Bill Sponsors:

Rep. Read

Rep. Hamblet

Rep. Wilhelm

Rep. Veilleux

Rep. Wolf

Rep. Newell

Rep. Phinney

Rep. Kenney

Rep. Meuse

Sen. Fenton

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Read (sponsor) introduced the bill and spoke in support. She described her bill as an “enabling only bill” that unties the hands of municipalities and political parties and allows them to opt into ranked-choice voting, requiring 90 days in advance for parties or municipalities to notify the SOS. She stated that the bill allows municipalities and parties to specify the races they would like to use RCV for. She described our current voting system, called “first past the post,” and explained that it benefits races with two people running, but if there are more than two candidates, the winner may win with low plurality, meaning voters may have preferred one of the losing candidates. She stated that while a majority is a type of plurality, RCV does not guarantee a majority winner. She stated that in low-plurality-winner elections, voters can feel as though their vote does not matter and this system can increase voter apathy and decrease turnout. She suggested that some states use runoff elections to ensure a majority winner; however, runoff elections are much more expensive, extend the campaign cycle, and suffer from lower turnout vs. ranked choice voting. She said that allowing RCV for towns avoids the issues with runoff elections and enables their use as test cases. She described primaries as where RCV shines because it enables more accurate representation of the voters’ wishes, eliminates the need for strategic voting (“lesser of two evils” vs. voting their conscience), decreases negativity in campaigns, and encourages party unity. She shared a worksheet showing the visual difference between party primary results with and without RCV. She outlined that, as first-in-the-nation, having a clearer view of which candidates have the most support helps candidates decide whether to stay in the race or not, creating party unity earlier in the process. She explained that there is no change to the election administration process on the town level with no increase for election workers, as results would be counted by the SOS. She said that even the slowest implementation option still allows preliminary results to be available on Election Night. She described the new type of voting machines and stated that these machines would be able to count ranked-choice election results. She stated that she would be willing to work with the SOS to ensure HAVA funds are available for new machines and implementation costs. She said that voters largely understand the process and believe their vote counts more. She presented counterarguments and challenged these by referring to examples of past successful elections that have used RCV, and also saying that RCV has both left- and right-wing support.

Linda Bundy* of Antrim spoke in support of the bill. She stated that RCV results in election winners who have a larger share of voter support, that RCV increases competition, and that it works well

when there are multiple seats to fill. She said that this bill allows towns and parties to test its effectiveness so others may follow.

Glenn Meyers* of Deerfield spoke in support of the bill. He described the 2022 US House elections in Alaska and how both Republican candidates tended to fight each other as though it was a primary, resulting in more voters ranking the Democrat or no other candidate. He stated that this election shows that negative campaigning is very risky in RCV elections and that political parties should work through internal issues prior to the general election. He said the election also shows that voters should rank multiple, if not all, candidates in an election. He stated that RCV elections will lead to a learning curve for both voters and candidates, but that he likes RCV because the skills required to run a successful campaign in this system match well with the skills required to serve in government, versus traditional campaigns where candidates are encouraged to fight their opponents.

Rep. Turer spoke in support of the bill. He said that he was interested in RCV long before he chose to run for office, and while campaigning he was surprised that reducing partisanship was one of voters' top priorities. He said that RCV is one of the most tangible and practical solutions we can implement to reduce partisanship and that it has gotten positive feedback in his district and allows more options, including only voting for a single candidate. He recommended committee members vote OTP to allow towns to decide whether to try this voting method or not.

Rep. McGuire* spoke in opposition to the bill, as well as HB-350, stating that he believes that RCV has the same drawbacks as our current system while adding new ones, and that there are better alternatives. He described several examples of RCV's flaws, including that RCV can give the wrong result, complicates ballot counting by having all ballots counted by the SOS, and is confusing to voters. He shared his experience traveling to Australia and how voters he met were unable to explain how the ranked-choice system worked. He said that if we are going to have a complicated voting system, there are better choices. He also said that RCV does not eliminate partisanship because lesser-known and third-party candidates were likely to be eliminated, and said that Alaska's RCV system eliminates party primaries, which is not included in HB-345 or 350.

Rep. Prudhomme-O'Brien stated that voting in Australia is mandatory, and asked if he found there to be less partisanship in Australia than the US or other places. Rep. McGuire said that he did not ask this specifically, but said that Australians generally favored their voting system because it was invented there.

Rep. LaMontagne spoke in support of the bill. She said that RCV helps us find the highest common denominator among candidates and the most affinity for a common candidate, and that this would help reduce partisanship. She said that in addition to the FITN Primary, being on the vanguard of RCV would help NH elections stand out further. She said that almost every bill in committee is complicated and that when explained to voters, they grasp the concept easily and are in favor of it.

Tiani Coleman of Amherst spoke in support of the bill. She explained that she was introduced to RCV in Utah and that the state Republican Party conventions used RCV to select candidates. She said that since moving from Utah, the state adopted a municipal option bill and over 30 towns opted in to use RCV with positive reviews from town and county clerks. She stated that the Utah SOS was skeptical but also had a positive experience with RCV, even with only 2 months to implement it prior to an election. She said that 60% of voters who tried RCV liked it and that now Utah is using RCV for the presidential election and state primaries. She cited a slide shared that included common critiques and positive voter experiences and said that most concerns voters had were not specifically related to ranked-choice voting. She reminded the committee that HB-345 is an enabling bill only that allows municipalities or primaries to opt in, and that it enables local government and small government control. She said that in party primaries, many voters were unhappy with the outcome and said that RCV may have prevented that. She also confirmed that HB-345 has no constitutional issues because the plurality provision does not touch primary or municipal elections and is not relevant to the bill. She said that RCV helps reduce partisanship and ensures that all voters feel as though their voice is heard, even if the outcome of an election does not change. She stated that most candidates do not have much of a chance and RCV helps create more of a level playing field.

Nathan Lockwood of Rank the Vote spoke in support of the bill. He stated that at present, over 14 state legislatures are considering RCV legislation and that interest in RCV is growing, especially in the aftermath of successes in ME and AK. He said that the VA Republican Party has become a fan of RCV for their party primaries as they believe it favors the strongest candidates with the largest

chance of success. He explained that VA political parties can participate in the state-run primary system or conduct primaries privately and they chose a private RCV system. He also cited the expensive cost of GA runoff elections and listed RCV as a potential alternative. He said that a writer for Cook Political Report asked for more ranked-choice voting for her Christmas present. He said that NH has significant similarities with ME and AK, suggesting we would see a similar positive response here as well. He said that many national organizations are available to support election officials in implementation and voter education.

Olivia Zink* of Open Democracy Action spoke in support of the bill. She presented several reasons why she supported the bill: over 13MM voters currently use RCV, RCV is nonpartisan and gives voters more choice and a greater voice at the polls, it decreases polarization and increases positive campaigning, and with regards to multi-member districts, RCV gives voters more of a voice in an MMD that has been gerrymandered because they do not feel as though the district has been drawn for partisan gain, increasing voter confidence.

Senior Deputy Secretary of State Patricia Lovejoy did not take a position on the bill and spoke to provide information from the SOS's office with regards to state primaries. She stated that on primary night, we do not necessarily know the winners until late that night or early the following morning. She said that state police serve as election night couriers and bring an iPad and one-page return of votes because they would not be able to physically transport the ballots used in that election. She said that the ballots would need to be transported to Concord once we knew which elections would use ranked-choice voting, and that vote counting took about a day per town to use high-speed scanners. She also said that with RCV, the state would need to provide more time to allow candidates to request recounts, and because all recounts are done manually, the SOS's office would be simultaneously counting election results by machine and conducting the hand recount. She raised concerns surrounding the HAVA deadline, saying that they would not have enough time to electronically prepare overseas ballots to be sent prior to 45-day deadline (only for federal and state elections). She said that the SOS is on record stating that he opposes any legislation that would make it impossible to know who the winner is on Election Night, especially for the FITN primary.

Rep. Wherry asked that if there was a recount requested, would a breakdown be available of the number of runoffs and how the results were tabulated. Ms. Lovejoy said that the results would be available, but they would then have to hand-count the ballots. Rep. Wherry followed up to clarify and ask whether different vote sequences would be available as part of the recount process. Ms. Lovejoy said that they would need to go through the same process of eliminating lower candidates and re-checking voters' subsequent choices.

Vice-Chair Berry asked that if a party adopted this method, would we have the results by the time the next state began voting? Ms. Lovejoy was unable to provide an answer and said that we would need to arrange for a lot of high-speed scanners while keeping votes from each town separate. He followed up to ask whether it would be possible to comingle ballots. Ms. Lovejoy confirmed that the SOS's office would not be able to comingle ballots due to differences in how names were ordered by district. She stated that if we were to implement this, we would need to also move the date of the primary.

Rep. Howard stated that we currently have a provisional ballot system that delays the outcome of elections and asked whether this would cause further delays. Ms. Lovejoy stated that the RCV process would still need to be completed for all towns, while towns would know how many provisional ballots were cast and that this would not affect the outcome.

Rep. Muirhead asked how many voting locations use AccuVote machines. Ms. Lovejoy stated that almost half of 320 voting locations use hand counts, but that this did not account for 50% of the vote.

Chairman Smith reported the total sign-ins on the blue sheet as 5 in favor and 2 opposed.

Chairman Smith adjourned the public hearing.

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB 345-FN Date: 1/17/23

Committee: Electron Law

**** Please Print All Information ****

[illegible]

House Remote Testify

Election Law Committee Testify List for Bill HB345 on 2023-01-17

Support: 186 Oppose: 9 Neutral: 2 Total to Testify: 0

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>
Hayes, Colleen	Claremont, NH colleenannhayes@gmail.com	A Member of the Public	Myself	Support	No	No
Cotton, Bev	Weare, NH bevcott@gmail.com	A Member of the Public	Myself	Support	No	No
Blais, Vanessa	Manchester, NH Bessblais@gmail.com	A Member of the Public	Myself	Support	No	No
Pugh, Stephen	AMHERST, NH miaferal@comcast.net	A Member of the Public	Myself	Support	No	No
Toscano, Theodore	Bedford, NH teddyt73@gmail.com	A Member of the Public	Myself	Support	No	No
Watkins, Dan	Derry, NH dan.j.watkins@gmail.com	A Member of the Public	Myself	Support	No	No
Nash, Lisa	Bedford, NH lisa@eight-stars.com	A Member of the Public	Myself	Support	No	No
Jacob, Julie	Nashua, NH julie@juliejacob.net	A Member of the Public	Myself	Support	No	No
Pugh, Barbara	Amherst, NH barbara.pugh@comcast.net	A Member of the Public	Myself	Support	No	No
Bernier, Marc	Rochester, NH llongsword@gmail.com	A Member of the Public	Myself	Support	No	No
Morin, Avery	Bedford, NH avery.schmavery@gmail.com	A Member of the Public	Myself	Support	No	No
Sanchez-Reyes, Georgina	Nashua, NH Georgina727@comcast.net	A Member of the Public	Myself	Support	No	No
Wild, Judy	Lebanon, NH judy.wild@yahoo.com	A Member of the Public	Myself	Support	No	No
Mancus, Gibran	Strafford, NH gmancus@gmail.com	A Member of the Public	Myself	Support	No	No
Wallace, John	Barrington, NH crawford@myfairpoint.net	A Member of the Public	Myself	Support	No	No
Sudlow, Lynn	West Lebanon, NH lynn.sudlow@gmail.com	A Member of the Public	Myself	Support	No	No
Stiles, Carolyn	Penacook, NH Carolynhstiles@comcast.net	A Member of the Public	Myself	Support	No	No
Berio, Simon	Holderness, NH quahog319@gmail.com	A Member of the Public	Myself	Oppose	No	No
Glassman, Barbara	Nashua, NH barbara.glassman@gmail.com	A Member of the Public	Myself	Oppose	No	No
Farrell, Gault	Lebanon, NH gmfpbf@aol.com	A Member of the Public	Myself	Support	No	No
Murphy, Michael	Portsmouth, NH alien515@comcast.net	A Member of the Public	Myself	Support	No	No
Montminy, Sandra	Portsmouth, NH s-l-robinson@hotmail.com	A Member of the Public	Myself	Support	No	No

Till, Mary	Concord, NH maryforderry@yahoo.com	A Member of the Public	Myself	Support	No	No
Bach, Cheri	Portsmouth, NH cheribach@comcast.net	A Member of the Public	Myself	Support	No	No
Davis, Tod	Nashua, NH todc.18@gmail.com	A Member of the Public	Myself	Support	No	No
Benton, Linda	Portsmouth, NH lba.oceanlover@gmail.com	A Member of the Public	Myself	Support	No	No
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January 17, 2023

The Honorable Steven Smith, Chairman
Election Law
Legislative Office Building, Room 308
Concord, NH 03301

TESTIMONY in SUPPORT of HB 345 and HB 350 - ranked-choice voting

Dear Chairman Smith and members of the Election Law Committee,

For the record, my name is Olivia Zink, I live in Franklin, NH and am the Executive Director of Open Democracy Action, a non-partisan, non-profit, pro-voter organization with over 36,695 members. Open Democracy Action's mission is fixing our democracy, specifically campaign finance reform, redistricting and honest elections in New Hampshire.

As of December 2022, RCV is reaching 62 American jurisdictions that are home to over 13 million voters. That includes 2 states, 2 counties, and 58 cities. Military and overseas voters cast RCV ballots in federal runoff elections in 6 states. Cambridge, Massachusetts uses proportional ranked choice voting (proportional RCV) to elect its city council and school committee, with a notable impact on politics and elections since 1941.

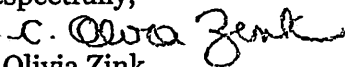
Ranked-choice voting is a nonpartisan way to give voters more choice, and greater voice, at the polls. Under this system, voters rank their candidates in order of preference, instead of choosing only one candidate that they prefer above all others. Ranked choice voting removes calculations from voting such as feeling a need to vote for the lesser of two evils or feeling the need to vote for the candidate you think has the greatest chance of winning even though you prefer someone else, and is a potential solution to voter apathy.

Ranked choice voting decreases polarization. This is because it is possible to win a race with a block of second-choice or third-choice votes, and as a result candidates aim for broader appeal rather than confrontational, negative

campaigning. We have heard from voters that they are sick and tired of the constant, negative ads during campaign season, and ranked choice voting would result in more positive campaigning.

Ranked choice voting, in multi-member districts (multi-representative as it says on page 2, Line 18), would elect a body of representatives that more closely resembles the voters in the district who elected them. For example, in a multi-member district with 3 seats, say there are 3 dems and 3 republicans running. In the current winner takes all system, voters might be compelled to vote democrat or republican down the ticket, even if there are extreme candidates running in either party who that voter doesn't agree with. Ranked choice voting would make it possible for voters to rank these candidates, and potentially pick 2 republicans and a more moderate democrat, or vice versa, resulting in a multi-member district that more accurately represents the voters in that district. Ranked choice voting in multi-member districts would be a solution to gerrymandered districts, that voter's said led to lack of confidence in elections.

Respectfully,


C. Olivia Zink
Executive Director
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January 17, 2023 House Election Law

HB 345

Chairman Smith and Members of the House Election Law Committee,

I support HB 345, enabling ranked-choice voting for state primaries and municipal elections.

In ranked choice voting, voters rank candidates based on their individual preferences, giving them more choice. Because winning requires a majority of the votes, elections result in candidates supported by the most voters.

Ranked choice voting increases competition and candidate interaction with voters because they must work to earn support from a broader range of voters.

Ranked choice voting works equally well when there are multiple seats to fill. Elections for municipal offices, school boards, floterial districts, and multi-member districts are ideally suited for ranked choice.

This bill presents an excellent way to begin using ranked choice voting in New Hampshire. It allows parties and municipalities the opportunity to opt in to use this method and demonstrate its effectiveness so that others may follow.

Respectfully submitted,

Linda Bundy

Linda Bundy

Antrim

Statement in Support of HB 345 to the NH House Election Law Committee

Glenn Meyers - Deerfield

Email:ggmeyers45@gmail.com — Website:<https://glennsoutreach.com>

January 17, 2023

Let's begin by looking at the 2022 special and general elections to represent Alaska in the US House of Representatives. The special election was to replace the deceased Republican representative, Don Young. It was the first election under Alaska's ranked-choice voting law. The two Republicans in the election, Sarah Palin and Nick Begich, anticipated that just one of them would be in the final round to face the Democrat, Mary Peltola. The Republicans' treated this election as a primary and attacked each other so fiercely that when Begich was eliminated in the second round, many of his voters ranked Peltola next on their ballots, or else ranked nobody, resulting in the Democrat Peltola winning the election in solidly red Alaska.

The interesting feature in this election was that it was repeated in the November general election, with the same three major candidates. Here is what happened in the interim between these elections.

- Peltola hired Young's former chief of staff and adopted his Alaska specific fishing and energy policies. Also, as the incumbent she received more campaign contributions.
- The Alaska Republicans instituted a "Rank the Red" campaign urging their voters to rank the other Republican behind their first choice. Also, Palin and Begich toned down their attacks.

We can see from the bar charts from the second round on the flip side of this page that the "Rank the Red" campaign had a positive effect for Palin, but it was too little too late. Because of her incumbency, Peltola needed only a little help to win the election.

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The moral of this story is that there is a learning curve on how candidates should campaign in a ranked choice voting election.

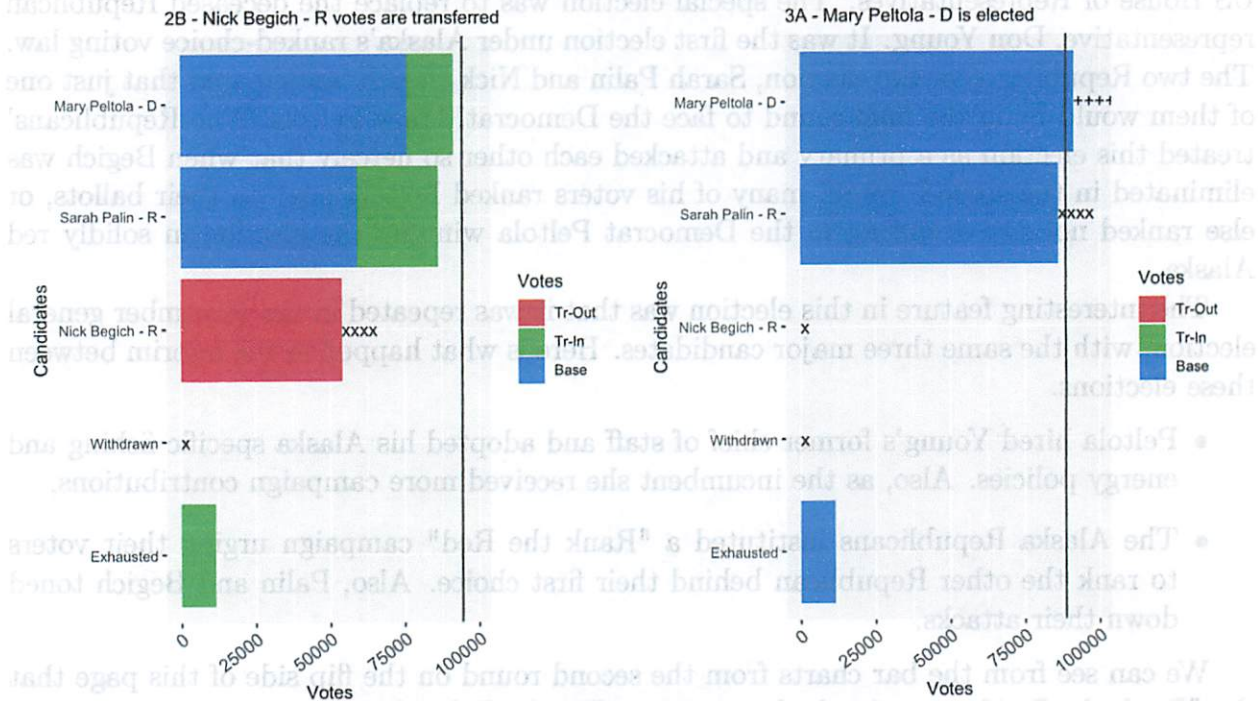
- Negative campaigning is risky. A candidate may need the second place ranking of their opponents in the next round of voting.
- Political parties may want to resolve any internal differences in advance of the election and nominate a single candidate as their standard bearer. Consider the state of Maine where candidates are nominated in party primaries with ranked choice voting.
- Voters should rank multiple, if not all, candidates. A lower ranked choice will not be counted as a vote until the higher ranked choice is either elected or eliminated.

The bipartisan skills needed to get elected in a ranked choice voting election more closely match the skills needed for good governance. This is in contrast to some of the polarizing campaigns where the main "skill" consists of being able generate rage against the opposition.

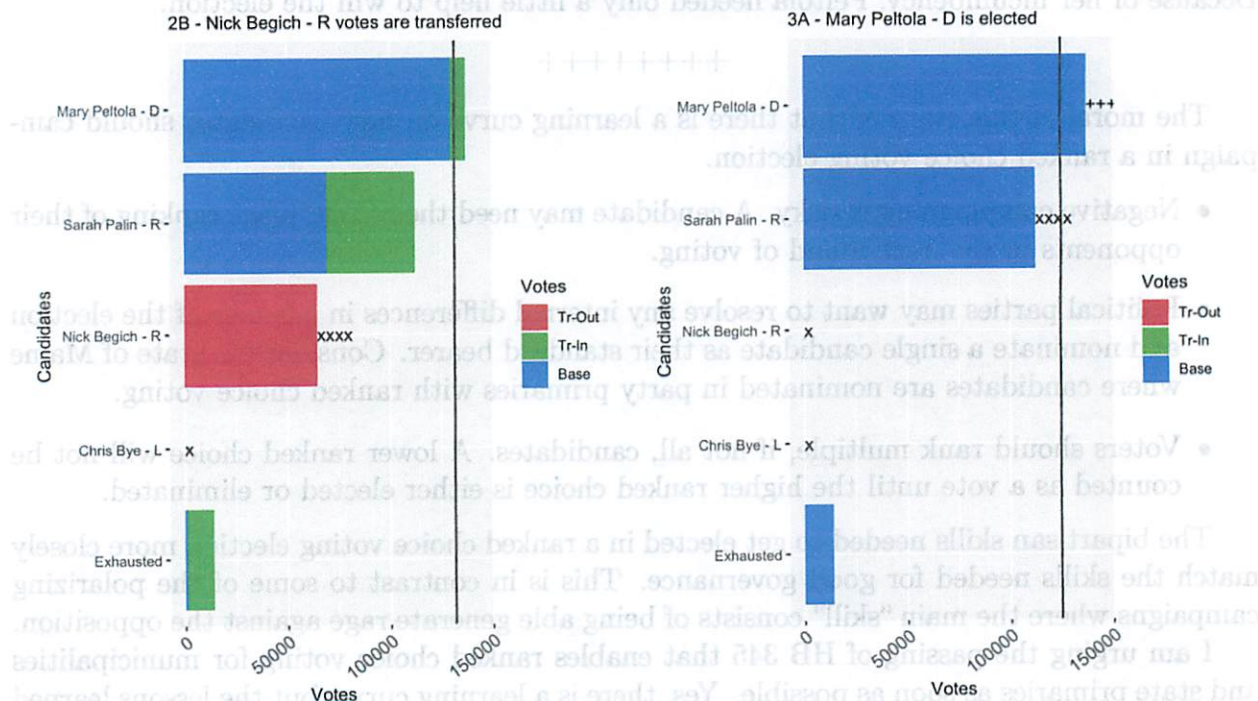
I am urging the passing of HB 345 that enables ranked choice voting for municipalities and state primaries as soon as possible. Yes, there is a learning curve, but the lessons learned from the early adopters will benefit us all in the end.

- The blue and red bars represent the votes at the beginning of the round.
- The green bars represent the votes transferred from the red bar over the remaining blue bars for the next round.

Special Election – August 2022



General Election – November 2022



HB 345 and HB 350
Drawbacks of Ranked Choice Voting

Rep. Dan McGuire, Epsom
603-782-4918 danmcguire@gmail.com

Can give the wrong result

Because the ranked choice calculation has technical flaws, it can elect someone who is not the voter's preferred choice. Consider this simple example:

Three candidates: Left, Middle and Right. One hundred voters.

40 voters give their first choice to Left and their second choice to Middle.

35 voters give their first choice to Right and their second choice to Middle.

16 voters give their first choice to Middle and their second choice to Right.

9 voters give their first choice to Middle and their second choice to Left.

Middle, with the fewest first choice votes (25), is eliminated. 16 votes are added to Right giving 51 and 9 votes added to Left giving 49. Right wins.

However, of the 100 voters, 60 prefer Middle to Left, and 65 prefer Middle to Right. Middle is the clear favorite of the voters and should be the winner.

Complex counting

For any election that involves more than one polling place, either all the ballots have to be moved to a central location and counted there, or all the machines at each polling place have to be linked. This will slow down the process of getting a result, make the system more susceptible to fraud, and make recounts difficult.

Confusing

Simply reading HB 345 and HB 350 illustrates the difficulty voters will have understanding how it works. I once visited Australia where ranked choice has been in use for 100 years. I asked many people there to explain to me how the winner of an election was determined. None could. This opaqueness will only serve to increase the feeling that election results are unfair.

Conclusion

Ranked choice keeps or exacerbates many of the drawbacks of the current system: voter fatigue, spoiled ballots, and emphasis on the two-party system. It adds new problems of inaccurate results and complexity. There are better voting systems than ranked choice. If we want a full-blown central computer system there is Condorcet. If we prefer to keep our existing voting infrastructure (decentralized, simple machines, some hand-counts) there is approval voting.

Testimony from:
Rob Richie

In SUPPORT of

H.B. 345, “an act enabling ranked-choice voting for state party primary elections and municipal elections”

AND

H.B. 350, “AN ACT relative to ranked-choice voting.”

January 17, 2023

New Hampshire House Committee on Election Law

Dear members of the Election Law Committee,

I am writing to express FairVote Action’s support for HB 0049 regarding ranked choice voting in municipal nonpartisan elections. This bill will improve local elections in Wyoming by 1) offering voters more choices on their ballots in November while saving jurisdictions money from the need for two rounds of voting, 2) ensuring election of winners who reach out most effectively to most voters, and 3) rewarding more positive, issues-focused campaigns.

FairVote Action is a national party-neutral organization that educates and advocates for electoral system reforms that improve our elections. We are seen as a leading national resource on ranked choice voting (RCV). I have led FairVote as Executive Director since 1992 and now I am President and CEO of FairVote and FairVote Action.

Approximately 13 million voters in 63 jurisdictions across the U.S. vote using ranked choice voting. It has become the fastest-growing and most bipartisan electoral reform in the country. Just since 2020:

- Legislatures in nine states have passed RCV bills, including “local options” legislation that allows municipalities in Maine, Utah, Virginia, and Colorado to use RCV. In 2021, twenty Utah cities piloted RCV in municipal elections following the passage of local option legislation, including three of the state’s largest cities and a number of smaller ones in conservative areas of the state.
- The Virginia Republican Party used RCV in 2021 to nominate candidates for statewide office and went on to sweep the offices of governor, lieutenant governor, and attorney general, and in 2022 used RCV to nominate four congressional candidates.
- Voters approved RCV ballot initiatives in sixteen cities and counties between 2020 and 2022, and it has been adopted in the largest city in seven states.
- Alaska became the first state to elect its governor, state legislature, and federal offices using a ranked choice voting system. A majority of Alaska voters said the system was simple to use and resulted in more competitive races than past elections.

One of the most powerful aspects of RCV is that it offers voters greater choice, creating space for both voters and candidates to express a wide range of views. Voters may rank as many or as few candidates as they like but, in practice, most voters choose to use multiple rankings in

order to express their full preferences. Typically, over 70% of voters choose to rank multiple candidates¹. In highly competitive or highly publicized elections, the rate is even higher.

Voters like and understand RCV. Exit polling results find that voters in RCV cities overwhelmingly report that they like RCV and prefer it to their previous voting method.² Exit polling in Utah found that 81% of first-time RCV voters found RCV easy to use and 88% were satisfied with the method they used to cast their ballot³. In Alaska, 92% of voters said they received instructions on how to rank their choices and 79% said RCV was “simple.”⁴

Understanding of RCV is comparable to plurality voting and better than the “top-two” voting used in California and Washington.⁵ Researchers have found no evidence of racial or ethnic differences in understanding of RCV.⁶

Research shows that RCV decreases negative campaigning because candidates need to reach beyond a single base in order to win. Sometimes, this means appealing to be the second or third choice of voters who support a different candidate as their first choice. Studies have found that candidates use more positive language in debates,⁷ voters in RCV cities perceived less negativity compared to voters in non-RCV cities,^{8,9} and newspaper articles in RCV cities are more positive than in non-RCV cities.¹⁰

Winners in RCV elections always have a majority of the vote when matched head-to-head against their final opponent, and most RCV winners earn more than majority support. Most RCV winners are ranked in the top 3 choices by two-thirds of voters or more, demonstrating a measure of broad consensus among voters. Winners of RCV races usually earn the most first-choice votes as well. When the winner is someone other than the leader in first-choice preferences, RCV has prevented an unfair outcome due to the majority splitting the vote.

Importantly, RCV addresses the problems of “vote-splitting” and “spoiler” candidates who win with only a plurality of the vote. Under the current system, a majority of voters may support a particular ideology or party, but split their votes among candidates who support that ideology – resulting in a winner whose views reflect the minority of voters. For example, the presence of Libertarian and third-party candidates has decided recent U.S. Senate elections

¹ Data on Ranked Choice Voting. FairVote. (2021). https://www.fairvote.org/data_on_rcv#research_ballotuse

² FairVote. 2020. Exit Surveys: Voters Evaluate Ranked Choice Voting. <https://fairvote.app.box.com/s/hlzeu53uw0nrw9yzhbjk4flx2uf9x4fq>

³ Survey shows positive response to ranked choice voting. The Daily Herald. (2021). <https://www.heraldextra.com/news/local/2021/nov/18/survey-shows-ranked-choice-voting-got-positive-response-in-pilot-test/>

⁴ Alaska Exit Poll Results – New Election System. Patinkin Research Strategies. (2022). https://alaskansforbetterelections.com/wp-content/uploads/2022/11/Patinkin_Alaska_Exit_Poll.pdf

⁵ 2014 Eagleton Poll California RCV Survey Results. FairVote. (2021). <https://www.fairvote.org/2014-survey-results>.

⁶ Self-Reported Understanding of Ranked-Choice Voting. Donovan, T., Tolbert, C. and Gracey, K. (2019), Social Science Quarterly, 100: 1768-1776. <https://doi.org/10.1111/ssqu.12651>.

⁷ Effect of Instant Run-off Voting on Participation and Civility. McGinn, E. (2020). http://eamonmcginn.com.s3-website-ap-southeast-2.amazonaws.com/papers/IRV_in_Minneapolis.pdf

⁸ Socioeconomic and Demographic Perspectives on Ranked Choice Voting in the Bay Area. John, S. & Tolbert, C. (2015). <https://fairvote.app.box.com/v/perspectives-on-rcv-bay-area>

⁹ Santa Fe Voters Support Ranked Choice Voting and Have High Confidence in City Elections. FairVote. (2018). <https://fairvote.app.box.com/v/SantaFeExitReport>

¹⁰ Using Campaign Communications to Analyze Civility in Ranked Choice Voting Elections. Kropf, M. (2021). <https://www.cogitatiopress.com/politicsandgovernance/article/view/4293>

in Nevada, New Hampshire, and Montana.^{11,12,13} In ranked choice voting elections, voters could rank the Libertarian candidate 1st and then rank either the Republican or Democratic candidate as their 2nd choice. Their votes would not be “wasted.” Instead, they would be counted in the final tally and would count for the next candidate who best represents their values, rather than accidentally helping elect the candidate they want least.

RCV's simplicity, representative outcomes, and positive experience for voters have made it an increasingly popular election method. Recommended by Robert's Rules of Order and used in hundreds of private association elections, RCV is fully constitutional, having been twice upheld in federal courts, including in the Ninth Circuit Court of Appeals in 2011 and federal district courts in Maine in 2018 and 2020, and in the Alaska Supreme Court.

The issue of RCV has come before the legislature in Wyoming in previous years as a way to address plurality winners. However, the evidence has never been so strong that voters like RCV and engage with the ranked ballot, and implementation is a smooth process.¹⁴

For example, 20 cities in Utah used RCV as part of a pilot program in 2021, 19 of them for the first time. This included large cities like Salt Lake City and smaller towns of only a few hundred voters. After a voter education campaign partially funded by the lieutenant governor's office, county clerks efficiently administered the RCV elections. Administrators released RCV results on election night alongside results from non-RCV races, including visualizations of the round-by-round results.

H.B. 345 would allow ranked choice voting for **municipal elections**. This is a faster and cheaper alternative to separate non-partisan primary and general elections – halving the number of elections, election administration costs, and the number of times voters are required to visit the polls. The 20 Utah cities using RCV all adopted this change, which was celebrated by local officials.¹⁵

For **state offices**, New Hampshire's legislature has among the most extensive network of multi-winner state legislative elections in the country. New Hampshire's multi-winner districts allow the legislature to maintain a low representative-to-voter ratio, preserve town boundaries, and meet equal population requirements through the use of flatorial districts. A key advantage of RCV in such districts over other voting methods is that it provides a consistent ballot style and ballot instructions for single-winner and multi-winner elections. In both cases, voters simply rank as many candidates as they like in order of preference. HB 350 preserves this ballot consistency by applying RCV in both single-winner and multi-winner elections. It also is a proven approach to providing representative outcomes.

Ranked choice voting is also a **faster, cheaper, and better alternative to two-round runoffs**. Both are multi-round systems that promote majority support of winning candidates.

¹¹United States Senate election in Nevada, 2022. Ballotpedia.
https://ballotpedia.org/United_States_Senate_election_in_Nevada,_2022

¹²United States Senate election in New Hampshire, 2016. Ballotpedia.
https://ballotpedia.org/United_States_Senate_election_in_New_Hampshire,_2016

¹³United States Senate election in Montana, 2012. Ballotpedia.
https://ballotpedia.org/United_States_Senate_elections_in_Montana,_2012

¹⁴Additional resources on RCV implementation are available from the Ranked Choice Voting Resource Center at www.RCVResources.org.

¹⁵Ranked-choice voting makes elections faster and cheaper. Deseret News. (2021)
<https://www.deseret.com/opinion/2021/3/17/22327919/utah-county-clerk-auditor-ranked-choice-voting-rcv-faster-cheaper-elections>

However, RCV involves an “instant runoff” with one election, while two-round runoffs require two separate elections, doubling election administration costs and requiring voters to visit the polls twice. In fact, turnout declined between the primary and runoff in 266 of the 276 scheduled federal primary runoff elections from 1994 to 2022, by an average of 40%.¹⁶

One salient example is the recent Georgia Senate runoffs in 2020 and 2022. Between training and paying poll workers, preparing voting equipment, and more, the 2020 runoff election cost Georgia taxpayers \$75 million,¹⁷ and cost the two runoff candidates a combined \$81 million for additional campaign advertising. Yet every single Georgia runoff in the last three decades has had lower turnout than the initial election.¹⁸

The two-round runoff also places an additional burden on military and overseas voters. For this reason, six states in the South (Alabama, Arkansas, Georgia, Louisiana, Mississippi and South Carolina) currently use RCV for these voters – allowing them to rank their ballots rather than voting in two separate elections.

One of these RCV bills before the committee, HB 345, provides for RCV use in **party nominating contests**, including the ability to use RCV for **presidential primaries**. This bill allows parties to decide their own process in order to nominate the strongest candidate. RCV is particularly beneficial in party primary elections as it ensures the nomination of a candidate who has the broadest support and will be a strong candidate in the general election. Below are several examples of how parties have successfully used RCV for party nominations in the last two years.

The Republican Party of Virginia used RCV in 2021 to nominate candidates for governor, lieutenant governor, and attorney general. Each contest was highly competitive and each nominee earned less than a majority of first-choice preferences, but consolidated support during the instant runoff rounds and eventually prevailed with majority support.¹⁹ All three nominees went on to win their general election races in November, the first time a Republican won the governorship of Virginia since 2009. Numerous Virginia Republicans have attributed the success of their candidates to the ranked choice voting convention used to nominate them.^{20,21} In 2022, the Republican Party of Virginia used RCV in four congressional nomination contests, and a study by a Republican consultant found that the use of RCV likely boosted the chances of its nominee compared to a non-RCV primary used in another district.²²

¹⁶ Primary Runoff Elections and Decline in Voter Turnout, 1994-2022. Rose, J. (2022) <https://fairvote.org/report/primary-runoffs-report-2022/>

¹⁷ Georgia runoff elections: Are they worth the cost to taxpayers? ABC News. (2022) <https://newschannel9.com/news/election/georgia-runoff-elections-are-they-worth-the-cost-to-taxpayers>

¹⁸ Primary Runoff Elections and Decline in Voter Turnout, 1994-2022. Rose, J. (2022) <https://fairvote.org/report/primary-runoffs-report-2022/>

¹⁹ Ranked Choice Results and Analysis from Virginia Republican Convention. FairVote. (2021). https://www.fairvote.org/va_gop_results

²⁰ Lessons Learned: The Strategy and Rationale Behind the 2021 Convention and Why It Worked. The American Spectator. (2021). <https://spectator.org/lessons-learned-the-strategy-and-rationale-behind-the-2021-convention-and-why-it-worked/>

²¹ Ranked choice voting helped elect Youngkin governor. Virginian-Pilot. (2021) <https://www.pilotonline.com/opinion/columns/vp-ed-column-kathawalla-1215-20211214-az2rrrsv6ffqdef5hpltbel3iq-story.html>

²² Measuring The Effects Of Ranked Choice Voting In Republican Primaries. Center for Campaign Innovation. (2022). <https://campaigninnovation.org/research/measuring-the-effects-of-ranked-choice-voting-in-republican-primaries>

The Indiana GOP used RCV for their 2020 party convention to nominate candidates for several statewide offices. One notable race was the contest for attorney general, in which the scandal-plagued incumbent Curtis Hill earned the most first-choice votes with 37%, but ultimately lost the nomination when Todd Rokita had more votes in the final round. Curtis Hill would have been a controversial choice, possibly explaining why he drew three strong challengers at the party convention. Despite Hill's lead in the first round, most voters were united against him. RCV elevated the candidate with the strongest consensus support, Todd Rokita, who went on to win the general election because of his broader appeal.²³

Additionally, RCV would be an ideal choice for both parties in New Hampshire's presidential primary in 2024. RCV lets primary voters navigate a crowded field, ensures every voter's voice is heard even if their first-choice candidate withdraws just before the primary, and incentivizes presidential candidates to speak to issues important to New Hampshire voters in order to build the broadest coalition of support.

Five state parties used RCV for presidential primaries in 2020, including Kansas, Alaska, Wyoming, and Hawaii for all voters and Nevada for early voters. These states found that RCV preserves key benefits of caucuses, like allowing voters to "realign" with a second choice if their top choice candidate does not earn enough support to remain in the delegate race, while also modernizing the process with a primary that allows for greater participation. Voters in these states took advantage of the opportunity to rank multiple candidates, made very few ballot errors, and turned out in large numbers. In a year when nearly 3 million early voters in states without RCV cast ballots for presidential candidates who had already withdrawn by the time ballots were counted, RCV made more votes count.²⁴

FairVote Action is available to answer any other questions from the committee or provide additional data. FairVote Action can also advise the legislature as it deems fit and be a resource for RCV implementation. You can reach me at rr@fairvoteaction.org and my FairVote Action colleagues at info@fairvoteaction.org.

Thank you for the opportunity to testify.

Sincerely,

Rob Richie

President and CEO of FairVote Action

²³ Indiana GOP taps former Congressman Todd Rokita to run for attorney general over Curtis Hill. IndyStar. (2021). <https://www.indystar.com/story/news/politics/2020/07/10/former-congressman-todd-rokita-run-attorney-general-over-curtis-hill/5385021002/>

²⁴ Ranked Choice Voting in 2020 Presidential Primary Elections. FairVote. (2020). Available at https://www.fairvote.org/ranked_choice_voting_in_2020_presidential_primary_elections

Statement by John Michael Carey, Wentworth Professor in the Social Sciences and Associate Dean of Faculty for the Social Sciences, Dartmouth College, for the Election Law Committee in Support of HB 345

To the Members of the Election Law Committee:

My name is John Carey and I am the Associate Dean of Faculty for Social Sciences, and a Professor of Government at Dartmouth University. I am writing in support of HB 345, the enabling bill to establish ranked choice voting in municipal and primary elections, via opt-in.

I have written numerous articles and book chapters on the design of electoral systems, and have advised nine foreign governments on these matters. I have been a strong supporter of ranked choice voting for the United States since the early 1990s because my research demonstrates that ranked choice voting is a better way to conduct elections than our current first-past-the-post system.

Ranked choice voting allows voters to express their preferences over the full set of options before them. The result is that election outcomes will more accurately reflect the will of the people than under first-past-the-post. Ranked choice will foster competition without forcing voters to choose between what they regard as the lesser-of-evils or the possibility of wasting their vote. Ranked choice will also diminish polarization by rewarding candidates who can appeal to the broadest possible set of voters. Ranked choice encourages constructive campaigning and discourages actions that alienate moderate voters.

Ranked choice voting has long been used in other successful democracies (Ireland and Australia are prominent examples) and is already used in various elections across the country, and it has been easy to implement and voters have given it positive reviews.

HB 345 is a simple bill that gives municipalities and parties the opportunity to try ranked choice voting for themselves if they and their constituencies would like such a valuable opportunity.

I ask you to give HB 345 your full support so that New Hampshire voters have the opportunity to have more choice and more voice in their elections by voting their conscience.

Thanks for your consideration.

John Michael Carey

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**New Hampshire House of Representatives
Election Law Committee
January 17, 2023**

Testimony of Ranked Choice Voting Resource Center on House Bills 345 and 350

On behalf of the Ranked Choice Voting Resource Center (RCVRC), we are pleased to offer this informational testimony on House Bill 345 and House Bill 350.

The RCVRC is a 501(c)(3) nonpartisan nonprofit that supports ranked choice voting implementations across the country by providing best practices, software tools, educational materials, and other resources for ranked choice voting implementation to anyone interested in the voting method. With decades of experience administering elections, the RCVRC team members have also administered statewide, municipal, and district ranked choice voting elections.

As our focus is education and sharing administration practices, this testimony will introduce what ranked choice voting is and discuss some key elements of ranked choice voting implementation.

I. Introduction

With ranked choice voting, voters rank candidates in order of preference. Candidates running in ranked choice voting elections do best when they attract a strong core of first-choice support while also reaching out for second, third, and later choices. When used to elect a single candidate like a mayor or governor, ranked choice voting helps elect a candidate that better reflects the preferences of most voters.¹ Single-winner ranked choice voting also produces consensus candidates while avoiding high-cost, low-turnout runoff elections. Ranked choice voting can also be used for multi-winner contests in a form known as proportional ranked choice voting. Proportional ranked choice voting creates proportional representation where majorities will still elect a majority of seats, but larger minority groups can also elect representatives.²

Ranked choice voting, in both its single-winner and proportional forms, has now been implemented in elections of all types in the United States. This includes local elections in cities such as Eastpointe, Michigan and Minneapolis, Minnesota as well as state and federal contests in Alaska and Maine.³ While election administration practices vary across the country, updates necessary to implement ranked choice voting fall into a few standard categories:

¹ *How Ranked Choice Voting Works*, City of Portland, Maine (May 12, 2021), <https://www.youtube.com/watch?v=4UtDFAqLC0Y>.

² *How Do We Elect MLAs?*, Northern Ireland Assembly, https://education.niassembly.gov.uk/post_16/how_do_we_elect_mlas/video.

³ *Where It's Used*, Ranked Choice Voting Resource Center, <https://www.rcvresources.org/where-its-used>.

- Voting systems (software and/or hardware)
- Ballot design;
- Voter education;
- Results centralization; and
- Results display.

Each of these updates will be discussed briefly below.

II. Voting Systems

Voting systems are the software and hardware used to run elections. They provide election administrators the ability to design ballots, program machines to capture votes, and efficiently count up results totals in elections, among other functions.⁴ The current voting systems used in New Hampshire are reaching the end of their usable lifespan and should be replaced soon.⁵ They are also incapable of running a ranked choice voting election - any ranked choice election conducted using the current systems used in New Hampshire would need to be hand-counted.⁶

To run ranked choice voting elections, voting systems must produce data known as a cast-vote record. According to our conversations with each of the voting system vendors, all modern voting systems can produce cast-vote record data.⁷ The Ballot Law Commission is currently considering two voting systems for approval in New Hampshire: Dominion ImageCast systems and VotingWorks systems.⁸ Both of these systems can capture cast vote record data. Dominion systems can natively produce ranked choice voting results. VotingWorks does not yet have native ranked choice voting capability, but has expressed interest in building ranked choice voting capability once a jurisdiction requests it.⁹ Sample ballots and sample results reports from

⁴ Election Terminology Glossary, "Voting System," National Institute of Standards and Technology, <https://pages.nist.gov/ElectionGlossary/>.

⁵ Patrick Cronin, *Do New Hampshire Voting Machines Need to Be Banned?*, Government Technology, <https://www.govtech.com/elections/do-new-hampshire-voting-machines-need-to-be-banned> ("Scanlan said the main reason new machines are being considered is AccuVote machines are no longer being manufactured. 'They're aging and they are not making parts for them anymore,' Scanlan said.")

⁶ RCV Maps, *New Hampshire*, Ranked Choice Voting Resource Center, 12 (June 21, 2021), https://drive.google.com/file/d/1BXINxRf4Qcb_9jROGEeu_a6QfoArXRn7/view.

⁷ *Major Voting Equipment Vendors' Ranked Choice Voting Capabilities*, Ranked Choice Voting Resource Center (May 2019), <https://drive.google.com/file/d/0B3K2g6IIQMwSWMJDYWRvMjdqM28/view?resourcekey=0-drPnMVVx2Z-G190NcMhPsQ>.

⁸ Ballot Law Commission, *Proposal of Secretary of State for Review of Ballot Counting Devices*, N.H. Dept. of State, available at <https://www.sos.nh.gov/sites/g/files/ehbemt561/files/inline-documents/sonh/blc-decision-of-review-of-ballot-counting-devices-by-secretary-of-state.pdf>.

⁹ *Major Voting Equipment Vendors' Ranked Choice Voting Capabilities*, Ranked Choice Voting Resource Center (May 2019), <https://drive.google.com/file/d/0B3K2g6IIQMwSWMJDYWRvMjdqM28/view?resourcekey=0-drPnMVVx2Z-G190NcMhPsQ>.

Dominion and ES&S systems are included as appendices to this testimony.

As noted in the fiscal note for HB 1482, a ranked choice voting bill introduced last year, replacing all voting systems in New Hampshire will cost approximately \$3,000,000.¹⁰ According to a report submitted by the New Hampshire Department of State to the EAC, New Hampshire has \$14,645,988 in its Elections Fund as of February 2021.¹¹ The Department states in that report that this current funding level is sufficient to maintain New Hampshire elections.¹² Funding the estimated \$3,000,000 in addition to the current funding would serve the dual purposes of future-proofing and upgrading New Hampshire voting systems in addition to gaining ranked choice voting capability statewide.

III. Ballot Design

Ranked choice voting elections require voters to interact with a style of ballot that allows them to rank candidates in order of preference. A simplified version of a ranked choice voting ballot is pictured here. The Center for Civic Design (CCD) produced best practices reports for designing and introducing ranked choice voting ballots.

These should be relied upon for designing any ranked choice voting ballots in New Hampshire. Those reports are available on our website, as well as on CCD's website.¹³

CANDIDATES	1ST CHOICE	2ND CHOICE	3RD CHOICE
strawberry	☐	☐	☒
chocolate	☒	☐	☐
vanilla	☐	☒	☐

IV. Voter Education

Educating the public about ranked choice voting is a necessary part of administering a successful ranked choice voting election. Specifically, voters need to be taught two things: how to mark the ballot and how votes are counted. Up to and on election day, voters are most interested in learning how to mark their ballot. Voter education should focus on this aspect during that time frame. Materials, such as videos and handouts, describing how votes are tabulated should be made available during this time but will be most valuable after polling places close. Ideally, ranked choice voting education and outreach will complement existing efforts for voters, candidates, and election officials. Such efforts also benefit from coordination with community and civic organizations throughout the State. Previous implementations have proven that the most impactful and inexpensive voter education method is verbal and written instruction when the voters present themselves to vote. The RCVRC website provides links to a variety of education and outreach methods that have

¹⁰ H.B. 1482, 2022 Session, http://gencourt.state.nh.us/bill_status/pdf.aspx?id=28439&q=billVersion.

¹¹ *New Hampshire 2020 Election Security Progress Narrative*, N.H. Dept. of State, available at https://www.eac.gov/sites/default/files/paymentgrants/narrative2020/NH_20ES_Program_Narrative.pdf at pg. 7.

¹² *Id.*

¹³ *Reports*, Ranked Choice Voting Resource Center, <https://www.rcvresources.org/reports> (at bottom of page); *Design principles for ranked choice voting*, Center for Civic Design, <https://civicdesign.org/projects/rcv/>.

been used by jurisdictions.¹⁴ In addition, organizations like Democracy Rising provide voter education support for ranked choice voting jurisdictions.¹⁵

V. Ranked Choice Voting Results

Determining the winners in a ranked choice voting election requires producing a round-by-round count to determine the winner or winners in an election. Running this round-by-round count means election administrators need to have the candidate ranking order on each ballot to know:

- 1) who has the fewest votes in the election, and
- 2) who is ranked next on each of those ballots.

Election administrators also need to know how many ballots were cast in total to determine how many votes candidates must have to win. This means two things for producing ranked choice voting results: all ballot data must be available and it must be centralized. Ranked choice voting requires that election officials centralize ballot data known as cast vote records to run the round-by-round count. After these cast vote records are centralized, that data can be run through ranked choice voting counting software to produce round-by-round results – which only takes seconds or minutes – and determine which candidates emerge with the most votes.

The timeline for centralizing final cast vote record data and determining final round-by-round results depends on the size of the jurisdiction producing results, the tools available to centralize results data, and any laws regulating when ballots can arrive after election day and still be counted in an election. Jurisdictions using ranked choice voting now produce round-by-round results as early as election night, with regular updates to those election night results as more ballots are counted and more cast vote record data is centralized.¹⁶ All jurisdictions using RCV use paper ballots for their elections and centralize their election data using standard centralization processes for election material. Election administrators in the City of Minneapolis, for example, scan in or hand count paper ballots at precincts on election day. They then send ranked choice voting data or ranked choice ballots to the city elections office, which produces round-by-round results the day after election day.

New Hampshire could feasibly produce unofficial round-by-round results within hours after polls close. As in elections now, voters would cast their votes on paper ballots and scan those ballots into voting systems. Those voting systems would store election data, including ranked choice

¹⁴ *Voter Education and Outreach*, Ranked Choice Voting Resource Center, <https://www.rcvresources.org/blog-post/voter-education-outreach>.

¹⁵ Democracy Rising, <https://www.wearedemocracyrising.org/>.

¹⁶ Dept. of Elections, Nov. 3, 2020 *Election Results - Detailed Reports*, City and County of San Francisco, <https://sfelections.sfgov.org/november-3-2020-election-results-detailed-reports> (Preliminary Reports are uploaded on a regular basis starting on election day and continuing daily thereafter); Utah County Elections Division, *Ranked Choice Election Results*, Utah County, <https://www.utahcounty.gov/Dept/ClerkAud/Elections/2021RankedResults.asp> (results uploaded on election night and on a regular basis thereafter).

data, on secured flash drives plugged into those systems. To provide redundancy, each polling place in New Hampshire could be given an additional flash drive to keep one set of results local and centralize the other set of results. Once polls close, one flash drive could be securely couriered to the Department of State's office or a central counting location. With coordination and taking into account the geographic size of the state, transportation of election data to a centralized location should take, at most, 4-5 hours. Of course, this time frame is an estimation and maintaining the security of the data and safety of election officials should not be sacrificed for the sake of time.

When flash drives begin to arrive, cast vote records could be uploaded to a secure, non-internet-connected computer which could then process the round-by-round count and produce unofficial ranked choice voting results. Depending on how long polling places take to wrap up counting on election night, these unofficial round-by-round results could be produced within hours after polls close. Results could be updated as any late-counted ballots are added to totals. The timing of those updates depends on how New Hampshire chooses to adapt any existing results reporting procedures to ranked choice voting.¹⁷

Before unofficial round-by-round results are produced, first-choice totals can be reported as unofficial results. First-choice totals are simple to produce: results tapes from voting equipment can print out first-choice totals in ranked choice voting elections, just as they print out vote totals in non-ranked-choice voting elections. As with non-ranked-choice voting elections, those results can be reported back to the appropriate elections office, which can combine totals and publish just first-choice totals. First-choice results can only serve as temporary unofficial results, however. Ranked choice voting results will ultimately require round-by-round results to determine final winners.

After round-by-round results are produced, displaying them in an easy-to-understand format is fundamental to ensuring voters understand and accept the results. RCVis.com implements best practices for displaying those results and is free to use. It is compatible with results data from ES&S, Dominion, and RCTab ranked-choice voting contests.¹⁸ CCD has also produced a report describing best practices for results reporting.¹⁹

¹⁷ New Hampshire law currently requires certified results to be sent to the Secretary of State by 8am the morning after election day. N.H. Rev. Stat. Ann. § 659:75 (2020). This timeline can be extended by the Secretary of State, however. *Id.*

¹⁸ RCTab is the RCVRC's open-source ranked choice voting counting software which can be used alongside voting systems to produce ranked choice voting results. The RCTab software is available for free via this link: <http://github.com/brightspots/rcv>.

¹⁹ Whitney Quesenbery and Taapsi Ramchandani, *Best Practices for Ranked Choice Voting Ballots and Other Materials*, Center for Civic Design (Feb. 28, 2017), https://drive.google.com/file/d/1T_u5h4RZ1rTu6_0BXnxBVDsrndsGF0V9/view; *Reports*, Ranked Choice Voting Resource Center, <https://www.rcvresources.org/reports>.

VI. Post-Election Audits of Ranked Choice Voting

Election officials conduct post-election audits to ensure votes are recorded and tallied as cast and to help ensure public confidence in elections. Two primary types of audits exist: conventional audits and risk-limiting audits. Ranked choice voting elections in the United States are regularly subject to conventional audits. Conventional or traditional audits have two major steps:

- 1) Election administrators randomly select voting machines used in a given election; then,
- 2) Election administrators compare the paper record of ballots from the machines being audited to the digital results produced by those voting machines.²⁰

Single-winner and proportional RCV races in the Bay Area and Minneapolis are regularly audited using conventional audit procedures. For example, Minneapolis randomly selects two RCV contests to audit – one single-winner and one proportional. The City then selects one precinct from each contest and city staff review every ballot in that precinct by hand. City of Minneapolis staff compare the total number of rankings each candidate received in that precinct to digital records from the scanners used in each precinct. If these totals match, the audit is complete. If vote totals differ, the audit will expand. Bay Area audits follow similar procedures.²¹

Risk-limiting audits (RLAs) are the gold standard of post-election tabulation audits. They review a randomized sample of ballots to provide strong evidence that the election outcome is correct. Risk-limiting audits are the most efficient type of audit (regardless of voting method) and can be implemented through a variety of methods in single-winner RCV contests. RLAs are reliable and efficient, but they are uncommon in the United States and have rarely been used in RCV elections. Additional RLAs of RCV need to be conducted to firmly establish RCV RLA practices and tools and to ease RCV RLA adoption across the United States.²²

VII. Conclusion

HB 345 and HB 350 both offer a valuable opportunity for New Hampshire to adopt ranked choice voting for its local, state, and/or federal elections. As discussed in this testimony, there are concrete, actionable steps New Hampshire can take to implement ranked choice voting in

²⁰ Audit laws may be written to audit precincts or to audit machines. Either way, voting machines are the things being reviewed – in a precinct-based law, the voting machines used in that precinct are audited. In a voting machine law, a random assortment of machines from across the election jurisdiction (city, county or state) are audited, instead of a specific precinct.

²¹ For more on conventional audits of RCV, see our Auditing RCV webinar. Ranked Choice Voting Resource Center, *Auditing Ranked Choice Voting*, <https://www.rcvresources.org/auditing-ranked-choice-voting> (March 29, 2018).

²² For more on RLAs of RCV, see our Post-Election Audits and RCV policy brief. Chris Hughes & Ryan Kirby, *Post-Election Audits and Ranked Choice Voting*, <https://www.rcvresources.org/blog-post/post-election-audits-and-ranked-choice-voting> (Sept. 19, 2022).



the event either bill is passed. The RCVRC stands ready to assist New Hampshire with any ranked choice voting implementation, free of charge.

Thank you again for the opportunity to comment.

/s/ Rosemary Blizzard

Rosemary Blizzard
Interim Executive Director
Ranked Choice Voting Resource Center
P.O Box 5176
Kinston, NC 28503

Chris Hughes
Director of Policy
Ranked Choice Voting Resource Center
1100 13th St NW
Washington, DC 20005

Appendix

Exhibit 1. ES&S Ballot, Maine Congressional District 1, Nov. 6, 2018.

SS District 34 SR District 20 York District 1
Style No. 2

State of Maine Sample Ballot
General Election, November 6, 2018
 for
 Acton, Lebanon

Instructions to Voters

To vote, fill in the oval like this ●

To rank your candidate choices, fill in the oval:

- In the 1st column for your 1st choice candidate.
- In the 2nd column for your 2nd choice candidate, and so on.

Continue until you have ranked as many or as few candidates as you like.

Fill in no more than one oval for each candidate or column.

To rank a write-in candidate, write the person's name in the write-in space and fill in the oval for the ranking of your choice.

U.S. Senator	1st Choice	2nd Choice	3rd Choice	4th Choice
Brakey, Eric L. <small>Auburn Republican</small>	☐	☐	☐	☐
King, Angus S., Jr. <small>Brunswick Independent</small>	☐	☐	☐	☐
Ringelstein, Zak <small>Yamouth Democratic</small>	☐	☐	☐	☐
Write-in	☐	☐	☐	☐

Rep. to Congress District 1	1st Choice	2nd Choice	3rd Choice	4th Choice
Grohman, Martin J. <small>Biddeford Independent</small>	☐	☐	☐	☐
Holbrook, Mark I. <small>Brunswick Republican</small>	☐	☐	☐	☐
Pingree, Chellie <small>North Haven Democratic</small>	☐	☐	☐	☐
Write-in	☐	☐	☐	☐

SAMPLE

Turn Over for Additional Contests



Exhibit 2. ES&S Results Report, Maine Congressional District 2, Nov. 6, 2018.

Report Name **Summary Report**

Election Name **General Election**

Election Date **11.06.18**

Office Title **Congressional District 2**

Candidate Names	Round 1			Round 2	
	Votes	Percentage	Transfer	Votes	Percentage
Bond, Tiffany L.	16552	05.71%	-16552	0	00.00%
DEM Golden, Jared F.	132013	45.58%	10427	142440	50.62%
Hoar, William R.S.	6875	02.37%	-6875	0	00.00%
REP Poliquin, Bruce	134184	46.33%	4747	138931	49.38%
Ballot Exhausted					
By Overvotes	435		98	533	
By Undervotes	6018		7820	13838	
By Exhausted Choices	0		335	335	
Continuing Ballots	289624		0	281371	
TOTAL	296077		0	296077	
Winning threshold by round	144813			140686	

Generated: 11/21/2018 19:36

Total = Ballot Exhausted by Overvotes + Ballot Exhausted by Undervotes + Exhausted Ballot + Continuing Ballots

Winning Threshold = [Continuing ballots/(Vote for [number] +1)] + 1

"" symbol signifies elimination due to Tie Resolution.

Exhibit 3. Dominion Voting Systems Ballot, Cambridge City Council, Nov. 5, 2019.

CANDIDATES FOR CITY COUNCIL for Term of Two Years SPECIMEN BALLOT		INSTRUCTIONS TO VOTERS														
 Cambridge November 5, 2019  Election Commissioners		Mark your choices by completely filling in the numbered ovals like this ● using a black pen. <ul style="list-style-type: none"> • Fill in the number one (1) oval next to your first choice. • Fill in the number two (2) oval next to your second choice. • Fill in the number three (3) oval next to your third choice, and so on. • You may fill in as many choices as you please. • Fill in no more than one oval per candidate. • Fill in no more than one oval per column. 														
		To Vote for a write-in candidate: <ul style="list-style-type: none"> • Fill in a numbered oval next to the name you have written, showing your choice as a number for a candidate. • Record write-ins from the top line down. 														
		If you spoil this ballot, return it for cancellation to the election officer in charge of the ballots and get another from such officer.														
		Only one vote per candidate. Only one vote per column. DO NOT USE RED TO MARK BALLOT														
		(1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15)														
SUKIA AKIBA, 343 Walden Street		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
BURHAN AZEEM, 91 Sidney Street		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
DENNIS J. CARLONE, 9 Washington Avenue	Candidate for Re-election	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
CHARLES J. FRANKLIN, 162 Hampshire Street		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
CRAIG A. KELLEY, 6 Saint Gerard Terrace	Candidate for Re-election	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
DEREK ANDREW KOPON, 8 Wright Street		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
ILAN LEVY, 148 Spring Street		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
ALANNA M. MALLON, 3 Maple Avenue	Candidate for Re-election	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
MARC C. MCGOVERN, 17 Pleasant Street	Candidate for Re-election	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
JEFFERY MCNARY, 116 Norfolk Street		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
RISA MEDNICK, 20 Maple Avenue		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
GREGG J. MOREE, 25 Fairfield Street		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
ADRIANE MUSGRAVE, 48 Haskell Street		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
PATRICIA M. NOLAN, 184 Huron Avenue		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
JOHN PITKIN, 18 Fayette Street		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
SUMBUL SIDDIQUI, 283 Sidney Street	Candidate for Re-election	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
E. DENISE SIMMONS, 188 Harvard Street	Candidate for Re-election	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
BEN SIMON, 67 Bishop Allen Drive		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
JIVAN SOBRINHO-WHEELER, 19 Trowbridge Street		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
TIMOTHY J. TOOMEY, JR., 88 6th Street	Candidate for Re-election	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
NICOLA A. WILLIAMS, 8 Brewer Street		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
QUINTON Y. ZONDERVAN, 235 Cardinal Medeiros Avenue	Candidate for Re-election	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
WRITE-IN		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)

Exhibit 4. Dominion Results Report, San Francisco Board of Supervisors District 11, Nov. 3, 2020

San Francisco

Candidate	Round 1			Round 2			Round 3		
	Votes	Percentage	Transfer (Elimination)	Votes	Percentage	Transfer (Elimination)	Votes	Percentage	Transfer
JOHN AVALOS	13,412	42.78%	1	13,413	42.79%	1,057	14,470	46.92%	0
AHSHA SAFAI	15,135	48.28%	7	15,142	48.30%	1,225	16,367	53.08%	0
MARCELO COLUSSI	2,788	8.89%	6	2,794	8.91%	-2,794	0	0.00%	0
JASON CHUYUAN ZENG	15	0.05%	-15	0	0.00%	0	0	0.00%	0
Continuing Ballots Total	31,350			31,349			30,837		
Blanks	2,795		0	2,795		0	2,795		0
Exhausted	0		1	1		502	503		0
Overvotes	117		0	117		10	127		0
Non Transferable Total	2,912			2,913			3,425		

* Tie resolved in accordance with election law.



Shenna Bellows
Secretary of State

Department of the Secretary of State
Bureau of Corporations, Elections and Commissions

**NEW HAMPSHIRE HOUSE
STANDING COMMITTEE ON ELECTION LAW**

Testimony In Support

House Bills 350 & 345 – Ranked Choice Voting

January 17, 2023

Dear Chairman Smith, Vice Chairman Berry and Distinguished Members of the House Committee on Election Law,

I regret that I cannot be in person at the public hearings on HB 350 and HB 345 but stand ready as a resource in support of ranked choice voting (RCV), which we have implemented in Maine at the state level and in some of our municipalities including Portland and Westbrook.

Ranked-choice voting, sometimes called "instant run-off voting," allows voters to choose their candidates in order of preference, by marking candidates as their first, second, third, and subsequent choices. The votes are tabulated in rounds, with the lowest-ranked candidates eliminated in each round until there are only two candidates left. The one who is determined to have received the majority of the votes (more than 50%) in the final round is declared the winner. It is different from our previous method of voting, in which voters choose only one candidate for each office and the winner is determined by plurality (whoever gets the most votes).

Maine first passed RCV through a citizen initiative process requiring a statewide vote in 2016. Maine voters again stated their preference for RCV in another statewide vote in 2018, when at the same time they were using RCV for the first time.

At the statewide level, Maine instituted ranked-choice voting for a number of our elections: all primary elections and general elections for federal offices. Due to a Supreme Judicial Court advisory opinion shortly after RCV first became law, it is not used for gubernatorial or legislative general elections at this time. A key distinction of Maine's RCV law is that the candidate who is determined to have received the majority of the votes (more than 50%) out of the two remaining in the final round is declared the winner.

We have found in the years since that voters appreciate the option to rank the candidates on their ballots, and that they've found it easy to vote in this manner. After all, we rank our choices on all sorts of things every day – what we'll make for dinner for our families each night, what music to put on the radio, where to go on vacation – so implementing that system for voting wasn't difficult.

148 State House Station, Augusta, Maine 04333
<http://www.maine.gov/sos>; tel. 207-626-8400

We also feel that voters appreciate the option to vote their heart, rather than having to stress and worry that voting for their favorite candidate in a plurality election may end up helping their least favorite candidate win. Voter frustration that plurality voting doesn't always accurately reflect the will of the majority – who may be split between two similar candidates who advanced to the general election – is one of the reasons Maine voters chose RCV. Voters should feel and know that their vote matters, and that the elections they participate in result in representation that mirrors the electorate.

Key to our successful implementation of RCV has been simple ballot design, clear voter education and centralized tabulation of the results by the state election offices.

We advise voters that if they want to vote for one candidate in a ranked-choice race, the ballot instructs that they mark only the first-choice oval for your candidate. Voters can also choose to mark the ovals all the way across in every ranking (1st, 2nd, 3rd, etc. choice) for their candidate. Both of these markings are valid and will result in the vote being counted for their candidate throughout all the rounds of the ranked-choice voting process, unless/until that candidate is eliminated from the race.

On the election administration side, we haven't found undue difficulty in conducting elections. Voter education and instructions on ballot markings are always part on any election – and that's still the case with RCV. If no candidate wins a majority of votes on Election Night in the races that have three or more candidates, the ballots and memory devices from each municipality are securely transported to a central tabulation site in Augusta. There, the winner is determined via rounds. And as with any election, being up-front and honest with voters about when they can expect to hear results – perhaps a few days after Election Day, rather than that night – is a vital part of voter confidence in elections.

The easiest way to think of RCV tabulation is to visualize the process as multiple baskets, one for each candidate (let's call them A, B and C). This process is carried out by a computer algorithm during the RCV tabulation but is conducted by hand during RCV recounts. This explanation is a simplified version of a hand count process:

If you mark your ballot with Candidate A as your first choice, your ballot goes into Candidate A's basket on Election Night. Likewise, those who voted for Candidates B and C as their first choice will see their ballots in those candidates' respective baskets. Your municipal clerk counts only these first-choice votes in each basket. If no candidate receives a majority of the votes (more than 50%) on Election Night, the voting will move into ranked-choice voting rounds.

In Round 1, the candidate with the fewest ballots in their basket is eliminated. (Note: If there are several candidates running, multiple candidates can be eliminated in the same round. This is called "batch elimination" and is implemented for all candidates for whom it would be mathematically impossible to reach more than 50% of the votes.)

Let's say Candidate B is eliminated as the lowest vote-getter in Round 1, so we look at the ballots in their basket to see if those voters had a second choice. If the voters who marked Candidate B as their first choice then chose Candidate A or C as their second choice, their ballot is moved to that candidate's basket.

If they chose only Candidate B as their first choice and did not make any other rankings OR they marked their ballot all the way across for Candidate B as their first, second and third choice, their ballot is "exhausted" because they have voted only for a candidate who is no longer in the race. Those

ballots go into a basket for exhausted ballots and those votes will not be part of the final round tally that determines the winner.

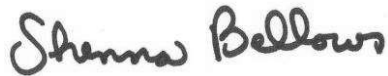
We then go into Round 2. As we are down to only two candidates, A and C, this is the final round. Whichever candidate has more ballots in their basket is the winner, as they have the majority of the votes in the final round.

In 2022, we live streamed the ranked choice voting tabulation process via Facebook so that every Maine voter could see the process of ranked choice voting tabulation live from their living rooms. The event, held at the administrative headquarters of Maine State Police, was also open to the public to view in person. We are happy to provide access to this video and other public education materials to members of the New Hampshire legislature if desired.

Should New Hampshire choose to go the route of ranked-choice voting, our Elections Division staff would be happy to provide assistance and guidance on best practices and things we've learned, to help with a smooth implementation.

We appreciate the opportunity to share our thoughts.

Sincerely,

A handwritten signature in dark ink that reads "Shenna Bellows". The script is cursive and fluid, with the first name "Shenna" and last name "Bellows" clearly legible.

Shenna Bellows
Secretary of State

Written Testimony of Charles Wheelan, Senior Lecturer and Senior Policy Fellow in the Rockefeller Center for Public Policy at Dartmouth College; Founder of Unite America

January 17, 2023

To the Members of the Election Law Committee:

I am writing in strenuous support of HB 345, a bill that enables municipalities to adopt ranked-choice voting for municipal elections and political parties to adopt ranked-choice voting for state primaries. I am a strong supporter of ranked-choice voting (RCV) because it more accurately captures the will of the electorate than our current first-past-the-post system. More specifically, RCV ensures that any election winner has the support of a majority of voters, and it prevents electoral outcomes in which a majority of voters would have preferred a different candidate.

With regard to HB 345, I also believe that the state should defer to the wishes of both municipalities and state parties when it comes to holding elections. This is a process decision best left to the entities holding the elections.

Please consider the following specific arguments in favor of ranked-choice voting:

1. Ranked-choice voting produces an outcome in which the winner of an election has the support of a majority of voters, either as their first choice or as a subsequent choice. The process inherently builds a coalition in support of the winner. Our current system does not do this.
2. Ranked-choice voting protects against an independent or third-party candidate playing a “spoiler” role. Imagine a race between candidates A and B in which a third-party candidate, X, attracts a mere five percent of the vote—but that most of those votes are cast by voters who would otherwise support Candidate A.

We might see an outcome like the following: **Candidate B (48%); Candidate A (47%); Candidate X (5%).** Candidate B is pronounced the winner. But in a head-to-head race without Candidate X, Candidate A would win 52% to 48%. **A majority of voters casting ballots would prefer A to B, but that is not the outcome under our current system.**

With RCV, Candidate X is eliminated after the first round. Those voters get their second choice—candidate A in this example—and the will of the electorate is respected.

3. Ranked-choice voting performs better than our first-past-the-post system in a crowded race, such as a primary with five or six candidates. In our current system, it is entirely possible in a large field that a group of similar candidates will split the vote, enabling the election of a candidate who has the support of only 30 or 35 percent of the electorate—even if any one of the losing candidates would have beaten the winner in a head-to-head race.

Again, our current system does not generate an outcome consistent with what most voters want. And again, RCV would solve the problem. In a race with many similar candidates who enjoy broad collective support, the second-choice votes (or subsequent rounds) would propel one of them to victory with majority support.

4. There is nothing about RCV that inherently favors Republicans or Democrats. For example, either party might benefit from RCV when there is a third-party challenger, depending on the political nature of that challenge. Consider a race with a libertarian candidate who draws most of his or her limited support (say 7%) away from the Republican candidate. In our current system, the likely winner would be the Democrat, who would benefit from votes being drawn away from the Republican by the libertarian challenger. Under RCV, the libertarian would be eliminated in the first round and most of that candidate's second place votes would go to the Republican. RCV favors candidates who can build the broadest support, including as voters' second choice.
5. Ranked-choice voting encourages more civil campaigns because of the importance of winning second place votes. A 2016 study found that people in cities with RCV were less likely to view campaigns as negative and less likely to answer that candidates were frequently criticizing each other.ⁱ A 2018 poll in Santa Fe found that 68% of voters believed that "the tone of their first mayoral election with RCV was more positive than prior mayoral elections."
6. Ranked-choice voting is growing more popular, and voters have found it to be a clear and easy process.
 - RCV was used for state and federal general elections in Alaska in 2022. This change was passed by a statewide voter referendum in 2020. An exit poll from Patinkin Research Strategies done for Alaskans for Better Elections found that **95% of voters received information on how to complete their RCV ballot; 85% of Alaska voters across demographic lines said it was "simple" to fill out their ranked choice ballot.**ⁱⁱ
 - Maine is now using RCV for federal elections.
 - Wyoming, Kansas, and Nevada used RCV for presidential primaries in 2020.
 - Indiana, Virginia, and Utah used RCV for recent party conventions.
 - Many cities use RCV for municipal elections.

Like everything else in life, democratic elections can be tweaked to make them work better. Ranked-choice voting promotes elections that promote civility and reward candidates with the broadest support. Parties and municipalities should be allowed to use an election process that best serves their own purposes. Thank you for your consideration.

ⁱ Donovan et al. "Campaign Civility Under Preferential and Plurality Voting," *Electoral Studies*, vol. 42 (June 2016): 157-163.

ⁱⁱ <https://primaryproblem.uniteamerica.org/news/the-primary-solution-in-alaska>

Statement by Kate Harris for the Election Law Committee in Support of HB 345

My name is Kate Harris. I am a Clinical Psychologist with a practice in Dover, NH where I have lived and worked since 2010. I regret that my work responsibilities preclude me from testifying before the House Election Law Committee on Tuesday, January 17th and request that my statement is made part of the permanent record.

My professional understanding of neuroscience and human nature informs my conviction that Rank Choice Voting would be a significant improvement in how we hold elections. It is one step we can take RIGHT NOW to support a more functional Democratic Republic. HB 345 is an opt-in bill that will allow municipalities and Political Parties to choose to use this voting method. While my personal preference would be to begin using RCV in federal elections in 2024 and state elections in 2026 as detailed in HB 350, at a minimum please vote "ought to pass" on HB 345 so that all representatives will have the chance to vote on this important issue.

- 1) A sense of connection to a community is a fundamental human need and knowing that other people care about what you believe is an essential part of establishing a sense of belonging. Feeling left out of a group is processed in the brain in the same location as physical pain. This pain often drives angry behaviors (fight) or apathetic withdrawal (flight). Ranked Choice Voting allows people to express their true preference for a novel idea or a lesser-known candidate without concern that their vote is wasted. Feeling heard and as if they have influence (even if their top choice is not the winner) would allow more citizens to have a sense of agency. This agency will encourage constructive participation in our democratic process rather than bitter criticism or apathetic withdrawal.
- 2) I believe that Ranked Choice Voting invites citizens to think more deeply about their role in our Democracy. Deeper thought engages the pre-frontal cortex which is the part of our brain that distinguishes us from reptiles. Reptiles are primarily concerned with their individual survival and react in rigid and self-centered ways. Our pre-frontal cortex is what allows us to live in community with others and it processes information in a way that is more generous, takes in the perspectives of others, plans for the long-term and is more flexible and creative. WE NEED A VOTING SYSTEM THAT ENCOURAGES THIS TYPE OF WHOLE-BRAIN THINKING. RCV asks more of our citizens, and I trust they are up to the task.

I am happy to answer any questions that you may have. You can reach me at 603-534-7456 or by email: kate@kateharris.com

Thank you for your consideration,

Kate Harris, PhD
104 Washington Street
Dover, NH 03820

House Election Law Committee
Room 306-308 LOB
33 N. State St. Concord, NH 03301

January 17, 2022

RE: 2023 HSB 345 & 350 Testimony from Steven Borne, Rye NH

To the Committee:

When you hear a committee member say they can't support Ranked Choice Voting (RCV), because it takes too long to count the ballots, we don't have the machines, it is against the NH Constitution, you are hearing excuses from people who want a minority view to win.

A closed mind to moving towards RCV will enable the NH Republican party to continue down the path of making Republicans irrelevant in NH US Senate, Congress and Governor elections. Sununu with his inherited name recognition may be the last major office republicans hold for a long time.

If Republicans continue to have primaries based on Plurality (the most votes), then there will continue to be Republican candidates that even the majority of Republicans prefer a different candidate. Until Republicans move to Ranked Choice Voting, these candidates will not attract a majority of voters in a general election.

If House members say, they don't hear NH residents asking for Ranked Choice Voting, isolated and homogeneous surroundings, produce closed minded perceptions.

Don't let stalling on Ranked Choice Voting exacerbate Republican losses where districts have not been gerrymandered.

Steven Borne
431 Wallis Rd, Rye NH -3870

Partisan primaries and plurality voting have produced a predictable outcome: two equally matched political parties who split the vote, and must spend inordinate amounts to gain the extra fraction of a percent needed to win. This results in unnecessarily negative campaigning, polarization of the electorate, acrimony and regrettably sometimes even violence. Campaign financing becomes more important than genuine voter support, skewing results in favor of corporations and large investors. Voters are essentially forced to vote for one of the two parties rather than support independent thinking. The gridlock starts at the ballot box and perpetuates clear to the final discussion and voting on every single issue. Elected officials who are meant to represent all of us end up representing a tiny minority.

An important step in resolving this issue is rank choice voting. If a voter's first choice does not gain a majority, his or her second or third choice might. These instant runoffs are quick, effective, and add no cost to the process. Third party candidates have a chance to gain traction at an affordable price. Campaigning on issues becomes more important than campaigning against party or personality. Voters are motivated by a far better chance that their vote will count for something. Acrimony is reduced and important issues can rise to the top.

Please defend our democracy and forward this bill for approval by the full House.

Support

Marc Bernier

I support HB345

Gibran Mancus

Ranked Choice voting gives the public more say in who gets elected. Even if your top choice candidate does not win, you can still help choose who does.

Carolyn Stiles

Ranked choice voting strengthens our democracy, reduces polarization, and lets us vote our conscience. It gives us more choice and more voice in our elections. It will also solve for the

Barbara Glassman

In opposition to NH HB 345, enabling ranked-choice voting (RCV) for state party primary and municipal elections, and HB 350, establishing procedures for RCV for federal and state offices: What the well-intentioned proponents of ranked-choice voting overlook is that it conflicts with a much more urgent and critical need for manual auditing to counter the threats of hacking and rigging and the lack of confidence in our voting machines. The complexity of ranked-choice voting would only add to the resistance to hand-counted audits. Little-understood downside to ranked-choice voting: The RCV component of state and federal races and state party primaries will always have to be tabulated by the Secretary of State or some other state authority on their RCV-programmed central scanner. In NH, that would hold for RCV municipal elections also until local jurisdictions purchase new, RCV-capable machines. Even then, how would the ranked-choice votes for, say, Nashua Aldermen-at-Large be tabulated? By the SoS? Or maybe the city clerk?

How would we audit, let alone recount, the SoS's results? Every legislator who has a vote on RCV should watch at least a portion of the video on RCV auditing [<https://youtu.be/OzF-KEMJsHc>] by the RCV Resource Center to see what the challenges are. Daunting, to say the least.

RCV advocates contend that it reduces polarization. Traditional runoff elections to reach a majority of votes for the winning candidates are held in a number of states, including Georgia, Alabama, Mississippi, Louisiana, and Texas. Does anyone see a reduction in divisiveness in those states? RCV's Achilles' heel is the requirement for *instant* runoffs, which necessitates central, state-level, computerized tabulation to reallocate losing candidates' votes. Traditional runoffs, on the other hand, are tabulated just like any other election. Candidates with the lowest vote totals are simply eliminated after a round; their votes are not redirected to surviving candidates. RCV advocates see its strength in exactly this capability to rank candidates. I do understand the appeal, but it comes at the unacceptable cost of local oversight, transparency, auditability, and therefore security.

Cheri Bach

I really believe in ranked choice voting... it gives voters more choice and more voice. It gives the elected candidate an indicator of how many voters REALLY support them. A candidate should be elected who has a majority of voter support not just 'more' votes than the other candidates. This is working well in other states and we need to curb the polarization, and divisiveness. We need more moderate candidates, we need focus on solutions not arguments, we need to eliminate split votes and spoiler candidates. There are many good candidates out there and they deserve a chance to run and WIN!

Tod Davis

I support Ranked Choice Voting

Linda Benton

"I really believe in ranked choice voting... it gives voters more choice and more voice. It gives the elected candidate an indicator of how many voters REALLY support them. It gives them a better mandate. A candidate should be elected who has a majority of voter support not just 'more' votes than the other candidates. This is working well in other states. We need to curb the venomous polarization, and divisiveness. We need more moderate candidates, we need focus on solutions not arguments, we need to eliminate vote splitting. There are many good candidates out there with good ideas. They deserve a chance to run without being a spoiler candidate."

Daniel Richardson

Absolutely never ranked choice voting. It has proven disastrous in every other state who so experimented.

Emily Burr

Ranked Choice Voting will lessen the partisanship in NH politics and allow more of the residents voices to be heard more than once. Please support this bill.

Susanne Holstein

Ranked choice voting is complicated, confusing, and delays election results undermining confidence in elections.

Virginia Schonwald

Ranked choice voting allows voters the opportunity to have more control over the results of elections, which is what our government should be trying to do!

Robin Schnell

Having read about and attended workshops on RCV, I believe that RCV gives a more nuanced voice to voters and a greater opportunity to independent candidates.

Marilynn Ezell

I think passage of this bill would result in higher quality candidates and candidate who will be more responsible to the voters.

Nancy Brown

I believe Rank Choice Voting is an important step in

Rebecca Carr

none

Daniel Olson

I support ranked choice voting. I think it will make our Democracy stronger.

Reinmar Seidler

RCV is clearly the fairest approach available, and it also tends to avoid the "all or nothing" pathologies that are infecting our politics today. Many jurisdiction the world over are moving to RCV because of its clear advantages in reflecting more realistically the desires of voters.

Douglas Strott

Ranked choice voting will reduce polarization and result in election of candidates that have wider support among the electorate. Ranked choice voting has been proven to be readily achievable and effective in federal, state, and local elections across the US. I strongly support ranked choice voting for New Hampshire.

Jeffrey Smith

HB345-FN is an excellent way to reduce the polarization in our politics, and possibly even to increase voter turnout. I also support the more-expansive HB350,, but HB345-FN may be a more acceptable first step.

mimi white

WE NEED TO MAKE VOTING EASIER NOT HARDER. PASS THESE BILLS

Sam Borne

A while back in the 1800 when you would go in and vote, you would get either a red ballot or a blue ballot with all of the choices already filled in, you would go, drop that off at your polling place and that would be it. It meant people could see who you were voting for before you even voted ... and of course this was a terrible system. So the idea of the secret ballot also known as the Australian Ballot was introduced, this is the ballot we now use today. One in which all the ballots are the same color, and nobody knows who you are voting for. Of course at the time the political parties pushed against it, they opposed it vehemently. But it passed, and democracy was better for it. The point is that the ballot has changed before and it can change again. The ballot was changed in the 1800s because we had a problem. Today we have a problem again. Polarization is hurting our nation. But ranked choice voting offers a solution. It allows for people to choose multiple candidates and that means that citizens are more likely to choose candidates who agree with more people than just a small number. This means that candidates are more likely to represent more people, it towns down the discord in politics and helps to elect more leaders like you, who will get things done. This system of ranked choice voting, despite some attacks, is that of an instant runoff. Think of states like Georgia or Louisiana which have runoff elections 6 weeks after the first date. What ranked choice voting does is have one of those runoff elections but instead of waiting six weeks it happens instantly. States such as Maine, and Alaska independent states with long streaks of independence have used ranked choice voting and it has helped them elect more effective and better politicians. Ranked Choice voting helped Susan Collins and Lisa Murkowsky win reelection, along with Jared Golden of Maine in (2018 only). Ranked choice voting has proven to work and be a success. It helps elect better leaders and it will help lead NH forwards. Thank you for all you do and please vote to make this happen in NH.

William Aniello

Over 90% of all congressional districts are pre determined red or blue before the voting starts with 70% going uncontested. Here in NH in the last primary the Democrats were on the ballot for 9 seats with 6 uncontested. Looking at the results of the elections in Michigan their seats were won by people with 30% or less of the vote. What does all this get us? A Government that is no longer serving the will of the people, this is proven by a study done Princeton university showing will of people has zero impact on policy while corporations do. An example of this is 85% of people want term limits yet the last time it made it to a vote was 1992. Rank Choice Voting and Open Primaries would return power to the people, end the polarization of our country and allow us to actually get things done rather than being in a constant battle with the other side while our peoples wellbeing drops to bottom of the barrel vs the world. World rankings Access to clean drinking water 30th Infant mortality rates 32nd Mother death at birth 33rd We are the only civilized society with a life expectancy that trends down. "There is nothing which I dread so much as a division of the republic into two great parties, each arranged under its leader, and concerting measures in opposition to each other. This, in my humble apprehension, is to be dreaded as the greatest political evil under our Constitution." -- John Adams, Letter to Jonathan Jackson (2 October 1780), "The Works of John Adams", vol 9, p.511 This is the Live Free or Die state except when it comes to voting then it is the do what the two minor parties that make half the voters combined want you to do. If we ever want to save our country this is the first step, I beg you to look past party and serve the will of the people. Thanks Will

David Meuse

In 2019 I appeared before this committee to testify in favor of an earlier version of one of the two ranked choice voting bills that are before us today. While I'm sure you'll hear many good reasons today to support ranked choice voting, the one that I'd like to focus on are the benefits when it comes to contested primaries. When I first testified before this committee 4 years ago, I told you about a primary election won by Congresswoman Laurie Trahan of Massachusetts with only 24% of the vote. Since that time, we've experienced another contested primary much closer to home where the winning candidate won by a similar margin—the 2020 Democratic Presidential Primary right here in New Hampshire. In that race, Sen. Bernie Sanders won by capturing a 25.6% plurality which was just over a percentage point higher than the second-place finisher, Pete Buttigieg. 18 other candidates also received votes. The bottom line: near 3/4 of the people voting in that particular primary voted for someone other than the actual winner. While some would say this is the way primaries are supposed to work, it seems fair to question a system that produces a candidate that nearly 75% of the voters didn't support. What ranked choice voting would do is force more candidates to talk to voters outside their bubble. In our current system, the way to win a plurality in a crowded field is by focusing on expanding your base of core supporters and then maximizing turnout of those supporters on primary day. The downside is 3/4 of the voters in your own party may feel let down not only because their candidate lost—but because the policies and priorities of the winning candidate don't reflect their needs anywhere near as well as their first-choice candidate. What ranked choice voting would have done in these cases was to give the 75% of voters who felt like they were the ones who lost some genuine ownership in picking the eventual winner. Instead of candidates seeking to maximize turnout of their true-believers to achieve a plurality, winning candidates in a ranked choice voting model would have to spend much more time listening and talking to voters outside their bubble. That's because there is genuine incentive not only to be someone's first choice—but also someone's second choice, third choice, or even fourth choice. For this reason, ranked choice voting has real potential to help moderate candidate behavior and rhetoric in an era when the tone of our elections has become increasingly vitriolic and divisive. In 2019 we missed an opportunity to shake-up the process. Today we find ourselves battling people outside New Hampshire who have decided to shake it up for us. Now it's time for the legislature to do a little shaking-up of our own. Nostalgia, stubbornness, and a sense of entitlement won't save our presidential primary over the long haul. But innovations like ranked choice voting that capture voter interest and make primary election results a more meaningful indicator of broad support could help a great deal. Please give HB345 and HB350 an Ought to Pass recommendation. Rep. David Meuse, Portsmouth, New Castle, Newington

Bryce Kaw-uh

Ranked Choice Voting can help achieve the aims of HB333 without the undue financial expense of holding an additional Election Day. Allowing an instant runoff through RCV is no more complex than our existing system that relies on voters to understand regular districts versus floterial districts, and enables candidates to win with mere fractions of the overall vote.

Andrew DeMeo

Please vote "ought to pass" on HB 345 + HB 350! Ranked choice voting enhances voter turnout, increases voter engagement, incentivizes positive campaigning (reducing polarization), saves officials time and money when avoiding runoffs, and has been described as simple and easy to understand by a solid majority of voters who use it across political party and geography. All while remaining thoroughly constitutional with little to no impact on vote tabulation time. Thank you!

Sandra O'Neill

Make elections more fair with rank choice voting! By using rank choice voting we assure ourselves of electing candidates who have the most support from the greatest percentage of the population.

Rachel Gilmore

I support RCV because it allows voters to better express their opinions and gives opportunity to express support for less popular candidates/positions without worrying about "wasting" their vote by not voting for one of the top two candidates. For primaries, it also means that more of a consensus candidate is likely to emerge to compete in the general election.

Devin Wilkie

Ranked Choice Voting allows for greater and more informed participation in the electoral process by the people of New Hampshire.

Richard Friedman

I support ranked choice voting in state elections so that no candidate can win an election with less than 50% of the vote

Nancy Grossman

I'm all for it.

Lorna Carlisle

my understanding about RCV is it allows people to select someone they might want but assumes they can't win. Over the years I have had more discussions with people stating "I like so-and-so but they'll never win, so I'm going to vote for X" Hopefully RCV would eliminate that kind of voting 'logic'

Fran Berman

Ranked choice voting will make voting more responsive to the wishes of the people.

Robert McCanne

I support ranked choice voting.

David Scarborough

Ranked choice voting strengthens our democracy, reduces polarization, and lets us vote our conscience. RCV gives us more choice and more voice in our elections. It will also solve for the problems of vote splitting and will eliminate the spoiler effect. It's time for more positive, competitive races with representatives who more accurately represent the people!

Daniel Gilmore

RCV improves fairness in voting, supports more representative outcomes, and allows more candidates to run! I hope that RCV will be adopted here in NH and eventually across the US.

Peter White

I strongly support this Bill to help give voters better choices!!

Jillian Dubois

I support ranked choice voting because we need to keep political polarization from getting out of control in this country and keep extremists from becoming mainstream.

Lloyd Kvam

Ranked choice voting allows me to vote for all of the candidates that I support

William Maddocks

Ranked Choice Voting 10/17/22 Glenn Meyers, Ken Barnes <https://www.prvoting.com/>
<https://glennsoutreach.com/> You don't need multiple elections. It can be done all in one election. Glenn has done extensive reading and is a numbers guy He's looked at different types of RCV from all over the world. Australia has been doing this for 100 years. It's always had the system John Stuart Mills? Australia Proportional representation for senate. Alaska has a primary and they take the top four for final voting. Ken: "It's not like Iowa caucuses". Glenn participated in the Iowa caucus in 1988. California has top two on ballot. Several states have top two system. If no one gets 50% then there is a runoff. Ken is not a fan of Dems putting \$ into far right extreme races. Ease into it for a few races and then increase NH Multimember districts - they all elect members of one party. Get vote totals for all candidates in an election. There are a bunch of bills already pending in NH Dan Veillux and others are co-sponsors. Thursday Meeting Get people to sign petitions at the Nov. 8 polls. Try to get the NH presidential primary to be done by RCV Use real examples for graphics Deerfield SB election spring 2022. Support Letter It's high time that New Hampshire used Ranked Choice Voting (RCV) to select candidates in its primary and municipal elections. Ranked Choice Voting strengthens our democracy, reduces polarization, and lets us vote our conscience. RCV gives us more choice and more voice in our elections. It will also solve the problems of vote splitting and will eliminate the spoiler effect. It's time for more positive, competitive races with representatives who more accurately represent the people! The experience in Maine, Alaska and other places where RCV is used for elections is positive, people like it. According to the non-partisan organization Fair Vote 82% of respondents to a very recent poll said "ranking was either easy or very easy". Of respondents who planned to only vote for a first choice, the majority said they either only liked one candidate or believed their first choice candidate would advance to the final round, making a backup choice unnecessary. The poll confirms that when a voter chooses to rank only one candidate, they are most likely making an active choice to ensure their ballot is indicative of their actual preferences. Initial resistance among Republican voters is decreasing. "Republican voters may be more likely to rank a second choice than they were the last time around. In Maine in 2018, just short of a third of GOP voters ranked an alternate preference. This poll shows 40% of Republican respondents ranking a second choice". RCV is working to reduce partisan acrimony in Alaska. The non-partisan R Street Institute says that "Candidates on both sides recognized the need to look beyond their base for support, and the winners for federal office succeeded by mobilizing the broadest coalitions." I urge New Hampshire legislators to support Ranked Choice Voting by voting for HB345 and HB350 enabling ranked-choice voting for state party primary elections and municipal elections as a way to have voters test the waters on this innovative and effective method for choosing our elected officials. William Maddocks 23 Juniper Drive Amherst, NH 03031 508-574-3285

Cori Hirai

Towns, Cities, and parties should be allowed to choose how to hold their own elections.

CHARLES TOWNSEND

Ranked Choice Voting will reduce the bias toward elections resulting in extremist candidates.

Christian Boudman

Converting to ranked choice voting is one of the most effective things you can do to reform our election system. As you are aware, hyper-partisanship and vitriolic rhetoric has changed the process of electing officials in our representative democracy. RCV dramatically reduces the heat in such situations by forcing candidates to treat their opponent(s) and their constituents with respect. In addition, the system ensures that the most universally appealing candidate will be elected. This is a non-partisan win-win in today's poisonous and wasteful political environment. Please support HB 345 and 350.

John Miller

I am an independent voter from New London and I am in support of this bill. Ranked Choice Voting has proven to be effective across the country and allows the public to vote with their conscious rather than voting for the least bad, "electable" candidate. Please vote to expand RCV across New Hampshire.

Kara Robak

I am originally from Maine, where ranked-choice voting has offered the public a greater say in how we elect officials. I found it a great disappoint upon moving to New Hampshire to lose this valuable tool for democracy.

Laura Sokoloski

I'm testifying in support of HB345 to enable ranked choice voting in primary and municipal elections. I moved to the Upper Valley from Maine where I had the opportunity to see Ranked Choice Voting in action. Instead of the vote being split due to multiple qualified candidates, Ranked Choice Voting allows each voters vote to always count. Ranked Choice Voting is simple and an elegant solution to a convoluted issue. In a state which prizes freedom like New Hampshire, Ranked Choice Voting makes the most sense in expressing and protecting the freedom of the people.

James Walker

The passage of this bill is essential to the restoration of our democracy. It will ensure that the most qualified individuals are put forward to the vote.

Steven Rand

It's about time we get RCV in NH! Ranked choice voting strengthens our democracy, reduces polarization, and lets us vote our conscience. RCV gives us more choice and more voice in our elections. It will also solve for the problems of vote splitting and will eliminate the spoiler effect. It's time for more positive, competitive races with representatives who more accurately represent the people!

Barbara Widger

I stongly support Rank Choice Voting for NH & US elections. It allows all candidates to run but ensures that the winner has the support of a majority of voters.

Marilyn Jonas

Please consider an "ought to pass" vote for ranked choice voting in our state. I believe that adoption of this method will allow me to have a greater voice when I go to the polls. I also believe that it will encourage candidates to run more positive, issue- focused campaigns. Thank you for all of the work that you do for NH!Marilyn

Stefan Katz

Our nation's democracy is choking, and election law is a major culprit - in how we conduct primaries, finance candidates, and make voting accessible. Ranked Choice Voting is no panacea, but can be a major improvement in revitalizing voter choice and the spirit of constructivism over partisan division. Opponents concerns are often valid but are mostly solvable problems. Make this bill happen!

Aaron Smith-Walter

The main function of elections in representative systems is to aggregate the voice of the public and to represent their will with integrity and fidelity. RCV is an excellent advance in the way that elections can allow for the growth and development of the public's articulation of its voting preferences and to address many of the weaknesses inherent in the "first past the post" systems of elections which create a system of political malaise and popular disaffection with politics.

Robert Alatalo

Elections are to pick the best candidate so please provide us a better option to select the best candidate so we don't need to vote for a second choice who is more popular to avoid losing to our last choice. Please provide and allow us to use RANKED choice for voting

Sherry Kuchma

Ranked choice voting makes so much sense.

Ian Galipeau

I truly believe that ranked choice voting is the future of a functioning democracy, and are increasingly partisan and extreme political climate. Please do the right thing and makes rank choice voting the law of the land in New Hampshire.

Ann Wissink

I am in favor of rank choice voting for New Hampshire.

Jennifer Hansen

I am in support of the bill because I believe it will help counteract polarization in our state.

Brittney Thompson

I support ranked choice voting because it's a cost effective, common sense method that gives voters more choice and more voice in our elections. RCV reduces polarization and negative campaigning; it allows for robust competition by eliminating the problems of vote-splitting and strategic voting, and it lets voters better express their preferences to elect the candidates who the most voters support.

Emily Turner

In order to open up the field of candidates, to unlock the hold of the two dominant political parties, and to reduce the acrimony of rivals--all of those beautiful outcomes--please pass HB345.

Kevin Connerton

I fully support the bill as do most people I know here in the Lakes Region. It's Democracy in action. Let make NH a leader in this common sense approach. It will bring more people out to vote, hopefully what you all want. Save you time and money campaigning as well against negative ads and the lot. Thank you.

HB 345-FN - AS INTRODUCED

2023 SESSION

23-0012

08/05

HOUSE BILL

345-FN

AN ACT enabling ranked-choice voting for state party primary elections and municipal elections.

SPONSORS: Rep. Read, Rock. 10; Rep. Hamblet, Rock. 26; Rep. Wilhelm, Hills. 40; Rep. Veilleux, Hills. 34; Rep. Wolf, Merr. 7; Rep. Newell, Ches. 4; Rep. Phinney, Straf. 9; Rep. Cam. Kenney, Straf. 10; Rep. Meuse, Rock. 37; Sen. Fenton, Dist 10

COMMITTEE: Election Law

ANALYSIS

This bill establishes procedures for ranked-choice voting and allows state parties and municipalities to opt into such procedures.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT enabling ranked-choice voting for state party primary elections and municipal elections.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Ranked-Choice Voting. Amend RSA 652 by inserting after section 16-h the
2 following new section:

3 652:16-i Ranked-Choice Voting. "Ranked-choice voting" means the method of casting and
4 tabulating votes in which voters rank candidates in order of choice and tabulation proceeds in
5 rounds, as follows:

6 I. Pursuant to RSA 659:61-b to determine which candidate in a state primary or general
7 election has a plurality of votes for the election to a single-seat office, including office in a single-
8 member representative district.

9 II. Pursuant to RSA 659:61-c to determine which candidates in a state primary or general
10 election have a plurality of votes for the election to an office in a multi-member representative
11 district.

12 III. Pursuant to RSA 659:61-d to determine which candidates in a presidential primary
13 election have received a certain minimum percentage of votes.

14 2 Voting Materials. Amend RSA 656:6 to read as follows:

15 656:6 Designation of Office. Immediately to the left of the set of party columns shall be an
16 offices column which shall list the offices, each preceded by the word "For," for which the candidates
17 whose names are listed in the party columns have been nominated, as in "For Governor[-]" ***or, in the***
18 ***case of multi-representative districts in an election using ranked-choice voting, "For***
19 ***election of [here insert number to be elected] Representatives."*** Below each such phrase shall
20 be printed in small but easily legible letters "Vote for not more than ____ (here insert a number
21 designating how many persons are to be voted for)[-]," ***or in the case of an election using ranked-***
22 ***choice voting, "Rank candidates in order of preference."***

23 3 Ballot Counting Devices; Testing. Amend RSA 656:42, VIII(e)(4) to read as follows:

24 (4) The town or city clerk shall mark the test ballots in such a way as to demonstrate
25 a vote for each candidate on at least one test ballot, as well as votes for less than and more than the
26 number of candidates that may be voted for an office, write-ins, multiple votes for a candidate who
27 appears in more than one party column for the same office on a general election ballot, and ballots on
28 which there are no votes. The clerk shall mark ~~[as many as possible of the combinations of choices~~
29 ~~that a voter may indicate on the ballot.]~~ ***as many variations or rankings as are reasonably***
30 ***necessary to demonstrate the accuracy of the device.***

HB 345-FN - AS INTRODUCED
- Page 2 -

4 Marking the Ballot; Instructions to Voters. Amend RSA 659:17 to read as follows:

659:17 Marking the Ballot; Instructions to Voters. The secretary of state shall provide on the top of the general election ballot the following voting instructions. The secretary of state is authorized to replace the phrase "Make the appropriate mark" with an appropriate description and example of the mark to be made for the type of ballot in use, such as "Make a cross (X) in the box," "Completely fill in the oval," or "Complete the arrow"[:], **or in the case of an election using ranked-choice voting, how to "Rank candidates in order of preference," such as "Completely fill in the oval":**

1) To Vote

Make the appropriate mark to the right of your choice. For each office vote for not more than the number of candidates stated in the sentence: "Vote for not more than ____." If you vote for more than the stated number of candidates, your vote for that office will not be counted. **For elections using ranked-choice voting, rank the candidates in the order of your preference. If you vote for more than the stated number of candidates, your vote for that office will not be counted or, in the case of ranked-choice voting, this means that each ranking may only be used once.**

2) To Vote by Write-In

To vote for a person whose name is not printed on the ballot, write in the name of the person in the "write-in" space. Make the appropriate mark to the right of your choice.

5 Optional Counting of Votes at Additional Polling Places. Amend RSA 659:59 to read as follows:

659:59 Optional Counting of Votes at Additional Polling Places. The moderator may order the assistant moderator in writing to process absentee ballots and to count the votes cast at the additional polling place in the presence of and with the assistance of the assistant town clerk and election officials in the manner prescribed by this chapter. **The counting of votes in elections using ranked-choice voting at an additional polling place shall be coordinated with the counting at the central polling place in order to facilitate counting by the ranked-choice method described in RSA 659:61-a.** After the processing of absentee ballots and the counting are complete, the assistant moderator shall place the counted ballots in the ballot box and shall seal it, and the assistant town clerk shall certify the same. The assistant moderator shall also seal in a package the duplicate checklists used at the additional polling place together with the absentee envelopes and the spoiled and unused ballots; and he **or she**, together with the assistant town clerk, shall immediately deliver the ballot box, checklists, absentee envelopes, unused and spoiled ballots, and a written report of [his] **the** count signed by [him] **the assistant moderator** and the assistant town clerk to the moderator of the town at the central polling place. If the moderator does not order the counting as provided herein, the assistant moderator shall comply with the provisions of RSA 659:62.

1 6 New Sections; Determination of Winner in Election for an Office Elected by Ranked-Choice
2 Voting. Amend RSA 659 by inserting after section 61 the following new sections:

3 659:61-a Definitions Applied to Ranked-Choice Voting.

4 I. As used in this section and in RSA 659:61-b through RSA 659:61-d, unless the context
5 otherwise indicates, the following terms have the following meanings.

6 (a) "Active preference" means the highest continuing ranking on a continuing ballot.

7 (b) "Batch elimination" means the simultaneous defeat of multiple candidates because,
8 with respect to such candidates, one of the following applies:

9 (1) The candidate cannot be elected because the candidate's active preference total in
10 a round of the ranked-choice voting tabulation plus the total of all continuing ballots that could
11 possibly be transferred to the candidate in future rounds from candidates with fewer active
12 preferences or an equal number of active preferences would not be enough to surpass the candidate
13 with the next higher active preference total in the round.

14 (2) The candidate has a lower active preference total than a candidate described in
15 subparagraph (1).

16 (c) "Continuing ballot" means a ballot that is not an exhausted ballot.

17 (d) "Continuing candidate" means a candidate who has not been defeated or, in a multi-
18 member representative district, who is not an elected candidate.

19 (e) "Elected candidate" means a candidate determined to be a winner in a multi-member
20 representative district.

21 (f) "Election threshold" means the number of active preferences sufficient for a candidate
22 to be elected in a multi-member representative district, equal to the quotient of the number of
23 continuing ballots in the first round of counting divided by the number of candidates to be elected in
24 a particular multi-member representative district plus one, such quotient rounded down to the
25 nearest whole number, plus one.

26 (g) "Excess preferences" means, for each candidate who becomes an elected candidate in
27 a particular round, the positive difference between such elected candidate's total number of active
28 preferences and the election threshold.

29 (h) "Exhausted ballot" means a ballot that does not rank any continuing candidate,
30 contains an overvote at the highest continuing ranking, or contains 2 or more sequential skipped
31 rankings before its highest continuing ranking.

32 (i) "Highest continuing ranking" means the highest ranking on a voter's ballot for a
33 continuing candidate.

34 (j) "Last-place candidate" means the candidate with the lowest active preference total in
35 a round of the ranked-choice voting tabulation or any other candidate subject to batch elimination.

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1 (k) "Minimum percentage of votes" means a percentage threshold reported by a political
2 party to the secretary of state not less than 60 days prior to a presidential primary election, above
3 which all continuing candidates shall be apportioned delegates.

4 (l) "Overvote" means a circumstance in which a voter has ranked more than one
5 candidate at the same ranking.

6 (m) "Ranking" means the number assigned on a ballot by a voter to a candidate to
7 express the voter's preference for that candidate. Ranking number one is the highest ranking,
8 ranking number 2 is the next-highest ranking and so on.

9 (n) "Round" means an instance of the sequence of voting tabulation steps established in
10 RSA 659:61-b.

11 (o) "Skipped ranking" means a circumstance in which a voter has left a ranking blank
12 and ranks a candidate at a subsequent ranking.

13 (p) "Transfer ratio" means for each elected candidate in a particular round, the quotient
14 of the excess preferences for such elected candidate divided by the number of active preferences for
15 such candidate.

16 (q) "Transfer value" means the proportion of an active preference that a ballot will
17 contribute to its highest continuing ranking. Each ballot begins with a transfer value of 1 and is
18 subsequently multiplied by the applicable transfer ratio.

19 659:61-b Determination of Winner in Elections for an Office Elected by Ranked Choice Voting;
20 Single Seat Offices.

21 I. Except as provided in paragraphs II and III, the following procedures shall be used to
22 determine which candidate has the plurality of votes for purposes of identifying the winner in an
23 state primary election and a state general election for a single seat office by ranked-choice voting.
24 Tabulation shall proceed in rounds. In each round, the number of active preferences for each
25 continuing candidate shall be counted. Each continuing ballot counts as one active preference for its
26 highest-ranked continuing candidate for that round. Exhausted ballots are not counted for any
27 continuing candidate. The round then ends with one of the following 2 potential outcomes:

28 (a) If there are 2 or fewer continuing candidates, the candidate with the most active
29 preferences is determined to be the person receiving the plurality of votes and is declared the winner
30 of the election.

31 (b) If there are more than 2 continuing candidates, the last-place candidate, or
32 candidates, is defeated and a new round begins.

33 II. If 2 or more last-place candidates are tied and batch elimination does not apply, the last-
34 place candidate who was credited with the fewest active preferences in the prior round shall be
35 declared defeated. If 2 or more of such tied candidates were tied in the prior round also, the second
36 tie shall be decided by referring similarly to the standing of candidates, in terms of active
37 preferences, in the second-prior round. This principle shall be applied successively as many times as

1 may be necessary; a tie shown in any prior round being decided by referring to the standing of the
2 tied candidates in the round immediately preceding the round in which the tie exists. Any tie not
3 otherwise provided for shall be decided by lot.

4 III. Two or more candidates may be defeated simultaneously by batch elimination in any
5 round of tabulation.

6 IV. For purposes of determining the eligibility of and status as political parties, the number
7 of votes cast for a party's or political organization's candidate in a state general election is the
8 number of active preferences credited to that candidate after the initial counting in the first round
9 described in paragraph I.

10 659:61-c Determination of Winners in Elections for Offices Elected by Ranked-Choice Voting;
11 Multi-Member Representative Districts.

12 I. Except as provided in paragraphs II and III, the following procedures shall be used to
13 determine which candidates have the plurality of votes for purposes of identifying the winners in a
14 state primary election and a state general election in a multi-member representative district.
15 Tabulation shall proceed in rounds. In each round, the number of active preferences for each
16 continuing candidate shall be counted. Each continuing ballot counts as an active preference at its
17 transfer value for its highest-ranked continuing candidate for that round. Exhausted ballots are not
18 counted for any continuing candidate. The round then ends with one of the following 3 potential
19 outcomes, to be tested sequentially:

20 (a) If one or more continuing candidates have a number of active preferences that are
21 greater than or equal to the election threshold, such candidates are determined to be winners of the
22 election by a plurality of votes. If the number of candidates determined to have been winners of the
23 election, collectively and in any round, equals the number of members to be elected in a particular
24 multi-member representative district, the tabulation shall then cease. If the number of candidates
25 determined to have been winners of the election, collectively and in any round, is less than the
26 number of members to be elected in a particular multi-member representative district, then the
27 transfer values of the active preferences for the elected candidates in the current round are
28 calculated and a new round begins.

29 (b) If the number of continuing candidates plus elected candidates equals the number of
30 members to be elected in a particular multi-member representative district, then all remaining
31 continuing candidates shall be determined to be winners of the election by a plurality of votes and
32 the tabulation shall then cease.

33 (c) If no continuing candidate has received a number of active preferences that are
34 greater than or equal to the election threshold, then the last-place candidate, or candidates, is
35 defeated and a new round begins.

36 II. If 2 or more last-place candidates are tied and batch elimination does not apply, the last-
37 place candidate who was credited with the fewest active preferences in the prior round shall be

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1 declared defeated. If 2 or more of such tied candidates were tied in the prior round also, the second
2 tie shall be decided by referring similarly to the standing of candidates, in terms of active
3 preferences, in the second-prior round. This principle shall be applied successively as many times as
4 may be necessary, a tie shown in any prior round being decided by referring to the standing of the
5 tied candidates in the round immediately preceding the round in which the tie exists. Any tie not
6 otherwise provided for shall be decided by lot.

7 III. Two or more candidates may be defeated simultaneously by batch elimination in any
8 round of tabulation.

9 659:61-d Presidential Primaries; Determining the Minimum Percentage of Votes.

10 I. Preferences for party candidates to national party conventions, as provided for in RSA
11 653:5, shall be determined using ranked-choice voting pursuant to this section. Tabulation shall
12 proceed in rounds. In each round, the number of active preferences for each continuing candidate
13 shall be counted. Each continuing ballot counts as one active preference for its highest-ranked
14 continuing candidate for that round. Exhausted ballots are not counted for any continuing
15 candidate. The round then ends with one of the following 2 potential outcomes:

16 (a) All continuing candidates have received a sufficient number of active preferences
17 such that the quotient of each candidate's active preferences, divided by the number of continuing
18 ballots in the applicable round, is greater than or equal to the minimum percentage of votes, in
19 which case the tabulation shall cease and the secretary of state shall report to the applicable
20 political party the names of the continuing candidates and the number of active preferences received
21 by them in the final round.

22 (b) At least one continuing candidate has received a number of active preferences such
23 that the quotient of such candidate's active preferences, divided by the number of continuing ballots
24 in the applicable round, is less than the minimum percentage of votes, in which case the last-place
25 candidate is eliminated and a new round begins.

26 II. If 2 or more last-place candidates are tied, the last-place candidate who was credited with
27 the fewest active preferences in the prior round shall be declared eliminated. If 2 or more of such
28 tied candidates were tied in the prior round also, the second tie shall be decided by referring
29 similarly to the standing of candidates, in terms of active preferences, in the second-prior round.
30 This principle shall be applied successively as many times as may be necessary, a tie shown in any
31 prior round being decided by referring to the standing of the tied candidates in the round
32 immediately preceding the round in which the tie exists. Any tie not otherwise provided for shall be
33 decided by lot.

34 7 Content of Return. Amend RSA 659:73, I(a) to read as follows:

35 (a) The name of each candidate printed on the ballot and the number of votes that
36 candidate received for the listed office including any write-in votes for the same office on the same
37 ballot where the voter did not mark the printed candidate name. *In an election using ranked-*

choice voting, the vote count shall be the number of active preference votes for the candidate at the conclusion of counting by the ranked-choice method described in RSA 659:61-a through RSA 659:61-d.

8 General Election; Canvas and Declaration. Amend RSA 659:81 to read as follows:

659:81 Canvass and Declaration Generally. Except as provided in RSA 659:82, when the secretary of state has received the returns for an office from all towns or wards comprising the elective district for that office, he ***or she*** shall examine, record and total such returns and shall declare elected to the office the same number of persons as the number of officers to which the district is entitled; provided that those persons declared officers-elect shall be those persons who received the highest number of votes cast for said office[-], ***or in a municipal election using ranked-choice voting the highest number of active preferences at the conclusion of counting by the ranked-choice method described in RSA 659:61-a through RSA 659:61-d.***

9 Primary Election; Canvas and Declaration. Amend RSA 659:86 to read as follows:

659:86 Canvass and Declaration Generally. Except as provided in RSA 659:87, when, for each political party having an official state primary election ballot, the secretary of state has received the returns for a nomination from all towns or wards comprising the elective district for that office, he ***or she*** shall examine, record and total such returns and, for each political party, shall declare nominated for the office the same number of persons as the number of officers to which the district is entitled; provided that those persons declared nominated for the office shall be those persons who, on each party ballot, received the highest number of votes cast for the office, except as provided in RSA 659:91. ***In a state primary election, the nominees shall be those persons with the highest number of active preferences at the conclusion of counting by the ranked-choice method described in RSA 659:61-a through RSA 659:61-d.***

10 Nominations. Amend RSA 659:88, II to read as follows:

II. If a person is disqualified from a nomination in accordance with the provisions of paragraph I, then the nomination shall be awarded to the qualified person who received the highest number of votes, provided that person received at least 25 votes or votes equaling 10 percent or more of the total votes cast for that party on the state primary election ballot, whichever is smaller. ***In a state primary election, the nominee shall be the person with the highest number of active preferences at the conclusion of counting by the ranked-choice method described in RSA 659:61-a through RSA 659:61-d.***

11 Applicability; Implementation.

I. Any state party or municipality may opt-in to the provisions for ranked choice voting without regard for whether any other state party or municipality also opts in. Any state party or municipality that seeks to opt-in to the provisions for ranked-choice voting shall do so at least 90 days before the first election in which such party or municipality seeks to utilize ranked choice voting by providing written notice to the New Hampshire secretary of state. Any state party or

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1 municipality that seeks to opt-in to the provisions for ranked choice voting may do so for any or all
2 offices. Parties and municipalities shall specify which offices they seek to use ranked-choice voting
3 at the time they seek to opt-in to the provisions for ranked-choice voting.

4 II. In the case of a state party, after official approval through appropriate party procedures,
5 the party chair or designee shall provide such notice to the secretary of state. A state party may
6 consider rescinding its action in the same manner, and if so rescinded, the party chair or designee
7 shall notify the secretary of state at least 90 days before the next primary election, of the decision to
8 rescind their opt-in.

9 III. Any town or city may implement ranked choice voting in the following manner:

10 (a) In a town, the question shall be placed on the warrant of an annual town meeting
11 under the procedures set out in RSA 39:3, or by initiative petition or referendum petition if a town
12 charter provides for such, and shall be voted on a ballot.

13 (b) In a city, the legislative body may vote to place the question on the official ballot for
14 any special or regular municipal election, or, in the alternative, shall place the question on the
15 official ballot for any municipal election upon submission to the legislative body of a petition signed
16 by 5 percent of the registered voters.

17 (c) The selectmen or city council shall hold a public hearing on the question at least 15
18 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be
19 posted in at least 2 public places in the municipality and published either in a newspaper of general
20 circulation or the municipality's Internet website at least 7 days before the hearing.

21 (d) If one or more amendments to a municipal charter are necessary in order to
22 implement ranked choice voting, the charter shall be amended as provided for in RSA 49-B:5.

23 IV. Once passed according to the applicable procedures outlined in subparagraphs III(a) –
24 (d), ranked choice voting shall apply within the town or city beginning with the next municipal
25 election, provided that a town or city designee notifies the New Hampshire secretary of state of their
26 opt-in at least 90 days before said election.

27 V. A town or city may consider rescinding its action in the same manner, and if so rescinded,
28 the city or town clerk shall notify the secretary of state at least 90 days before the next election, of
29 the decision to rescind their opt-in.

30 12 Effective Date. This act shall take effect August 1, 2023.

HB 345-FN- FISCAL NOTE
AS INTRODUCED

AN ACT enabling ranked-choice voting for state party primary elections and municipal elections.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$4,000,000	\$1,500,000	\$500,000
Expenditures	\$0	\$0	\$0	\$0
Funding Source:	☒ General ☐ Education ☐ Highway ☐ Other			

LOCAL:				
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill will enable ranked-choice voting for any state party primary election or municipal election. If a state party opts-in to a ranked-choice voting system, municipalities conducting the elections must use the ranked-choice system for state primaries for said party. The local legislative body would determine whether to adopt a ranked-choice system for voting in municipal elections.

The Department of State indicates their current vendor, who maintains the current optical scan ballot counting devices used by cities and towns in New Hampshire State elections, indicates the ballot counting devices would need to be updated to newer versions to accommodate the level of programming required to count ranked choice ballots. The Department states currently three new ballot counting devices have been granted approval by the NH Ballot Law Commission for limited test use, although no official approval has been issued. The Department assumes the State would be obligated to purchase the counting device under Article 28-A of the New Hampshire Constitution due to the State mandating a new counting system. The Department indicates the costs would be as follows for FY 2024 through FY 2026 if all municipalities opted in to rank choice voting:

Below is the estimate fiscal impact by year.

FY 2024	
500 digital scan ballot counting device @ \$ 6,000	\$ 3,000,000
500 maintenance @ \$1,000	\$ 500,000
500 programming @ \$1,000	\$ 500,000
Total FY 2024	\$ 4,000,000

FY 2025	
500 maintenance @ \$1,000	\$ 500,000
500 programming @ \$1,000 x 2 elections	\$ 1,000,000
Total FY 2025	\$ 1,500,000

FY 2026	
500 maintenance @ \$1,000	\$ 500,000
Total FY 2026	\$ 500,000

In addition to the purchasing of new counting machines, maintenance costs, and programming costs, the Department anticipates there will be a need for extensive training for local election officials as well as changes to ballot configuration to accommodate a ranked choice format. The expenditures associated with training and ballot configuration are indeterminable.

The New Municipal Association states there may be additional costs for resources needed to tabulate votes and train election officials and voters on the system if either a state party or local legislative body opts-in to a ranked-choice system resulting in an indeterminable increase to local expenditures starting in FY 2024.

AGENCIES CONTACTED:

Department of State and New Hampshire Municipal Association