

**HEB**

**141**

1-LS0669M  
Kurtz  
4/1/99

**MOVED**

**CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 141( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**

**Referred:**

**Sponsor(s): REPRESENTATIVES KOTT, Porter, Cowdery, Green**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act providing for preferential voting in federal, state, and local elections;  
2 relating to the preparation of ballots; relating to the definition of "political  
3 party"; relating to the counting of ballots; and repealing punch-card voting."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* Section 1. AS 15.13.400(10) is amended to read:

6 (10) "political party" means

7 (A) an organized group of voters that represents a political  
8 program and that nominated a candidate for governor who received at least  
9 three percent of the total first choice votes cast at any one of the last five  
10 preceding general elections for governor; and

11 (B) a subordinate unit of the organized group of voters  
12 qualifying as a political party under (A) of this paragraph if, consistent with the  
13 rules or bylaws of the political party, the unit conducts or supports campaign  
14 operations in a municipality, neighborhood, election district, or precinct;

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\* Sec. 2. AS 15.15.030 is amended by adding a new paragraph to read:

(14) The director shall design the ballot to accommodate preferential voting for candidates for the offices of governor and lieutenant governor, for candidates for the legislature, for the offices of President and Vice-President of the United States, and for candidates for the United States Congress. The ballot shall direct the voter to mark candidates in order of preference and to mark as many choices as the voter wishes, but not to assign a particular ranking to more than one candidate.

\* Sec. 3. AS 15.15.350 is amended to read:

Sec. 15.15.350. General procedure for ballot count. (a) The director may adopt regulations prescribing the manner in which the [PRECINCT] ballot count is accomplished so as to assure accuracy in the count and to expedite the process.

(b) An [THE] election board shall account for all ballots in its precinct by completing a ballot statement containing (1) the number of official ballots received; (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4) the number of official ballots unused and destroyed. The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. Discrepancies shall be noted and reported to the director. A [THE NUMBERS INCLUDED IN THE CERTIFICATE PRESCRIBED BY AS 15.15.370. THE ELECTION BOARD SHALL COUNT THE BALLOTS IN A MANNER THAT ALLOWS WATCHERS TO SEE THE BALLOTS WHEN OPENED AND READ. NO] person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for mailing may not have a marking device in hand or remove a ballot from the immediate vicinity of the polls.

★ (c) [(b)] Ballots may not be counted before 8:00 p.m., local time, on the day of the election.

\* Sec. 4. AS 15.15.350 is amended by adding a new subsection to read:

(d) The first choice votes shall be counted first. If a candidate has obtained a majority of the first choice votes, further counting is not necessary. If no candidate has obtained a majority of the first choice votes, then the candidate receiving the least number of first choice votes shall be declared defeated. Ballots cast for this defeated candidate shall be transferred to the next choice candidate marked on each ballot. All

1 candidates with fewer than 25 first choice votes shall be declared defeated and all of  
2 their votes transferred to the next choice candidate indicated on each ballot. This  
3 process of elimination and transfer shall be continued until one candidate has a  
4 majority of the votes or is the sole remaining candidate, or there is a tie vote between  
5 all remaining candidates. If a ballot has no more available preferences, that ballot  
6 shall be declared void. A ballot assigning a particular ranking to more than one  
7 candidate for an office shall be declared invalid when the double ranking is reached.  
8 If a ballot skips a ranking, then the next ranking shall be counted. If there is a tie vote  
9 between all remaining candidates, the procedures in AS 15.15.460 and AS 15.20.430 -  
10 15.20.530 shall be followed.

11 \* Sec. 5. AS 15.15.380 is amended to read:

12 **Sec. 15.15.380. Payment of election board members.** The director shall pay  
13 each election board member for time spent at election duties, including the receiving  
14 of instructions. Election board chairs [CHAIRMEN] and the chair [CHAIRMAN] and  
15 members of the absentee ballot review board, questioned ballot review board and  
16 state ballot counting review boards shall be paid for time spent at their election duties.

17 The director shall set the compensation to be paid under this section by regulation.

18 \* Sec. 6. AS 15.15.440 is amended to read:

19 **Sec. 15.15.440. Dates for opening and closing state ballot counting review.**

20 The state ballot counting review shall begin as soon as practicable after the election  
21 is completed and no later than 16 days after an election and shall be continued until  
22 completed. The director may designate the hours each day during which the state  
23 ballot counting review board is to conduct its ballot counting review. [THE  
24 DIRECTOR SHALL CLOSE THE REVIEW WHEN THE DIRECTOR IS SATISFIED  
25 THAT NO MISSING PRECINCT CERTIFICATE OF ELECTION WOULD, IF  
26 RECEIVED, CHANGE THE RESULT OF THE ELECTION. IF NO ELECTION  
27 CERTIFICATE HAS BEEN RECEIVED FROM A PRECINCT, THE DIRECTOR  
28 MAY SECURE FROM THE ELECTION SUPERVISORS AND MAY COUNT A  
29 CERTIFIED COPY OF THE DUPLICATE ELECTION CERTIFICATE OF THE  
30 PRECINCT. IF NO ELECTION MATERIALS HAVE BEEN RECEIVED, BUT  
31 ELECTION RESULTS HAVE BEEN RECEIVED BY TELEPHONE, TELEGRAM

1 OR RADIO, THE DIRECTOR SHALL COUNT THE ELECTION RESULTS SO  
2 RECEIVED. IF THE DIRECTOR HAS REASON TO BELIEVE THAT A MISSING  
3 PRECINCT CERTIFICATE, IF RECEIVED, WOULD AFFECT THE RESULT OF  
4 THE ELECTION, THE DIRECTOR SHALL AWAIT THE RECEIPT OF THE  
5 CERTIFICATE UNTIL THE CLOSE OF BUSINESS ON THE 15TH DAY AFTER  
6 THE DATE OF ELECTION. A CERTIFICATE NOT ACTUALLY DELIVERED TO  
7 THE DIRECTOR BY THE CLOSE OF BUSINESS ON THE 15TH DAY AFTER  
8 THE ELECTION MAY NOT BE COUNTED AT THE STATE BALLOT COUNTING  
9 REVIEW.]

10 \* Sec. 7. AS 15.15.450 is amended to read:

11 **Sec. 15.15.450. Certification of state ballot counting review.** Upon  
12 completion of the state ballot counting review, the director shall certify the person  
13 receiving a majority [THE LARGEST NUMBER] of votes for the office for which  
14 that person was a candidate as elected to that office and shall certify the approval of  
15 a justice or judge not rejected by a majority of the voters voting on the question. The  
16 director shall issue to the elected candidates and approved justices and judges [.] a  
17 certificate of their election or approval. The director shall also certify the results of  
18 a proposition and other question except that the lieutenant governor shall certify the  
19 results of an initiative, referendum, or constitutional amendment.

20 \* Sec. 8. AS 15.15.470 is amended to read:

21 **Sec. 15.15.470. Preservation of election ballots, papers, and materials.** The  
22 director shall preserve all [PRECINCT ELECTION CERTIFICATES.] tallies [.] and  
23 registers for four years after the election. All ballots and stubs may be destroyed 30  
24 days after the certification of the state ballot counting review unless an application for  
25 recount has been filed and not completed, or unless their destruction is stayed by an  
26 order of the court. The director may permit the inspection of election materials upon  
27 call by Congress, the state legislature, or a court of competent jurisdiction.

28 \* Sec. 9. AS 15.20.082(c) is amended to read:

29 (c) A special state absentee ballot prepared for the state general election or for  
30 a state special election shall, if the names of candidates are not yet certified, permit  
31 a voter to cast a ballot for all the candidates of a particular political party that expects

1 to have candidates appear on the ballot; for this purpose, the director shall prepare the  
2 ballot with party boxes and a blank line for each office to be voted on in that election.  
3 The voter may vote for a candidate for that office by writing in the name of a person  
4 and marking the box to the right of that name, or the voter may mark one of the party  
5 boxes. If the voter puts a mark in a party box for that office, the director shall count  
6 the mark as a vote cast for the candidate for that office nominated by that party. If  
7 the voter writes in a name for an office, the vote shall be counted as a write-in vote  
8 for that office. The director shall count the ballots under AS 15.15.350 [AS  
9 15.15.360]. The director shall provide the voter with the names of each candidate  
10 appearing on the primary election ballot and the names of any candidates who have  
11 qualified by petition to appear on the general election ballot.

12 \* Sec. 10. AS 15.20.190(a) is amended to read:

13 (a) Thirty days before the date of an election, the election supervisors shall  
14 appoint, in the same manner provided for the appointment of election judges prescribed  
15 in AS 15.10.150, district absentee ballot [COUNTING] boards and district questioned  
16 ballot [COUNTING] boards, each composed of at least four members. At least one  
17 member of each board must be a member of the same political party of which the  
18 governor is a member, and at least one member of each board must be a member of  
19 the political party whose candidate for governor received the second largest number  
20 of votes in the preceding gubernatorial election. The district boards shall assist the  
21 election supervisors [IN COUNTING THE ABSENTEE AND QUESTIONED  
22 BALLOTS] and shall receive the same compensation paid election judges under  
23 AS 15.15.380.

24 \* Sec. 11. AS 15.20.201(a) is amended to read:

25 (a) No less than seven days preceding the day of election, the election  
26 supervisor, in the presence and with the assistance of the district absentee ballot  
27 [COUNTING] board, shall review all voter certificates of absentee ballots received by  
28 that date. The review of absentee ballots shall continue at times designated by the  
29 election supervisor until completed.

30 \* Sec. 12. AS 15.20.201(c) is amended to read:

31 (c) Not later than the 15th day following the day of the election, the district

1 absentee ballot [COUNTING] board shall certify the absentee ballot review.

2 \* Sec. 13. AS 15.20.201(d) is amended to read:

3 (d) Absentee ballots received in the office of an election supervisor after the  
4 completion of the district absentee ballot [COUNTING] review shall be forwarded  
5 immediately to the director by the most expeditious service.

6 \* Sec. 14. AS 15.20.203(a) is amended to read:

7 (a) The district absentee ballot [COUNTING] board shall examine each  
8 absentee ballot envelope and shall determine whether the absentee voter is qualified  
9 to vote at the election and whether the absentee ballot has been properly cast.

10 \* Sec. 15. AS 15.20.203(c) is amended to read:

11 (c) Any person present at the district absentee ballot [COUNTING] review  
12 may challenge the name of an absentee voter when read from the voter's certificate on  
13 the envelope if the person has good reason to suspect that the challenged voter is not  
14 qualified to vote, is disqualified, or has voted at the same election. The person making  
15 the challenge shall specify the basis of the challenge in writing. The district absentee  
16 ballot [COUNTING] board by majority vote may refuse to accept and count the  
17 absentee ballot of a person properly challenged on grounds listed in (b) of this section.

18 \* Sec. 16. AS 15.20.203(d) is amended to read:

19 (d) The election supervisor shall place all rejected absentee ballots in a  
20 separate envelope with the statements of challenge. The envelope shall be labeled  
21 "rejected absentee ballots" and shall be forwarded to the director [WITH THE  
22 ELECTION CERTIFICATES AND OTHER RETURNS].

23 \* Sec. 17. AS 15.20.203(f) is amended to read:

24 (f) The secrecy sleeves shall be drawn from the container, the absentee ballots  
25 shall be removed from the secrecy sleeves, and the absentee ballots counted at the  
26 times [SPECIFIED IN AS 15.20.201] and according to the rules for determining  
27 properly marked ballots specified in regulations adopted by the director [IN  
28 AS 15.15.360].

29 \* Sec. 18. AS 15.20.205(a) is amended to read:

30 (a) On the second day following the day of the election, the election supervisor  
31 or the supervisor's designee, in the presence and with the assistance of the district

1 questioned ballot [COUNTING] board, shall review all voter certificates of questioned  
2 ballots received by that date. The review of questioned ballots shall continue at times  
3 designated by the election supervisor until completed.

4 \* Sec. 19. AS 15.20.207(a) is amended to read:

5 (a) The district questioned ballot [COUNTING] board shall examine each  
6 questioned ballot envelope and shall determine whether the questioned voter is  
7 qualified to vote at the election and whether the questioned ballot has been properly  
8 cast.

9 \* Sec. 20. AS 15.20.207(c) is amended to read:

10 (c) Any person present at the district questioned ballot review may challenge  
11 the name of a questioned voter when read from the voter's certificate on the envelope  
12 if the person has good reason to suspect that the questioned voter is not qualified to  
13 vote, is disqualified, or has voted at the same election. The person making the  
14 challenge shall specify the basis of the challenge in writing. The district questioned  
15 ballot [COUNTING] board by majority vote may refuse to accept and count the  
16 questioned ballot of a person properly challenged under grounds listed in (b) of this  
17 section.

18 \* Sec. 21. AS 15.20.207(d) is amended to read:

19 (d) The election supervisor shall place all rejected questioned ballots in a  
20 separate envelope with statements of challenge. The envelope shall be labeled  
21 "rejected questioned ballots" and shall be forwarded to the director with the  
22 [ELECTION CERTIFICATES AND] other returns.

23 \* Sec. 22. AS 15.20.207(f) is amended to read:

24 (f) The secrecy sleeves shall be drawn from the container, the questioned  
25 ballots shall be removed from the secrecy sleeves, and the questioned ballots counted  
26 at the times specified in AS 15.20.205 and according to the rules for determining  
27 properly marked ballots specified in regulations adopted by the director [IN  
28 AS 15.15.360].

29 \* Sec. 23. AS 15.20.220 is amended to read:

30 Sec. 15.20.220. Procedure for state review. (a) When the director and  
31 appointed party representatives have completed the review of ballots cast at the voting

1 precincts, they shall proceed to review the absentee and questioned ballot votes  
 2 [CERTIFIED BY THE DISTRICT COUNTING BOARDS. THE REVIEW OF THE  
 3 ABSENTEE AND QUESTIONED BALLOT VOTE CERTIFIED BY THE DISTRICT  
 4 COUNTING BOARDS SHALL BE ACCOMPLISHED BY REVIEWING THE  
 5 TALLIES OF THE RECORDED VOTE TO CHECK FOR MATHEMATICAL  
 6 ERROR AND BY COMPARING THE TOTALS WITH THE ELECTION  
 7 CERTIFICATE OF RESULTS].

8 (b) The state review board shall review and count absentee ballots under  
 9 AS 15.20.081(c) and (h) and questioned ballots that have been forwarded to the  
 10 director [AND THAT HAVE NOT BEEN REVIEWED OR COUNTED BY A  
 11 DISTRICT COUNTING BOARD].

12 \* Sec. 24. AS 15.20.480 is amended to read:

13 Sec. 15.20.480. Procedure for recount. In conducting the recount, the  
 14 director shall review all ballots [WHETHER THE BALLOTS WERE COUNTED AT  
 15 THE PRECINCT OR BY COMPUTER OR BY THE DISTRICT ABSENTEE  
 16 COUNTING BOARD OR THE QUESTIONED BALLOT COUNTING BOARD] to  
 17 determine which ballots, or part of ballots, were properly marked and which ballots are  
 18 to be counted in the recount, and shall check the accuracy of the original count [, THE  
 19 PRECINCT CERTIFICATE] and the review. The director shall check the number of  
 20 ballots and questioned ballots cast in a precinct against the registers and shall check  
 21 absentee ballots voted against absentee ballots distributed. The director shall count  
 22 absentee ballots received before the completion of the recount. For administrative  
 23 purposes, the director may join and include two or more applications in a single review  
 24 and count of votes. [THE RULES IN AS 15.15.360 GOVERNING THE COUNTING  
 25 OF HAND-MARKED BALLOTS AND THE RULES IN AS 15.20.730 GOVERNING  
 26 THE COUNTING OF PUNCH-CARD BALLOTS SHALL BE FOLLOWED IN THE  
 27 RECOUNT.] The ballots and other election material must remain in the custody of  
 28 the director during the recount, and the highest degree of care shall be exercised to  
 29 protect the ballots against alteration or mutilation. The recount shall be completed  
 30 within 10 days. The director may employ additional personnel necessary to assist in  
 31 the recount.

1 \* Sec. 25. AS 15.25.060 is amended to read:

2           **Sec. 15.25.060. Preparation and distribution of ballots.** The primary  
3 election ballot shall be prepared and distributed by the director in the manner  
4 prescribed for general election ballots except as specifically provided otherwise for the  
5 primary election. The director shall print the ballot on white paper and place the  
6 names of all candidates who have properly filed in groups according to offices filed  
7 for and [, WITHOUT REGARD TO] party affiliation. The order of the placement of  
8 the names for each office shall be as provided for the general election ballot. Blank  
9 spaces may not be provided on the ballot for the writing or pasting in of names.

10 \* Sec. 26. AS 15.25.060 is amended by adding a new subsection to read:

11           (b) The director shall include instructions on blanket primary election ballots  
12 directing the voter to mark candidates for an office within a single political party in  
13 order of preference and to mark as many choices as the voter wishes within a single  
14 political party, but not to assign a particular ranking to more than one candidate or to  
15 rank candidates from more than one party.

16 \* Sec. 27. AS 15.25.100 is amended to read:

17           **Sec. 15.25.100. Placement of nominees on general election ballot.** Except  
18 when an election results in a tie vote, [THE] director shall place the name of the  
19 candidate receiving a majority [THE HIGHEST NUMBER] of votes for an office by  
20 a political party on the general election ballot.

21 \* Sec. 28. AS 15.56.060(a) is amended to read:

22           (a) A person commits the crime of unlawful interference with an election if  
23 the person

24                   (1) induces or attempts to induce an election official to fail in the  
25 official's duty by force, threat, intimidation, or offers of reward;

26                   (2) intentionally changes, attempts to change, or causes to be changed  
27 an official election document including ballots, tallies, and returns;

28                   (3) intentionally delays, attempts to delay, or causes to be delayed the  
29 sending of [THE CERTIFICATE, REGISTER,] ballots, or other election materials,  
30 whether original or duplicate, required to be sent [BY AS 15.15.370]; or

31                   (4) is contracted or employed by the state to print or reproduce in any

1 manner an official ballot, and the person knowingly

2 (A) personally appropriates, or gives or delivers to, or permits  
3 to be taken by anyone other than a person authorized by the director, official  
4 ballots; or

5 (B) prints or reproduces or has printed or reproduced official  
6 ballots in a form or with a content other than that prescribed by law or as  
7 directed by the director.

8 \* Sec. 29. AS 15.60.010(2) is amended to read:

9 (2) "ballot" means a hand-marked ballot [AND A PUNCH-CARD  
10 BALLOT];

11 \* Sec. 30. AS 15.60.010(20) is amended to read:

12 (20) "political party" means an organized group of voters that  
13 represents a political program and that either nominated a candidate for governor who  
14 received at least three percent of the total first choice votes cast for governor at the  
15 preceding general election or has registered voters in the state equal in number to at  
16 least three percent of the total votes cast for governor at the preceding general election;

17 \* Sec. 31. AS 29.26.060 is amended by adding a new subsection to read:

18 (d) A municipality may, by ordinance, provide for preferential voting under  
19 which voters rank candidates in order of preference, and, if no candidate obtains a  
20 majority of first choice votes, votes are transferred in sequential tabulations according  
21 to voters' preferences in the manner set out in AS 15.15.350(c).

22 \* Sec. 32. AS 15.10.140; AS 15.15.030(12), 15.15.330, 15.15.360, 15.15.370, 15.15.430;  
23 AS 15.20.190(b), 15.20.201(b), 15.20.203(g), 15.20.205(b), 15.20.205(c), 15.20.205(d),  
24 15.20.207(g), 15.20.590, 15.20.600, 15.20.609, 15.20.610, 15.20.620, 15.20.630, 15.20.640,  
25 15.20.650, 15.20.660, 15.20.670, 15.20.680, 15.20.685, 15.20.690, 15.20.700, 15.20.710,  
26 15.20.720, 15.20.730, 15.20.740, and AS 15.60.010(24) are repealed.

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Sponsor(s): REPRESENTATIVES KOTT, Porter, Cowdery, Green

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for preferential voting in federal, state, and local elections."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 \* Section 1. AS 15.15.030 is amended by adding a new paragraph to read:

4 (14) The director shall design the ballot to accommodate preferential  
5 voting for candidates for the offices of governor and lieutenant governor, for  
6 candidates for the legislature, for the offices of President and Vice-President of the  
7 United States, and for candidates for the United States Congress. The ballot shall  
8 direct the voter to mark candidates in order of preference and to mark as many choices  
9 as the voter wishes, but not to assign a particular ranking to more than one candidate.

10 \* Sec. 2. AS 15.15.350 is amended by adding a new subsection to read:

11 (c) When counting ballots, the election board shall first count the first choice  
12 votes. If a candidate has obtained a majority of the first choice votes, further counting  
13 is not necessary. If no candidate has obtained a majority of the first choice votes, then  
14 the candidate receiving the least number of first choice votes is eliminated, and the  
15 election board shall count the second choice votes of those voters who selected the

1 eliminated candidate as their first choice and add those second choice votes to the first  
2 choice votes for the remaining candidates. The election board shall continue this  
3 process of elimination until one candidate has a majority of the votes or is the sole  
4 remaining candidate, or there is a tie vote between all remaining candidates. If a ballot  
5 has no more available preferences, that ballot shall be declared void. A ballot  
6 assigning a particular ranking to more than one candidate for an office shall be  
7 declared invalid when the double ranking is reached. If a ballot skips a ranking, then  
8 the election board shall count the next ranking. If there is a tie vote between all  
9 remaining candidates, the procedures in AS 15.15.460 and AS 15.20.430 - 15.20.530  
10 shall be followed.

11 \* Sec. 3. AS 15.15.360(a) is amended to read:

12 (a) The election board shall count hand-marked ballots according to the  
13 following rules: [.]

14 (1) A voter may mark a ballot only by the use of cross-marks, "X"  
15 marks, diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks,  
16 checks, or plus signs that are clearly spaced in the square opposite the name of the  
17 candidate the voter desires to designate. In addition, a voter may mark a ballot by  
18 the use of roman or arabic numerals that are clearly spaced in one of the squares  
19 opposite the name of the candidate that the voter desires to designate.

20 (2) A failure to properly mark a ballot as to one or more candidates  
21 does not itself invalidate the entire ballot.

22 (3) [IF A VOTER MARKS FEWER NAMES THAN THERE ARE  
23 PERSONS TO BE ELECTED TO THE OFFICE, A VOTE SHALL BE COUNTED  
24 FOR EACH CANDIDATE PROPERLY MARKED.

25 (4) IF A VOTER MARKS MORE NAMES THAN THERE ARE  
26 PERSONS TO BE ELECTED TO THE OFFICE. THE VOTES FOR CANDIDATES  
27 FOR THAT OFFICE MAY NOT BE COUNTED.

28 (5)] The mark specified in (1) of this subsection shall be counted only  
29 if it is substantially inside the square provided [,] or touching the square so as to  
30 indicate clearly that the voter intended the particular square to be designated.

31 (4) [(6)] Improper marks on the ballot may not be counted and do not

1 invalidate marks for candidates properly made.

2 (5) [(7)] An erasure or correction invalidates only that section of the  
3 ballot in which it appears.

4 (6) [(8)] A vote marked for the candidate for President or Vice-  
5 President of the United States is considered and counted as a vote for the election of  
6 the presidential electors.

7 (7) [(9)] Write-in votes are not invalidated by writing in the name of  
8 a candidate whose name is printed on the ballot unless the election board determines,  
9 on the basis of other evidence, that the ballot was so marked for the purpose of  
10 identifying the ballot.

11 (8) [(10)] Stickers bearing a candidate's name may be affixed to the  
12 ballot in place of writing in a candidate's name if write-in votes are otherwise  
13 permitted. Stickers may not be issued by members of the election board while serving  
14 at the polls. Stickers may not be offered to voters within 200 feet of the polling place.

15 (9) [(11)] In order to vote for a write-in candidate, the voter must write  
16 in the candidate's name in the space provided or place a sticker in the space and, in  
17 addition, mark the square opposite the candidate's name in accordance with (1) of this  
18 subsection.

19 \* Sec. 4. AS 15.15.370 is amended to read:

20 Sec. 15.15.370. **Completion of ballot count.** When the count of ballots is  
21 completed, and in no event later than the day after the election, the election board shall  
22 make a certificate in duplicate of the results. The certificate includes the number of  
23 votes cast for each candidate, including the number of votes at each stage of the  
24 elimination process, and the number of votes for and against each proposition, yes  
25 or no on each question, and any additional information prescribed by the director. The  
26 election board shall, immediately upon completion of the certificate or as soon  
27 thereafter as the local mail service permits, send in one sealed package to the director  
28 one copy of the certificate and the register. In addition, all ballots properly cast shall  
29 be mailed to the director in a separate, sealed package. Both packages, in addition to  
30 an address on the outside, shall clearly indicate the precinct from which they come.  
31 Each board shall, immediately upon completion of the certification and as soon

1 thereafter as the local mail service permits, send the duplicate certificate to the  
2 respective election supervisor. The director may authorize election boards in precincts  
3 in those areas of the state where distance and weather make mail communication  
4 unreliable to forward their election results by telephone, telegram, or radio. The  
5 director may authorize the unofficial totaling of votes on a regional basis by election  
6 supervisors, tallying the votes as indicated on duplicate certificates. To assure  
7 adequate protection, the director shall prescribe the manner in which the ballots,  
8 registers, and all other election records and materials are thereafter preserved,  
9 transferred, and destroyed.

10 \* Sec. 5. AS 15.20.730(b) is amended to read:

11 (b) The computer shall be programmed to count ballots as follows:

12 (1) a vote may be counted only if the punch is clearly spaced in one  
13 of the squares [SQUARE] following the name of the candidate the voter desires to  
14 select;

15 (2) if there is only one square marked for a team whose names are on  
16 separate lines, such as president and vice-president or governor and lieutenant  
17 governor, a punch in the square or elsewhere in the rectangle following the names  
18 shall be counted for that team;

19 (3) a failure to properly punch a ballot card as to one or more  
20 candidates does not itself invalidate the entire ballot;

21 (4) [IF A VOTER PUNCHES FEWER NAMES THAN THERE ARE  
22 PERSONS TO BE ELECTED TO THE OFFICE, A VOTE SHALL BE COUNTED  
23 FOR EACH CANDIDATE PROPERLY MARKED;

24 (5) IF A VOTER PUNCHES MORE NAMES THAN THERE ARE  
25 PERSONS TO BE ELECTED TO THE OFFICE, THE VOTES FOR CANDIDATES  
26 TO THAT OFFICE MAY NOT BE COUNTED;

27 (6)] improper marks on the ballots may not be counted and do not  
28 invalidate punches for candidates properly made;

29 (5) [(7)] an erasure or correction invalidates only that section of the  
30 ballot in which it appears;

31 (6) [(8)] a vote marked for the candidate for President of the United

1 States is considered and counted as a vote for the election of presidential electors.

2 \* Sec. 6. AS 15.25.060 is amended to read:

3 **Sec. 15.25.060. Preparation and distribution of ballots.** The primary  
4 election ballot shall be prepared and distributed by the director in the manner  
5 prescribed for general election ballots except as specifically provided otherwise for the  
6 primary election. The director shall print the ballot on white paper and place the  
7 names of all candidates who have properly filed in groups according to offices filed  
8 for and [, WITHOUT REGARD TO] party affiliation. The order of the placement of  
9 the names for each office shall be as provided for the general election ballot. Blank  
10 spaces may not be provided on the ballot for the writing or pasting in of names.

11 \* Sec. 7. AS 15.25.060 is amended by adding a new subsection to read:

12 (b) The director shall include instructions on primary election ballots directing  
13 the voter to mark candidates for an office within a single political party in order of  
14 preference and to mark as many choices as the voter wishes within a single political  
15 party, but not to assign a particular ranking to more than one candidate or to rank  
16 candidates from more than one party.

17 \* Sec. 8. AS 15.25.100 is amended to read:

18 **Sec. 15.25.100. Placement of nominees on general election ballot.** Except  
19 when an election results in a tie vote, [THE] director shall place the name of the  
20 candidate receiving a majority [THE HIGHEST NUMBER] of votes for an office by  
21 a political party on the general election ballot.

22 \* Sec. 9. AS 29.26.060 is amended by adding a new subsection to read:

23 (d) A municipality may, by ordinance, provide for preferential voting under  
24 which voters rank candidates in order of preference, and, if no candidate obtains a  
25 majority of first-choice votes, votes are transferred in sequential tabulations according  
26 to voters' preferences in the manner set out in AS 15.15.350(c).

# Alaska State Legislature

## House of Representatives

COMMITTEES  
JUDICIARY COMMITTEE, CHAIR  
RULES  
MILITARY & VETERANS AFFAIRS  
UTILITY RESTRUCTURING  
ETHICS



INTERIM:  
10928 EAGLE RIVER RD., SUITE 141  
EAGLE RIVER, AK 99577

SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, AK 99801

### Sponsor Statement

#### **HB 141 - An Act providing for preferential voting in state and local elections.**

Alaska has a history of electing minority candidates who collected a plurality of vote's cast, but not a majority. The most important principle of a democratic form of government is that the majority rules. HB 141 eliminates the possibility of having a minority candidate win an election.

An example of a minority candidate winning an election would be a three-way race in which no candidate received over 50% of the votes cast. HB 141 would allow a voter to prioritize their preferences by ranking each candidate. If no candidate received over 50% of the votes cast, then the candidate with the least votes would be eliminated, and the votes re-tabulated. Using a ranking system in state and local elections would insure that the winning candidate received at least 50% of the votes cast.

The bill goes into some length to explain the procedures necessary to manage a preferential style of voting. It is the sponsor's belief that this is a fairer and more democratic process than our current system. It is requested that HB 141 be debated and passed out.



### **Representative Pete Kott**

JUNEAU OFFICE (907) 465-3777 TOLL FREE 1-800-861-KOTT(5688) FAX (907) 465-2819  
EAGLE RIVER OFFICE (907) 694-8944 FAX (907) 694-8945 E-MAIL: representative\_pete\_kott@legis.state.ak.us



# Alaska State Legislature

## House of Representatives

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# Alaska State Legislature



## House of Representatives

### SECTIONAL ANALYSIS

#### CS FOR SS FOR HOUSE BILL NO. 141

**Section 1 and 7:** These sections are amended to design voting ballots to accommodate preferential voting, directing the voter to mark candidates in order of preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>) but not to assign a ranking to more than one candidate. These instructions are provided on the ballot itself, for the voter.

Preferential voting ballots will apply to the offices of governor and lieutenant governor, (see HJR 31) for candidates of the legislature, for the offices of President and Vice-President of the United States and for candidates of the United States Congress.

**Section 2 and 8:** These sections establish the method of counting votes, which is as follows: the election board will make the first counts and if any candidate has obtained a majority of votes (50% plus 1) then no further counting is necessary. If none of the candidates receives a majority on the first count, the candidate receiving the least number of first choice votes is eliminated. The second choice votes will be distributed to the remaining candidates, and the votes will be counted again. This process will be repeated until one candidate has received a majority of votes or two candidates have reached a tie.

Except when an election results in a tie vote, the director shall place the name of the candidate receiving a majority of votes on the general election ballot.

**Section 3:** This section provides the election board with the rules to follow on counting votes in regards to how the ballots have been marked by the voters. This includes how the ballots are to be marked (punched, checked off, etc.), improper markings, erasures, corrections, write-in votes, and stickers bearing a candidate's name.

# Alaska State Legislature



## House of Representatives

**Section 4:** This section is amended to provide a certificate of the results upon completion of the ballot count. This certificate will include the number of votes at each stage of the elimination process, the total number of votes for and against each proposition, and "yes" or "no" on each question. The election board will be directed to send out a copy of the certificate to the director and the register. Duplicate certificates will be sent to respective election supervisors.

This section also authorizes the director to prescribe the manner in which ballots, registers, and all other election records are preserved, transferred and destroyed.

**Section 5:** This section directs that the computer program, which counts ballots, will count votes by a square punched for a particular candidate or group of candidates. It establishes that a failure to properly punch a ballot card for one or more candidate does not necessarily invalidate the entire ballot, and the computer program shall count all votes which are properly marked.

**Section 6:** This section amends the preparation and distribution of ballots. The primary election ballot is prepared and distributed by the director for general election ballots, except as specifically provided otherwise for the primary election. Ballots shall be printed on white papers with all the names of the candidates who have properly filed, according to groups and offices. The names shall appear on the ballot without regard to party affiliation, and blank spaces may not be provided on the ballot for write-ins or pasting-in candidates.

**Section 9:** This section is the enabling portion of the legislation of the bill, which provides that municipalities have a choice whether or not to participate in the preferential voting system.

**HOUSE JOINT RESOLUTION NO. 31**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

Introduced: 3/24/99

Referred: Judiciary, Finance

**A RESOLUTION**

1 Proposing an amendment to the Constitution of the State of Alaska requiring that  
2 the Governor be elected by a majority vote if a preferential voting system is  
3 provided by law.

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* Section 1. Article III, sec. 3, Constitution of the State of Alaska, is amended to read:

6 **Section 3. Election.** The governor shall be chosen by the qualified voters of  
7 the State at a general election. The candidate receiving the greatest number of votes  
8 shall be governor but, if a preferential voting system is provided by law, the candidate  
9 receiving a majority of votes shall be governor.

10 \* Sec. 2. The amendment proposed by this resolution shall be placed before the voters of  
11 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the  
12 State of Alaska, and the election laws of the state.

**APPENDIX G.**

*Ballot A.*

**BALLOTING PAPER**

ELECTORAL DISTRICT OF THE MURRUMBIDGEE  
*Polling day the 2nd day of January 1875*

---

NAMES OF CANDIDATES

THOMAS HODGES MATE

CHARLES DARBY BARDWELL

JOSEPH LEARY

WILLIAM FORSTER

Above is a reproduction of an 1875 Australian ballot from New South Wales. Vermont's adoption of the "Australian ballot" in 1890 was based on this concept of government-printed ballots that listed all qualifying candidates. This replaced the practice in which parties, candidates, employers, and newspapers provided ballots listing only the candidates they endorsed. With minor modifications (such as providing a box to check) Vermont has maintained this kind of balloting up to the present.

*Ballot C.*


**Instructions for Voter**

1. Mark your first-choice candidate by filling in the oval next to the candidate's name
2. You may mark a different second choice, and third choice, by filling in the oval in line with each candidate's name, in the columns labeled "second choice," and "third choice."

**Rank Your Choices For Governor**

	first choice	second choice	third choice
JANE CROSS, Republican	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
STEVEN PICHER, Democrat	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
PAUL TUCKER, Independent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Write in _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*Ballot B.*



**BALLOT PAPER**  
**HOUSE OF REPRESENTATIVES**  
AUSTRALIAN CAPITAL TERRITORY  
ELECTORAL DIVISION OF  
CANBERRA

**Number the boxes from 1 to 6 in the order of your choice.**

KELLY, Ros  
AUSTRALIAN LABOR PARTY

KELLY, Sally Christine  
NATURAL LAW PARTY

MYERS, Peter  
AUSTRALIAN DEMOCRATS

TREVETHAN, Mike  
ABOLISH SELF GOVERNMENT COALITION

ADAMSON, Greg  
ACT GREEN DEMOCRATIC ALLIANCE

STEFANIAK, Bill  
LIBERAL

**Remember...number every box to make your vote count**

Australian Electoral Commission AEC

Above is a sample of a modern Australian ballot used for an IRV election. Australia abandoned the single-choice ballot (still called the "Australian ballot" here) 80 years ago, in favor of preferential voting.

At left, and on the next page, are a few alternative designs for a Vermont IRV ballot.

**Ballot D.**

**Instructions for Voter**

- 1 For each office mark your first-choice candidate by marking the box next to the candidate's name
- 2 You may also indicate which candidates are your second choice, third choice, and so on, in case your first choice doesn't win, by writing the numeral "2", "3", and so on in the column labeled "alternate choice #" in line with those candidates' names.
- 3 You may indicate as many or as few alternate choices as you please. Making a second choice cannot help defeat your first choice, making a third choice cannot help defeat your first or second choice, and so on.
- 4 Do not mark the same number choice for more than one candidate running for the same office.

FOR GOVERNOR		first choice	alternate choice #
Mark only ONE first-choice box			
CHRISTOPHER BATES, Brattleboro, Libertarian	<input type="checkbox"/>		2
KAREN MICHAELS, Manchester, Republican	<input type="checkbox"/>		
ANTHONY TOWNSEND, Springfield, Independent	<input checked="" type="checkbox"/>		
SUSAN VANKAMP, Colchester, Democrat	<input type="checkbox"/>		3
Write in _____	<input type="checkbox"/>		

The voter likes Townsend the best, so marks the first-choice box by Townsend's name \*

The voter likes Bates second best, so writes a two here

The voter is neutral about VanKamp, but dislikes Michaels, so ranks VanKamp third.

\* A voter can write a number "1", or use an "x", a check, or other mark in the first choice box.

**Ballot E.**

**Instructions for Voter**

- 1 Vote for your most-preferred candidate by filling in the oval next to that candidate's name in the first-choice column.
- 2 You may indicate a second-choice, and third-choice (in case your first-choice candidate doesn't win) by filling in the oval in line with those alternate candidates' names, in the second-choice, and third-choice columns.

VOTE FOR GOVERNOR					
Your <u>FIRST</u> choice for U.S. Senator	1 <sup>st</sup>	Your <u>SECOND</u> choice for U.S. Senator	2 <sup>nd</sup>	Your <u>THIRD</u> choice for U.S. Senator	3 <sup>rd</sup>
DOUGLAS AMBROSE Newport, Democrat	<input type="checkbox"/>	DOUGLAS AMBROSE Newport, Democrat	<input type="checkbox"/>	DOUGLAS AMBROSE Newport, Democrat	<input type="checkbox"/>
SALLY GENOVESE Putney, Vt. Grass Roots	<input type="checkbox"/>	SALLY GENOVESE Putney, Vt. Grass Roots	<input type="checkbox"/>	SALLY GENOVESE Putney, Vt. Grass Roots	<input type="checkbox"/>
SEAN T. O'DELL Burlington, Progressive	<input type="checkbox"/>	SEAN T. O'DELL Burlington, Progressive	<input type="checkbox"/>	SEAN T. O'DELL Burlington, Progressive	<input type="checkbox"/>
PETER J. WHITTEN Richmond, Democrat	<input type="checkbox"/>	PETER J. WHITTEN Richmond, Democrat	<input type="checkbox"/>	PETER J. WHITTEN Richmond, Democrat	<input type="checkbox"/>



*Get stacks*  
*add primaries*  
*Also need Const. (2 p.m.)*  
*include elections*  
*local to add*  
*option*  
*Product*

**HOUSE BILL NO. 141**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVES KOTT, Porter, Cowdery**

**Introduced: 3/17/99**  
**Referred: State Affairs, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act providing for preferential voting in state and local elections."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **\* Section 1. AS 15.15.030 is amended by adding a new paragraph to read:**

4 (14) The director shall design the ballot to accommodate preferential  
5 voting for candidates for the offices of governor and lieutenant governor, for  
6 candidates for the legislature, and for candidates for the United States Congress. *The*  
7 ballot shall direct voters to mark candidates in order of preference and to mark as  
8 many choices as they wish, but not to assign a particular ranking to more than one  
9 candidate. *MAY use in local elections.*

10 **\* Sec. 2. AS 15.15.350 is amended by adding a new subsection to read:**

11 (c) When counting ballots, the election board shall first count the first choice  
12 votes. If a candidate has obtained a majority of the first choice votes, further counting  
13 is not necessary. If no candidate has obtained a majority of the first choice votes, then  
14 the candidate receiving the least number of first choice votes is eliminated, and the  
15 election board shall count the second choice votes of those voters who selected the

1 eliminated candidate as their first choice and add those second choice votes to the first  
 2 choice votes for the remaining candidates. The election board shall continue this  
 3 process of elimination until one candidate has a majority of the votes or is the sole  
 4 remaining candidate. If a ballot has no more available preferences, that ballot shall be  
 5 declared void. A ballot assigning a particular ranking to more than one candidate for  
 6 an office shall be declared invalid when the double ranking is reached. If a ballot  
 7 skips a ranking, then the election board shall count the next ranking.

8 \* Sec. 3. AS 15.15.360(a) is amended to read:

9 (a) The election board shall count hand-marked ballots according to the  
 10 following rules: [.]

11 (1) A voter may mark a ballot only by the use of cross-marks, "X"  
 12 marks, diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks,  
 13 checks, or plus signs that are clearly spaced in the square opposite the name of the  
 14 candidate the voter desires to designate. In addition, a voter may mark a ballot by  
 15 the use of roman or arabic numerals that are clearly spaced in one of the squares  
 16 opposite the name of the candidate that the voter desires to designate.

17 (2) A failure to properly mark a ballot as to one or more candidates  
 18 does not itself invalidate the entire ballot.

19 (3) [IF A VOTER MARKS FEWER NAMES THAN THERE ARE  
 20 PERSONS TO BE ELECTED TO THE OFFICE, A VOTE SHALL BE COUNTED  
 21 FOR EACH CANDIDATE PROPERLY MARKED.

22 (4) IF A VOTER MARKS MORE NAMES THAN THERE ARE  
 23 PERSONS TO BE ELECTED TO THE OFFICE, THE VOTES FOR CANDIDATES  
 24 FOR THAT OFFICE MAY NOT BE COUNTED.

25 (5) The mark specified in (1) of this subsection shall be counted only  
 26 if it is substantially inside the square provided [.] or touching the square so as to  
 27 indicate clearly that the voter intended the particular square to be designated.

28 (4) [(6)] Improper marks on the ballot may not be counted and do not  
 29 invalidate marks for candidates properly made.

30 (5) [(7)] An erasure or correction invalidates only that section of the  
 31 ballot in which it appears.

1           (6) [(8)] A vote marked for the candidate for President or Vice-  
2 President of the United States is considered and counted as a vote for the election of  
3 the presidential electors.

4           (7) [(9)] Write-in votes are not invalidated by writing in the name of  
5 a candidate whose name is printed on the ballot unless the election board determines,  
6 on the basis of other evidence, that the ballot was so marked for the purpose of  
7 identifying the ballot.

8           (8) [(10)] Stickers bearing a candidate's name may be affixed to the  
9 ballot in place of writing in a candidate's name if write-in votes are otherwise  
10 permitted. Stickers may not be issued by members of the election board while serving  
11 at the polls. Stickers may not be offered to voters within 200 feet of the polling place.

12           (9) [(11)] In order to vote for a write-in candidate, the voter must write  
13 in the candidate's name in the space provided or place a sticker in the space and, in  
14 addition, mark the square opposite the candidate's name in accordance with (1) of this  
15 subsection.

16 \* Sec. 4. AS 15.15.370 is amended to read:

17           **Sec. 15.15.370. Completion of ballot count.** When the count of ballots is  
18 completed, and in no event later than the day after the election, the election board shall  
19 make a certificate in duplicate of the results. The certificate includes the number of  
20 votes cast for each candidate, including the number of votes at each stage of the  
21 elimination process, and the number of votes for and against each proposition, yes  
22 or no on each question, and any additional information prescribed by the director. The  
23 election board shall, immediately upon completion of the certificate or as soon  
24 thereafter as the local mail service permits, send in one sealed package to the director  
25 one copy of the certificate and the register. In addition, all ballots properly cast shall  
26 be mailed to the director in a separate, sealed package. Both packages, in addition to  
27 an address on the outside, shall clearly indicate the precinct from which they come.  
28 Each board shall, immediately upon completion of the certification and as soon  
29 thereafter as the local mail service permits, send the duplicate certificate to the  
30 respective election supervisor. The director may authorize election boards in precincts  
31 in those areas of the state where distance and weather make mail communication

1  
2  
3

which voters rank candidates in order of preference, and, if no candidate obtains a majority of first-choice votes, votes are transferred in sequential tabulations according to voters' preferences in the manner set out in AS 15.15.350(c).

**State of Alaska**  
**Summary of Elections That Could Have Yielded Different Results under IRV**

1960	WINNER: Republican	President	
1962	WINNER: Democrat	Governor	
1966	WINNER: Republican	Governor	
1968	WINNER: Republican	President	Senator WINNER: Democrat
1972	WINNER: Republican	Representative	
1974	WINNER: Republican	Governor	
1978	WINNER: Republican	Governor	
1982	WINNER: Democrat	Governor	
1986	WINNER: Democrat	Governor	
1990	WINNER: AIP	Governor	
1992	WINNER: Democrat	President	Representative WINNER: Republican
1994	WINNER: Democrat	Governor	
1996	WINNER: Democrat	President	
1998	WINNER: Democrat	Governor	

**A Study of Alaska Elections in which Instant Runoff Voting  
Could Have Impacted Results 1960-1998**

**Legend: Asterisk denotes winning percentage less than 51%**

1960 *			
<b>Percentage</b>	<b>President</b>		
47.9 *		Kennedy	29,809
49.7 *		Nixon	30,953
	<b>Senator</b>		
61.1		Bartlett	38,041
35.2		McKinley	21,937
	<b>Representative</b>		
53.9		Rivers	33,546
41.0		Rettig	25,517
1962 *			
	<b>Governor</b>		
49.3 *		Egan	29,627
45.0 *		Stepovich	27,054
	<b>Senator</b>		
56.2		Gruening	33,827
5.		Stevens	24,354
	<b>Representative</b>		
53.0		Rivers	31,953
44.0		Thomas	26,638

1964			
	<b>President</b>		
64.3		Johnson	44,329
33.3		Goldwater	22,930
	<b>Representative</b>		
50.7		Rivers	34,950
47.2		Thomas	32,556

1966 *			
<b>Percentage</b>			
	<b>Governor</b>		
47.6 *		Egan	32,065
49.2*		Hickel	33,145
		Grasse	1,084
	<b>Senator</b>		
73.1		Bartlett	49,289
23.6		McKinley	15,961
	<b>Representative</b>		
47.3 *		Rivers	31,867
50.5 *		Pollock	34,040

1968 *			
	<b>President</b>		
41.7 *		Humphrey	35,411
44.2 *		Nixon	37,600
		Wallace	10,024
	<b>Senator *</b>		
43.0 *		Gravel	36,527
35.6 *		Rasmuson	30,286
16.6 *		Gruening	14,118
	<b>Representative</b>		
43.3		Begich	36,785
51.3		Pollock	43,577

1970			
	<b>Governor</b>		
1.4		Anderson	1,206
51.3		Egan	42,309
45.2		Miller	37,264
	<b>Senator</b>		
39.3		Kay	32,456
58.1		Stevens	47,908
Percentage			
	<b>Representative</b>		
53.5		Begich	44,137
43.6		Murskowski	35,947
1972			
	<b>President</b>		
33.4		McGovern	32,967
56.1		Nixon	55,349
7.0		Schmits	6903
	<b>Senator</b>		
22.1		Guess	21,791
75.2		Stevens	74,216
	<b>Representative *</b>		
42.3 *		Begich	41,750
29.6 *		Yeung	29,192
1974 *			
	<b>Governor</b>		
46.0 *		Egan	45,381
46.2 *		Hammond	45,602
4.8		Vogler	4740
	<b>Senator</b>		
55.1		Gravel	54,361
39.4		Lewis	38,914
	<b>Representative</b>		
44.9		Hensley	44,280
52.3		Young	51,641

1976			
	<b>President</b>		
38.3		Carter	49,058
55.9		Ford	71,555
	<b>Representative</b>		
26.7		Hopson	34,194
65.4		Young	83,722

1978 *			
<b>Percentage</b>	<b>Governor</b>		
19.7 *		Croft	25,656
38.2*		Hammond	49,580
12.0		Kelly	15,656
02.0		Wright	2463
25.8 *		Hickel	33,555
	<b>Senator</b>		
22.8		Hoess	29,574
71.5		Stevens	92,783
	<b>Representative</b>		
42.5		Roget	55,176
53.0		Young	68,811
1980			
	<b>President</b>		
25.7		Carter	41,842
52.9		Reagan	86,112
	<b>Senator</b>		
44.2		Gruening	72,007
51.7		Murkowski	84,159
	<b>Representative</b>		
24.5		Parnell	39,922
70.1		Young	114,089

1982 *			
	<b>Governor</b>		
36.2*		Fink	72,291
14.5*		Randolph	29,067
45.1 *		Sheffield	89,918
1.6		Vogler	3,235
	<b>Representative</b>		
26.0		Carlson	52,011
64.3		Young	128,274
1984			
<b>Percentage</b>	<b>President</b>		
2.9		Bergland	6,378
29.0		Mondale	62,007
64.9		Reagan	138,377
	<b>Senator</b>		
27.5		Havelock	58,804
68.9		Stevens	146,919
	<b>Representative</b>		
2.8		Begich	6,068
53.2		Young	113,582
1986 *			
	<b>Governor</b>		
46.5 *		Cowper	84,893
5.		O'Brannon	1,050
41.9 *		Sturgelewski	76,515
5.4		Vogler	10,013
2.7		Hickel	4,958
1.0			1,969
	<b>Senator</b>		
1.7		House	3,161
53.5		Murkowski	97,674
	<b>Representative</b>		
2.2		Breck	4,182
57.7		Young	101,799

1988			
	<b>President</b>		
58.6		Bush	119,251
35.6		Dukakis	72,584
5.		Fulani	1,024
4.		La Rouche	816
4.		Paul	957
	<b>Representative</b>		
35.3		Gruenstein	71,881
59.2		Young	120,595
1990 *			
	<b>Governor</b>		
38.3*		Hickel	75,721
30.4*		Knowles	60,201
4.		O'Callaghan	942
25.8*		Sturzelewski	50,991
	<b>Senator</b>		
30.9		Beasley	61,152
63.6		Stevens	125,806
	<b>Representative</b>		
46.4		Devens	91,677
50.1		Young	99,003

1992 *			
	<b>President</b>		
39.0*		Bush	102,000
29.9 *		Clinton	78,294
1.		Fulani	330
5.		Gritz	1379
1.		Hagelin	433
1		LaRouche	469
5.		Marrou	1,378
28.1 *		Perot	73,481
1.		Phillips	377
	<b>Senator</b>		
7.6		Jordan	20,019
48.6		Murkowski	127,163
31.3		Smith	82,065
	<b>Representative</b>		
39.1*		Devens	102,378
42.7 *		Young	111,848
1994 *			
	<b>Governor</b>		
40.2 *		Campbell	87,118
12.8 *		Coghill	27,838
40.4 *		Knowles	87,701
	<b>RECOUNT</b>		
40.2 *		Campbell	87,151
40.4 *		Knowles	87,693
	<b>Representative</b>		
31.4		Smith	68,172
9.8		Whitmore	21,277
54.7		Young	118,537

1996 *			
	<b>President</b>		
9.		Browne	2,276
32.7 *		Clinton	80,380
50.0 *		Dole	122,746
2.		Hagelin	729
3.		Nader	7597
10.7		Perot	26,333
3.		Phillips	925
	<b>Senator</b>		
9.7		Obermeyer	23,977
72.5		Stevens	177,893
11.8		Whittaker	29,037
	<b>Representative</b>		
1.		Grames	413
34.7		Lincoln	85,114
2.		Nemec	5,017
56.6		Young	138,834
1998			
	<b>Governor</b>		
17.8		Lindauer	39,331
61.5		Metcalf	13,540
51.2		Knowles	112,879
19.2		Sullivan	4,238
30.1		Jacobsson	6,618
	<b>Senator</b>		
32.1		Gottlieb	7,126
19.7		Sonneman	43,743
22.7		Kohlhaas	5,046
74.4		Murkowski	165,227
	<b>Representative</b>		
62.5		Young	139,676
34.5		Duncan	77,232
26.5		Grames	5,923

# Alaska State Legislature House of Representatives

COMMITTEES  
JUDICIARY COMMITTEE, CHAIR  
RULES  
MILITARY & VETERANS AFFAIRS  
UTILITY RESTRUCTURING  
ETHICS

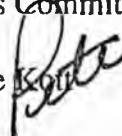


INTERIM:  
10928 EAGLE RIVER RD., SUITE 141  
EAGLE RIVER, AK 99577

SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, AK 99801

## Memorandum

TO: Representative Jeanette James, Chairman  
House State Affairs Committee

FROM: Representative Pete Kott 

SUBJECT: Request for Hearing, HB 141

DATE: March 18, 1999

I request that HB 141, an act providing for preferential voting in state and local elections, heard as soon as possible. Enclosed with this request is the following:

- Current version of the bill
- Sponsor statement

A sectional analysis is being prepared. Additional information and teleconference requirements will be provided by 9:00 AM the day before the hearing.



### Representative Pete Kott

JUNEAU OFFICE (907) 465-3777 TOLL FREE 1-800-861-KOTT(5688) FAX (907) 465-2819  
EAGLE RIVER OFFICE (907) 694-8944 FAX (907) 694-8945 E-MAIL: representative\_pete\_kott@legis.state.ak.us



Not Workable:

① Can't do this "at precinct level"  
on election night.

There are 453 precincts -

Needs to be at District level.

② Handwritten ballots won't work.

③ Can't do a fiscal note.

John Lombard - & Gayle F.

11/30/99



# ALASKA STATE LEGISLATURE

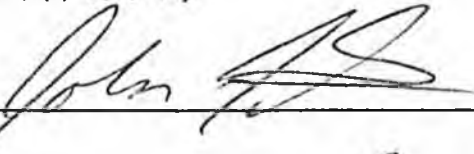
Please enter into the record my testimony to the HSTA

Committee on HB 141 Committee Name  
Bill / Subject Dated 3/30/99

I would like to speak in support of HB 141. It appears to be one way of saving everyone money by eliminating Primaries & Runoff elections. Preferential voting would also, I think, lure voters back to the polls by allowing them to have the option of voting their conscience rather than having the illusion of voting for the lesser of two evils.

Let's face it the two party system is if not dead at least dying. Alternative parties are proliferating. We need a balloting system that reflects today's reality not yesterday's pipe dreams.

SIGNED:

John Fields   
Testifier

Alaskan Independence Party (Vice-Chair)  
Representing

2050 Resolution Road Fols 99712  
Address / Phone Number

496-1790

# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 24, 1999

FURTHER REFERRALS:

Finance

Date of Committee Action: 4/1/99

The STATE AFFAIRS Committee considered:

SSHB 141

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 141

PREFERENTIAL VOTING

"An Act providing for preferential voting in state and local elections."

recommend it be replaced with the following committee substitute CS SS HR 141  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS. (Dept/Date)

fiscal note(s) Forthcoming

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Jennette James</u>				X
<u>Barbara Bush</u>		X		
<u>John Coble</u>			X	
<u>Barbara</u>				X
<u>Bill Hudson</u>			✓	

CHAIR'S SIGNATURE Jennette James



# Alaska State Legislature

Please enter into the record my testimony to the House/ State Affairs  
committee name  
committee on HB 141, dated 4/1/99  
bill/subject

I support HB 141, ... Though it may confuse people due to its technicalities the idea and spirit is good. It legitimizes third party candidates... (50% of Alaskans are 3<sup>rd</sup> party or non-partisan). It also insures a majoritarian winner. It would improve the quality of Political Debate. & Negative Campaigning would decline... also.

Signed: Eric Spindore  
Testifier

Representing (Optional)

P.O. Box 56

Chugiak

Address

688-4096

Phone No.



COVER SHEET

Anchorage Legislative Information Office  
Office - (907) 269-0111 Fax - (907) 269-0229

To: House State Affairs

Atten: Rep Jome Fax: \_\_\_\_\_ Phone: \_\_\_\_\_

From: \_\_\_\_\_ Phone: \_\_\_\_\_

Instructions: Written (T) on HB 141

Sent: \_\_\_\_\_ Date: 4/1 Time: \_\_\_\_\_

Disposal of Original: Discard: \_\_\_\_\_ Hold for Pickup: \_\_\_\_\_

Number of Pages: 2 (counting cover sheet)

Transmitted by: Jome

# School Committee

for Term of Two Years

## Instructions to Voters

**MARK YOUR CHOICES  
BY FILLING IN THE  
NUMBERED OVALS ONLY**

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 ovals as you like.

Fill in no more than one oval per candidate. Fill in no more than one oval per column.

To mark a write-in candidate, fill in a numbered oval next to the name you have written, showing your choice as a number for a candidate.

**If you spoil this ballot,** return it for cancellation to the election officer in charge of the ballots and get another from such officer.

# CANDIDATE FOR SCHOOL COMMITTEE

Only one vote per candidate.  
Only one vote per column.

ALFRED B. FANTINI, 4 Canal Park	CANDIDATE FOR RE-ELECTION	(1) (2) (3)	(4) (5) (6)	(7) (8)
JOSEPH G. GRASSI, 95-1/2 Spring Street	CANDIDATE FOR RE-ELECTION	(1) (2) (3)	(4) (5) (6)	(7) (8)
ROBIN A. HARRIS, 23 Hews Street		(1) (2) (3)	(4) (5) (6)	(7) (8)
DAVID P. MAHER, 120 Appleton Street	CANDIDATE FOR RE-ELECTION	(1) (2) (3)	(4) (5) (6)	(7) (8)
SUSANA M. SEGAT, 94 Wendell Street	CANDIDATE FOR RE-ELECTION	(1) (2) (3)	(4) (5) (6)	(7) (8)
DENISE SIMMONS, 188 Harvard Street	CANDIDATE FOR RE-ELECTION	(1) (2) (3)	(4) (5) (6)	(7) (8)
CHARLES L. STEAD, SR., 40 Clifton Street		(1) (2) (3)	(4) (5) (6)	(7) (8)
ALICE L. TURKEL, 12 Upton Street	CANDIDATE FOR RE-ELECTION	(1) (2) (3)	(4) (5) (6)	(7) (8)
WRITE-IN		(1) (2) (3)	(4) (5) (6)	(7) (8)
WRITE-IN		(1) (2) (3)	(4) (5) (6)	(7) (8)
WRITE-IN		(1) (2) (3)	(4) (5) (6)	(7) (8)
WRITE-IN		(1) (2) (3)	(4) (5) (6)	(7) (8)
WRITE-IN		(1) (2) (3)	(4) (5) (6)	(7) (8)
WRITE-IN		(1) (2) (3)	(4) (5) (6)	(7) (8)

**DO NOT USE RED TO MARK BALLOT**

# City Council

for Term of Two Years

## Instructions to Voters

**MARK YOUR CHOICES  
BY FILLING IN THE  
NUMBERED OVALS ONLY.**

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, fill in a numbered oval next to the name you have written, showing your choice as a number for a candidate.**

**If you spoil this ballot, return it for cancellation to the election officer in charge of the ballots and get another from such officer.**

# CANDIDATE FOR CITY COUNCIL

Only one vote per candidate. Only one vote per column.

JOHN ADAMS	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
JOHN QUINCY ADAMS	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
JAMES BUCHANAN	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
MILLARD FILLMORE	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
ULYSSES S. GRANT	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
WILLIAM HENRY HARRISON	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
RUTHERFORD B. HAYES	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
ANDREW JACKSON	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
THOMAS JEFFERSON	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
ANDREW JOHNSON	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
ABRAHAM LINCOLN	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
JAMES MADISON	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
JAMES MONROE	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
FRANKLIN PIERCE	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
JAMES K. POLK	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
ZACHARY TAYLOR	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
JOHN TYLER	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
MARTIN VAN BUREN	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
GEORGE WASHINGTON	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
WRITE-IN _____	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
WRITE-IN _____	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
WRITE-IN _____	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
WRITE-IN _____	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
WRITE-IN _____	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
WRITE-IN _____	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
WRITE-IN _____	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
WRITE-IN _____	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)

DO NOT USE RED TO MARK BALLOT

Each voter represented by letters.

52 voters

SCENARIO 1 - EVERYONE VOTES a 1, a 2, and a 3

<u>Party:</u>	<u>MODRIGHT</u>	<u>MODLEFT</u>	<u>FLAT EARTH</u>	<u>NEO NAZI</u>
<u>Voters:</u> (ROUND 1)	mm rr ww nn ss xx oo tt yy pp uu zz <u>qq vv</u> 14	v aa ff w bb gg x cc hh y dd ii z ee jj <u>kk ll</u> 17	k p u l q m r n s <u>o t</u> 11	a f b g c h d i <u>e i</u> 10

<u>(ROUND 2) Add:</u>	<u>MODRIGHT</u>	<u>MODLEFT</u>	<u>FLAT EARTH</u>
	<u>h</u> 1 <u>+14</u> 15	i <u>j</u> 2 <u>+17</u> 19	a f b g c d <u>e</u> 7 <u>+11</u> 18

<u>(ROUND 3) Add:</u>	<u>MODLEFT</u>	<u>FLAT EARTH</u>
	uu vv ww xx yy <u>zz</u> 6 <u>+19</u> 25	ll qq mm rr nn ss oo tt <u>pp</u> 9 <u>+18</u> 27

THIRD HIGHEST VOTE GETTER WINS - Many Mod rights 3rd choice.

SCENARIO 2 - Many mod rights and mod lefts only have first choices.

<u>Party:</u>	<u>MODRIGHT</u>	<u>MODLEFT</u>	<u>FLAT EARTH</u>	<u>NEO NAZI</u>
<u>Voters:</u> (ROUND 1)	mm rr ww	v aa ff	k p u	a f
	nn ss xx	w bb gg	l q	b g
	oo tt yy	x cc hh	m r	c h
	pp uu zz	y dd ii	n s	d i
	<u>qq vv</u>	z ee jj	<u>o t</u>	<u>e j</u>
	14	kk	11	10
		<u>ll</u>		
		17		

<u>Party:</u>	<u>MODRIGHT</u>	<u>MODLEFT</u>	<u>FLAT EARTH</u>
(ROUND 2) Add:	<u>h</u>	i	a f
	1	<u>j</u>	b g
	<u>+14</u>	2	c
	15	<u>+17</u>	d
		19	<u>e</u>
			7
			<u>+11</u>
			18

<u>Party:</u>	<u>MODLEFT</u>	<u>FLAT EARTH</u>
(ROUND 3) Add:		uu
		vv
		ll
	<u>ww</u>	<u>mm</u>
	1	4
	<u>+19</u>	<u>+18</u>
	20	22

(xx, yy, zz had only 1st choice)

(nn, oo, pp, qq, rr, ss, tt, had only 1st choice)

Third choice wins, still no majority.

# Alaska State Legislature



## House of Representatives

### CS for SS for HB 141 (NEW) SECTIONAL ANALYSIS

- Section 1:** Defines "political party".
- Section 2:** This section adds a paragraph which designates the director to design the ballot to accommodate preferential voting.
- Section 3:** This section permits the director to adopt whatever regulations necessary to expedite the manner in which precinct ballot counts are accomplished.
- This section also says that the election board shall account for all ballots in its precinct by completing a ballot statement which contains the number of ballots received, the number of ballots voted, spoiled, unused and destroyed.
- This section provides that a watcher shall be allowed to see the ballots when opened and read. Also, ballots may not be counted before 8:00 pm on the day of the election.
- Section 4:** This section is amended to prescribe the manner in which candidates who receive the least first choice votes (specifically write-in candidates who receive less than 25 votes) are eliminated, and how the second choice votes are to be distributed thereafter.
- Section 5:** This section provides for payment of election board members, who will be paid both for election duties and training.
- Section 6:** This section sets timelines for opening and closing state ballot counting review, as to accommodate election workers.
- Section 7:** This section provides instruction for the certification of state ballot counting review.
- Section 8:** This section regards the preservation of election ballots, papers and materials and sets timelines for said items.

# Alaska State Legislature



## House of Representatives

- Section 9:** This section provides for a special state absentee ballot, which provides instructions for what to do if the names of the candidates are not yet certified.
- Section 10:** This section sets forth the manner and time in which absentee ballot boards are composed, and sets for the rules for how those boards are to be constructed. The district boards shall assist election supervisors and shall receive the same compensation as paid to election judges.
- Section 11:** This section provides no less than seven days preceding the day of the election to review all voter certificates of absentee ballots received by that date.
- Section 12:** This section provides a timeline for certifying the absentee ballot review.
- Section 13:** This section provides that the absentee ballots received will be forwarded to the director.
- Section 14:** This section gives the district boards authority to determine whether or not absentee ballots have been properly cast.
- Section 15 and 16:** These sections provide the proper grounds for challenging any absentee votes.
- Section 17:** This section outlines the ballot counting process in relation to secrecy sleeves.
- Section 18 and 19:** This section provides that on the second day following the election day, the election supervisor or designee, along with the director, shall review all voter certificates of questioned ballots. The district board shall determine whether the questioned ballot has been properly cast.
- Section 20 and 21:** This section provides for the review of any questioned or challenged ballots.

# Alaska State Legislature



## House of Representatives

"Rejected questioned ballots" shall be forwarded to the director with other returns.

- Section 22:** This section provides for the review of questioned ballots after removal from the secrecy sleeves.
- Section 23:** This section provides a procedure for state review and how all ballot reviews shall be accomplished.
- Section 24:** This section provides the procedure for recount of ballots.
- Section 25:** This section defines the preparation and distribution of ballots for the primary election.
- Section 26:** This section instructs the director to include instructions on a blanket primary election ballot.
- Section 27:** This section specifies rules for placement of nominees on a general election ballot.
- Section 28:** This section is amended to deal with fraud, setting forth the definitions for "a person who commits the crime of unlawful interference with an election."
- Section 29:** This section defines "ballot" as both hand-marked and punch-card.
- Section 30:** This section amends the definition of "political party."
- Section 31:** This section is amended, adding a sub-section to provide preferential voting for municipalities.
- Section 32:** This section repeals numerous statutes, essentially that the actual voting procedures as set forth above, are left to the discretion of the division of elections, to carry forth as they see fit.

RE: Fiscal note for HB 141

The Division of Elections understandably cannot provide a fiscal note for the Committee Substitute for HB 141 until they know what the bill will look like. Since we have been requested to have this bill read across ASAP they cannot do that in the time allowed.

After discussions with Tam Cook, Director of Legislative Legal Services, and with the House Clerk's office, we are informed it is allowed for our committee to do the following:

1. Since a fiscal note was requested in a timely manner but the administration cannot provide it in time for the bill to be read across immediately, we can move HB 141 out of committee without a fiscal note attached.
2. The Clerk can read the bill across with "Fiscal Note Forth-coming."
3. Division of Elections will thus be given time to prepare a fiscal note in accordance with whatever changes our committee has made to the bill by the time we re-convene after Easter break. Gail says this should give her time to have it ready by the time it gets to the Finance Committee.

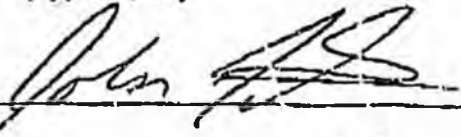


# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the HSTA  
 Committee on HB 141 Committee Name Dated 3/30/99  
Bill / Subject

I would like to speak in support of HB 141. It appears to be one way of saving everyone money by eliminating Primaries & Runoff elections. Preferential voting would also, I think, lure voters back to the polls by allowing them to have the option of voting their conscience rather than having the illusion of voting for the lesser of two evils.

Let's face it the two party system is if not dead at least dying. Alternative parties are proliferating. We need a balloting system that reflects today's reality not yesterday's pipe dreams.

SIGNED: John Fields 

Testifier  
Alaskan Independence Party (Vice-Chair)  
Representing

2050 Resolution Road Fbks 99712  
Address / Phone Number 496-1790



03/30/99  
08:39:05

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (TESTIFIERS ONLY)  
TCN:90424 SCHEDULED FOR:03/30/99 08:00 TO 10:00  
PUBLIC HEARING HOUSE STATE AFFAIRS

LTN1150  
BY:JNU  
FOR:ALL

LOCATION: ANCHORAGE

HB 141	SCOTT	KOHLHAAS	TESTIFY
HB 141	ERIC	SKIDMORE	TESTIFY
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20<sup>th</sup> Alaska State Legislature  
First Session, 1997

Chip 4286 (1867)

CITW@alaska.net



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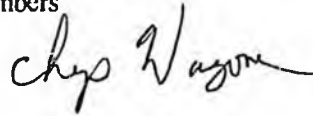
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TO: Alaska Republican Party State Central Committee Members

FROM: Chip Wagoner, Chairman, Legislative Committee

Handwritten signature of Chip Wagoner in cursive script.

DATE: February 6, 1999

RE: Instant Run-off Voting

Attached, please find some materials which I have collected on the subject of instant run-off voting, also known as preferential voting. This system of voting is used to elect the president of Ireland, the lower house (the more powerful chamber) in Australia, and has been recommended for use in the United Kingdom by the Jenkins Commission, appointed by the Tony Blair government as recently as October 29, 1998. Additionally, 23 American cities use this system of voting. This method of voting also has been recommended by a commission created by the Vermont House of Representatives for use in that state and legislation has been or shortly will be introduced in the New Mexico Legislature.

## Instant runoff would guarantee majority rule

By COURT OWEN

Earlier this month the Anchorage Daily News carried a front-page article about the presidential election in Ireland. It reported that candidate Mary McAleese received 45 percent of the vote to 29 percent for runner-up Mary Banotti in a five-candidate field, then it added: "The margin of difference reduced to a formality a second count required to ensure . . . an outright majority by redistributing the votes cast for the remaining three candidates."

This is called "preferential voting" or "the instant runoff." (In Ireland, it's called the single transferable vote; here in the United States it's also called "majority preference voting.") The correct term is actually "the alternative vote." But all these names are synonymous.

It works like this: Each voter ranks the candidates in order of preference, by marking the ballot 1, 2, 3, 4, etc. It's not necessary to rank them all, but doing so in no way dilutes the first choices. At the vote tally, if any candidate has more than 50 percent of the first-choices, he or she is, of course, the winner.

But if no candidate has 50 percent, the counting proceeds like a series of runoffs: The candidate with the fewest first-choices is out of the race and the ballots for that candidate are transferred to the remaining candidates in accord with the second choices marked on them. The process of elimination continues until one candidate has more than 50 percent of the ballots.

This prevents the frequent outcome of multicandidate races wherein the representative of a strictly minority viewpoint is elected over two or more members of a divided majority. It gives voters much more freedom of expression, since they can vote for the candidate they really like without "throwing their vote away."

In recent years in Alaska, of course, it would have benefited conservatives. Gov. Tony Knowles won in 1994 with only 41 percent of the vote against conservatives divided between Jim Campbell and Jack Coghill. (In other states, liberal majorities have split and lost to conservatives. Of the nine governorships won without a majority in '94, six were won by conservatives.)

Nationally, the '92 Bush/Clinton/Perot race would possibly have gone to Bush if Perot voters had had a second choice.

Third and independent candidates are tempted to run, often at the last minute,



by the possibility of a plurality victory in a large field. Extra restrictions on ballot access can prevent this, but are rightly seen as incumbent protection.

The traditional top-two runoff is an imperfect attempt to solve the plurality-winner problem. It is expensive for both the candidates and the government, but, more important, the supporters of the eliminated candidates don't show up at the polls — you wind up with low-turnout elections won by special-interest groups.

The "instant runoff" is more representative, and a lot cheaper, than the traditional runoff, and has other advantages as well: It encourages issue-oriented campaigns, because personal attacks are riskier — you may need the second-choice votes of your opponents' supporters.

Preferential voting also increases voter turnout substantially. The national organization which is spearheading the instant runoff is The Center for Voting and Democracy in Silver Spring, Md.; (301) 270-4616. (This organization's main thrust is for proportional representation — a separate idea involving multi-member districts about which I make no recommendation.)

A well thought-out introduction can also be found in Robert's Rules of Order, 9th Edition, pages 418-421. Australia has been using preferential voting to elect its parliament for 70 years, and Ireland has used its system since 1937. Both countries have made extensive materials available.

The Constitution leaves the manner of election of presidential electors to the states, so we could choose the instant runoff for our own presidential balloting.

We could also do so for senator and representative, but it would be subject to congressional override. Carrying federalism to its proper conclusion, a logical place to begin would be to make preferential voting a local option for local elections in Alaska and empower the Division of Elections to handle it. It might also provide a way for our divided electorate to rank more than two subsistence proposals.

A constitutional change would not be necessary. The Alaska Constitution says only:

"Methods of voting . . . shall be prescribed by law." (Art. V, §3.) The applicable law reads " . . . the person receiving the largest number of votes . . . [is] elected . . ." (§15.15.450). A section could be added allowing preferential voting as a local option, and the method spelled out. Wording incorporating the Irish and Australian experience is available. The Legislature could simply make the change mandatory statewide, but a change in so fundamental a matter probably should not be made without a vote of the people.

Perhaps Alaska can show Washington something about democracy. Plurality election-winners were opposed by a majority. That's us, voting citizens. Why put up with it?

---

Court Owen of Anchorage is a retired municipal employee and a member of the Center for Voting and Democracy.

---

## **INSTANT RUNOFF VOTING (IRV)**

### **A Fairer Way to Conduct Single-Winner Elections**

Most U.S. elections are held under plurality voting rules in which the candidate with the most votes wins. If three or more candidates run in the race, then the winner can have less than a majority of the vote. But the question always arises: was that winning candidate really preferred by most voters?

Instant Runoff Voting (IRV) is a sensible reform for elections where one person wins. Examples include elections for governors, mayors, legislatures using single-seat districts, and US president (for allocation of Electoral College electors). Instant Runoff Voting is better than plurality elections for several reasons.

- It ensures the election of the candidate preferred by most voters.
- It eliminates the problem of spoiler candidates knocking off major candidates.
- It frees like-minded voters from splitting their vote among their own candidates.
- It promotes coalition-building and more positive campaigning

IRV is also better than "two-round" runoff or primary elections, which often result in a change in voter turnout between the two rounds. IRV finishes the job with one election, which means that election officials and taxpayers don't have to foot the bill for a second election and candidates don't have to raise money for two races (providing a degree of campaign finance reform). The decisive election also occurs when voter turnout is highest.

**How IRV Works:** Each voter has one vote, and ranks candidates in order of choice (1, 2, 3, etc.). The counting of ballots simulates a series of run-off elections. All first choices are counted. If no candidate wins a majority of first choices, the last-place candidate (candidate with the fewest first-choices) is eliminated. Ballots of voters who ranked the eliminated candidate first then are redistributed to next-choice candidates, as indicated on each voter's ballot. Last-place candidates are successively eliminated and ballots redistributed to next choices until a candidate has won over 50% of votes or only one candidate remains.

Voters have the option to rank as many or as few candidates as they wish: their favorite candidate first, their next favorite second and so on. Voters have every incentive to vote for their favorite candidate rather than the "lesser of two evils" because their ballot can still count toward a winner if their first choice loses. There also is every reason for a voter to rank as many candidates as they want because a voter's lower choice will never help defeat one of their higher choices.

Instant runoff voting is used to elect the parliament in Australia and the presidents of the Republic of Ireland and the American Political Science Association. A related method is used in Cambridge (MA) for city council. Examples of how instant runoff voting might have had worked in recent elections in the United States accompany this factsheet.

*(over)*

## Instant Runoff Voting: Examples

### The 1994 Alaskan Governor's Election: A Simulation

Candidate	First Choice	Ballots redistributed to 2nd choices	Final Tally
Knowles (D)	41%	+ 6%	47%
Campbell (R)	41%	+12%	53%
Coghill (I)	13%	-13%	x
Others	5%	-5%	x

Above is an example of how instant runoff voting (IRV) might have worked in Alaska's 1994 gubernatorial election. Governor Tony Knowles was elected with 41% of the popular vote. IRV could have been used to elect a majority-winner. The example assumes that most of those who voted for the conservative Coghill would have ranked the Republican, Campbell, as their second choice, and that the supporters of the other candidates were evenly distributed between Knowles and Campbell. If this distribution were accurate, IRV would result in Campbell winning a comfortable majority over Knowles.

### The 1997 New Mexico 3rd Congressional District Election: A Simulation

Candidate	First Choice	Ballots redistributed to 2nd choices	Final Tally
Bill Redmond (R)	43%	+ 3%	46%
Eric Serna (D)	40%	+14%	54%
Carol Miller (Green)	17%	- 17%	X

Above is another example. In 1997, Bill Redmond was elected to represent the 3rd U.S. House district in New Mexico with only 43% of the vote. IRV could have been used to elect a majority-winner. Assume that of the 17 percent of voters who ranked the Green Party's Miller first, most of them (e.g. 14% of all voters) preferred Democrat Serna over Republican Redmond, and would have ranked Serna second. After their votes are redistributed with IRV, Serna gains 54 percent of the overall vote and is elected.

### The 1990 Presidential Election in Ireland

Candidate	First Choice %	Currie's Redistributed Ballots to Second Choices	Final Tally
Brian Lenihan	44%	+ 3%	47%
Mary Robinson	38%	+ 14%	53% (wins)
Austin Currie	17%	- 17%	-

Above is a final example from an actual IRV election. In 1990, Mary Robinson was elected president of Ireland. She trailed after the tally of first choices and would have lost in a plurality voting election. However, with IRV, supporters of Austin Currie were able to have their votes still make a difference. As an overwhelming percentage of Currie's voters supported Robinson as their second choice, she was elected.



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## Instant Runoff Voting

### A Cheaper, Better Way than Run-Offs

by Rob Richie and Steven Hill

Today's fiscally frugal voter demands that government be more efficient, less wasteful and less costly. Why, then, will Houston spend hundreds of thousands of dollars on runoff elections in the coming month?

Lee Brown and Rob Mosbacher topped the field in the mayor's race this month, but both fell short of a majority. Ensuring a majority winner is one of democracy's fundamental demands, but there is a cheaper, better way than runoff elections.

The solution is surprisingly simple: "instant runoff voting." Australia uses instant runoff voting (IRV) for parliamentary elections. Last month voters in the Republic of Ireland used IRV to elect its president. British prime minister Tony Blair has proposed IRV for British parliamentary elections.

With IRV every voter still has one vote, but to ensure that winners obtain majority support in one election, voters are allowed to rank candidates in order of preference: 1, 2, 3 and so on. The way ballots are counted simulates a series of runoff elections. If no candidate wins a majority of first-choice votes -- as in Houston this year -- the last-place candidate is eliminated. Ballots cast for that candidate are redistributed to each voter's next choice. This process of elimination occurs until a candidate wins majority support. Doing the count is simple, particularly by computer.

The Irish presidential race had five candidates. Mary McAleese gained only 45% of first-choice votes. But she was the second choice of enough supporters of losing candidates to win easily with 58% after the bottom three candidates were eliminated.

IRV would have numerous benefits:

- Candidates and taxpayers would save money. As taxpayers in Houston and other cities like Atlanta and Miami are learning in current mayoral elections, traditional runoffs are costly -- both to the taxpayers who pay for the second election and to candidates who must spend more campaign cash.
- There would be no more "spoilers." In races with more than two

candidates, a majority of voters can split their votes among similar candidates. IRV allows such voters to coalesce in favor of the candidate that most voters support.

- A winner with maximum turnout. In traditional runoffs, voter turnout often drops in the second election. By determining a winner in one election, IRV ensures maximum turnout in the decisive election.
- Campaign debate would improve. Because candidates know that winning may require being the second or third choice of supporters of other candidates, they will be less inclined to attack opponents unfairly.

Instant runoff voting saves taxpayer money and ensures majority rule with maximum participation. Houston would do well to make this year's runoff elections its last.



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## Welcoming Ventura: Enlivening the Body Politic

By John Anderson

*(The following commentary appeared in several newspapers in early November 1998 after being circulated on the Knight-Ridder / Tribune News Wire.)*

Eighteen years ago, I pursued a dream: capturing the presidency as an independent candidate. Ever since I have pursued reforms that will give American voters the full range of choice they clearly seek in elections.

This year, Minnesota's governor-elect Jesse "the Body" Ventura succeeded where I and so many others have failed. I wish him well. Given his flamboyant history as a professional wrestler and his victory as a member of Ross Perot's Reform Party, the nation's spotlight will be on him. As he goes, so may go opportunities for many other third party candidates.

Regardless, his success will encourage more independent and third party candidacies. Already, candidacies outside the two-party system are on the upswing. Maine's independent governor Angus King and Vermont's independent House member Bernie Sanders were re-elected by landslide this week. Independent governors in Connecticut and Alaska had respectable terms in office earlier this decade. Ross Perot won impressive shares of the vote in presidential races.

Ventura already has changed Minnesota's politics. Voter turnout was high for an off-presidential year; exit polls showed that one in eight voters were brought to the polls by his candidacy. Given our nation's anemic 37% turnout this year -- the lowest in the world for national elections among well-established democracies -- Ventura deserves great credit for boosting turnout.

With all the hope for independents and third parties generated by Ventura's success, however, we cannot be sanguine that it will extend far under our current electoral rules. Only five third party candidates -- all from Vermont -- won in state legislative elections yesterday out of some 7,000 on the ballot.

The greatest single barrier to third parties is our plurality voting system. Most nations use systems of proportional representation, in which groupings of voters -- usually defined by the political parties they support -- win legislative seats in proportion to their share of the popular vote. A minor party's 10% of votes would then win them 10% of seats.

For executive offices like governor, the solution is "instant runoff voting." Instant runoff voting (IRV) has the twin virtues of allowing third parties to contest races more fairly while providing better assurance that the winner has majority support.

Take governor-elect Ventura, for example. He won only 37% of the vote, meaning that 63% of voters opposed him. I find it troubling that we can send men of my age into orbit, but cannot manage to improve our voting system to ensure being governor or president requires the support of a majority of voters.

To ensure winners such majority support, IRV allows voters to rank candidates in order of choice: 1, 2, 3 and so on. If no candidate wins a majority of first-choice votes, the last-place candidate is eliminated. Ballots cast for that candidate are redistributed to each voter's next choice. This process of elimination occurs until a candidate wins majority support. It's like holding a runoff election, but you do it all with one vote.

Ireland and Australia use IRV, and Tony Blair's Labor government likely will give British voters a chance to adopt it in a national referendum. The 1997 Irish presidential race provides a good example of how IRV works. Mary McAleese gained 45% of the first-choice votes. But by being the second choice of many supporters of losing candidates, she won easily with 58%.

In Minnesota, IRV would have allowed the supporters of Skip Humphrey, the third place finisher, to indicate their vote to their second choice, either Republican Coleman or Jesse Ventura. These transfer votes would have resulted in either Coleman winning, or a more comfortable victory margin for Ventura. In either case, the winner would have a majority and a better mandate to govern.

IRV would have other benefits:

\* *There would be no more "spoilers."* In races with more than two candidates, a majority of voters can split their votes among the candidates. IRV allows such voters to coalesce in favor of the candidate that most voters support.

\* *Candidates and taxpayers would save money.* Traditional two-round runoffs are an alternative approach to producing majority winners used in many primary and local elections, but they are costly both to the taxpayers who pay for the second election and to candidates who must spend more campaign cash.

\* *Voter participation would rise, as took place this year in Minnesota.* Freed from "wasted vote" calculations, minor party and independent candidates can campaign hard and raise important issues.

\* *Campaign debate would improve.* Because candidates know that winning may require being the second or third choice of supporters of other candidates, they will be less inclined to attack opponents.

Above all, instant runoff voting satisfies two of democracy's fundamental demands: majority rule and incentives for participation. Our current electoral laws too often fail these tests. Those interested in enlivening the body politic should embrace it warmly.

*(A former Member of Congress and presidential candidate, John Anderson is president of The Center for Voting and Democracy. To reach John, write the Center at: PO Box 60037, Washington, DC 20039, <http://www.fairvote.org>.)*

Tuesday, November 24, 1998

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**SPEAK OUT**

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# Instant runoff election might be the answer

Many Vermonters are not aware that there are times when our governor and lieutenant governor are not chosen by the voters.

Since no lieutenant gubernatorial candidate won a majority of the vote this year, our next lieutenant governor will instead be selected by the General Assembly in January.

This is not a rare occurrence. It has already happened 68 times in Vermont history. The General Assembly has frequently elected the candidate that came in second, and even third, in popular votes. If the candidate whose party controlled the general assembly happened to come in second in the popular vote, the final outcome would be uncertain.

**MARJORIE POWER**

**IT'S MY TURN**

In the 2000 election, with the new campaign finance reform law, public financing will be available in the races for governor and lieutenant governor.

Vermonters will get to choose from among a greater number of credible candidates, with a lower likelihood that any one of them will get a majority. Do we really want to take the final decision away from the voters and give it to the Legislature as a common method for choosing our statewide officers?

As in other countries, states and municipalities, Vermonters

are beginning the process of re-thinking our voting laws.

The Vermont House of Representatives has established the Vermont Commission to Study Preference Voting, with members appointed by the League of Women Voters and Common Cause. The commission is studying a possible fix to preserve direct popular election of these statewide offices. It is called instant runoff voting.

In a nutshell, instant runoff voting allows voters to rank candidates in order of preference. If someone gets a majority of first-choice votes, a winner is announced and the election is over, just the way it is now. But if there is no candidate with a majority, the bottom candidates are elimi-

**To learn more**

For more information on the Vermont Commission to Study Preference Voting, call 864-8382.

nated and a runoff count is conducted using the preferences marked on each ballot.

This instant runoff takes place without the need for calling a new election and extending the campaign season. Thus the popular choice wins with a majority.

For most elections in the United States and in Vermont, we declare elected whichever candidate gets the most votes, even if that person was opposed by a majority of the voters.

One wonders if the recent election of the third-party candidate Jesse "the Body" Ventura, a former professional wrestler, as governor of Minnesota with just 37 percent of the vote, fairly reflects the true will of the majority of voters.

We inherited this plurality system from Britain. Many nations formerly ruled by Britain, including Australia, New Zealand and Ireland, have abandoned this system in favor of voting systems that assure majority rule and minority representation.

Now, even the United Kingdom itself seems poised to junk its less democratic system. On Oct. 29 the independent Jenkins Commission, established by the British government, released its

report. The key recommendation is to eliminate the plurality election rule in favor of majority rule through instant runoff voting, with an additional element of proportional representation.

Thomas Jefferson said he hoped the United States would become a laboratory of democracy, experimenting, refining and steadily improving our democratic institution. Instead, to quote political scientist Professor Doug Amy of Mount Holyoke College, we have become a museum of democracy, preserving antiquated voting systems that have been abandoned by nearly all the major democracies in the world.

*Marjorie Power is chairman of the Vermont Commission to Study Preference Voting.*

It's as easy as **1-2-3**

## How IRV Works

Each voter ranks the candidates they like in order of preference (1,2,3 etc.) That's all there is to voting.

In tallying the votes in the "first round," each vote is given to the candidate listed as the first choice. If no candidate wins a majority, the "instant runoff" begins. The candidate with the fewest votes is eliminated. That candidate's ballots are then transferred to those voters' second choices. This process is repeated until one candidate gets 50% or only one remains.

Candidate	1st Choice	Final
Otero	46%	49%
Begay	44%	51%
Smith	10%	NA

### IRV is a sensible reform

- ☞ IRV elects the most preferred candidate
- ☞ IRV eliminates the problem of "spoiler" candidates
- ☞ IRV minimizes vote splitting
- ☞ IRV promotes positive campaigning

### IRV is better than traditional runoffs

- ☞ taxpayers don't have to foot the bill for two elections
- ☞ candidates don't have to raise money for a second election
- ☞ the winner is selected when voter turnout is highest

## Why Support IRV in NM?

### IRV Saves Money

Traditional runoff elections are costly. *Taxpayers must foot the bill* for a second election and *candidates must spend more money* on a second round. IRV is one simple way to reduce the negative effects of campaign fund-raising.

### IRV is More Democratic

IRV gives voters a greater say in who wins. Traditional runoffs are accompanied by a reduced voter turnout and "majority winner" is rendered meaningless. IRV satisfies one of democracy's fundamental demands: the *will of the majority*. Plurality and traditional runoff elections too often fail this test.

### No More Mudslinging

Candidates will think twice before making slanderous attacks on their opponents. They will know that winning *may require votes transferred* from their nearest opponents' supporters. This is an incentive for candidates to *focus on issues - not opponents' short-comings*.

### No More Vote-Splitting

Under the current system, *like-minded voters* are often split between *two similar, but competing candidates*. This can result in neither of the two candidates winning the election.

With IRV, like-minded voters rank the two similar, but competing candidates as their *first and second choices*. This results in one of the two winning — *and the vote isn't really split*.

## IRV is Perfect for Primaries

Political Parties can lessen the impact of divisive battles within their own ranks by using IRV in their primaries. Large fields can result in many voters supporting losing candidates. This makes it harder for the winner to rally support. This encourages civil primary campaigns.

## IRV Creates Mandates

With Instant Runoff Voting the voters' choice becomes clearer. Winning by a majority gives an elected official a *clearer direction* and a *stronger voice* behind his or her decisions.

## IRV Increases Turn-Out

Many people stay away from the polls because they don't like either of the two front-runners or are turned off by negative campaigning. By giving voters a chance to support their favorite candidate without "throwing away their votes," more people will be brought into the public process. This will create a better *sense of ownership* and *responsibility* on the part of the public, and will *decrease cynicism*.

## IRV is Simple

IRV is just like a regular runoff system except it happens at the *same time as the general election*. The runoff vote is cast along with the voter's first choice. If no candidate receives greater than 50% of the votes, the runoff is "instant."

# Support IRV for NM!

**For more information:**

New Mexicans for IRV, PO Box 4297, Albuquerque, NM • 87196  
Phone: 505•243-5069 • E-Mail: NMIRV@ajuno.com

# IRV

It's as easy as 1-2-3

## Instant Runoff Voting



Candidate	1st Choice	Runoff	Final
Otero	46%	51%	49%
Begay	44%	46%	51%
Smith	10%	3%	NA

It's as easy as **1-2-3**

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# *As Easy as 1-2-3:*

## **Final Report of the Vermont Commission to Study Preference Voting**

AUGUSTA CLARKE	<b>2</b>
CHARLES R. CLEAVES	
GEORGETTE HODGES	<b>3</b>
NORMAN WILLIAMS	<b>1</b>



presented to the  
**Vermont House of Representatives**  
pursuant to H.R. 37

**January 1999**

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## INTRODUCTION

After taking considerable testimony on the instant runoff voting (IRV) bill, H.665, last year, the House Committee on Local Government sponsored House Resolution 37, which was adopted by the full House in April 1998. HR.37 established the **Vermont Commission to Study Preference Voting**<sup>1</sup>. The Commission has 11 members appointed by the League of Women Voters and Common Cause in accordance with HR.37.

The Commission members are:

**Christopher Allen**, political science student at UVM  
**Gerard Colby**, author; chair, Vt. Local of the National Writers Union  
**Christopher Costanzo**, 1998 chair, Vermont Libertarian Party  
**Judy DiMario**, former Democratic State Representative  
**Krista Griffes**, political science student at St. Michael's College  
**Marie P. Griffin**<sup>1</sup>, member of the League of Women Voters and a retired librarian  
**Lisa Martin**, former Republican State Representative; chaired Local Government Committee  
**\*Marjorie Power**<sup>1</sup>, chair of this Commission; member of the Older Women's League  
**Maria Thompson**, chair, Vermont Common Cause  
**Bert Thompson**, an employee and student of Johnson State College  
**Robert Walker**, community organizer and organizer for campaign finance reform

There are two general types of preference voting mentioned in HR.37. The Commission early on decided to focus on statewide elections with IRV, and not on legislative elections with proportional representation. The Commission: sponsored numerous mock elections using preference voting in junior and high senior high schools across Vermont; sought input from a variety of civic organizations; established a "devil's advocate" committee to gather arguments against instant runoff voting; and heard from expert witnesses. We would like to particularly thank Gregory Sanford, state archivist; Dr. William Grover, chair of the St. Michael's College political science department; Dr. Douglas Amy, author and professor of politics at Mt. Holyoke College; Rep. Terry Bouricius; and the Center for Voting and Democracy, a Washington, D.C.-based nonpartisan educational organization that provided administrative and technical assistance in carrying out the Commission's work.

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<sup>1</sup> For the text of H.R.37, see Appendix A.

## SECTION 1. EXECUTIVE SUMMARY

This Commission recommends the adoption of Instant Runoff Voting (IRV) for statewide elections as a remedy to a potentially serious defect in Vermont's election laws. Vermont's plurality election rules allow for the election of a candidate with the most, but less than half, of the votes, even if the majority of voters oppose this candidate and prefer a different one. This is a fundamental defect that violates the most basic precept of democracy: majority rule. Today the plurality problem in the case of the offices of Governor, Lieutenant Governor and Treasurer is resolved by falling back on the legislature. If no candidate receives a popular majority, a secret ballot election by the members of the General Assembly, rather than the voters, decides the race. The General Assembly has had to choose state officers 69 times, often electing a candidate that had come in second in popular votes, in one case electing a third-place candidate who had received 3% of the vote, and in another failing to elect a Governor altogether. In 35% of all election years, at least one statewide race has had a result with no majority winner. The problem is likely to get worse beginning in the year 2000 with the advent of public financing and the prospect of greater voter choice with a greater number of credible candidates.

Vermont's voting systems have changed repeatedly through the years<sup>2</sup>. For most of Vermont's history, a majority vote was required to win all single-seat elections, and runoff-like re-votes were common. It wasn't until 1940 that re-votes were completely done away with, and a plurality of first-round votes was deemed sufficient for election to any office other than Governor, Lieutenant Governor or Treasurer. The inconvenience of re-voting was felt to be a bigger problem than the risk of undemocratic outcomes. Since IRV eliminates the inconvenience of re-voting, there is no longer any reason to use an election process that allows for the defeat of the candidate actually preferred by a majority of voters.

As proposed for Vermont, IRV would give voters the option of indicating on their ballot their first choice for each statewide office, as well as who their second, third or subsequent choices are, if their first choice doesn't win. The voters' task is simple. The voters just have to rank candidates in order of preference: 1, 2, 3, etc., or if they prefer, they can still vote for a single candidate as they do presently. To effectively utilize the system voters do not need to learn any of the intricacies of the transfer tabulation methodology, just as hardly any citizens understand how the electoral college actually works. Among Vermont students who answered a survey question after participating in mock elections using IRV, 91% said the balloting was *not* too difficult and 90% said Vermont should switch to IRV<sup>3</sup>. IRV was invented in Massachusetts around 1870, and is now used by nations around the world, including Ireland and Australia<sup>4</sup>. Voters in these countries and 23 American cities have used preference ballots without difficulty

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<sup>2</sup> For a history of Vermont's voting systems, see Appendix C.

<sup>3</sup> For the student survey results, see Chart 2 in Appendix F.

<sup>4</sup> For a history of Instant Runoff Voting, see Appendix E.

## Section 1. Executive Summary

Local election officials will face no additional burden<sup>5</sup>, simply counting the first-choice votes, just as they do now. If a candidate achieves a majority, the election is over. If no candidate in a race ends up with a majority of first-choice votes, the ballots are retabulated by a court appointed committee in a manner similar to how a statewide recount is conducted under current law. **Any Instant Runoff Voting re-count would mirror the vote count that would occur if all the voters participated in runoff elections, except that voters have no need to return to the polls.** The candidate with the fewest first-choice votes is eliminated. In the subsequent count, first-choice votes for candidates still in the running again count for those candidates, but the voters whose first-choice candidate was defeated have their votes transferred to their second choices, **the same as occurs in a traditional runoff.** This process of dropping off bottom vote-getters and transferring their votes to their supporters' alternate choices continues, until a candidate gets a majority, or only one candidate remains.

IRV would allow citizens to honestly vote according to their consciences. With Vermont's existing system, some voters struggle with the decision of whether to vote for the candidate they actually prefer, or whether to vote for a perceived "lesser" candidate who may have a better chance of winning, for fear of inadvertently helping the candidate the voter likes the least. IRV does not penalize a voter for voting honestly, as can happen with our existing system. IRV reduces, although it does not eliminate, the problem some voters face of feeling their vote has been "wasted." Since it tends to allow a greater range of candidate choices, IRV can create greater voter interest and turnout. Among high school students who participated in mock elections using IRV, **46% said IRV would make them more likely to vote after they turn eighteen and only 1% said it would make them less likely to vote.**

IRV is preferable to a two-round runoff election in that it saves money, assures that the deciding election will have maximum voter turnout, and does not face constitutional problems. **In a single election, IRV ensures that a candidate actually preferred by a majority of voters can win, and eliminates the existing problem of multiple candidates splintering the vote.**

IRV tends to reduce negative campaigning. One reason for this is concern over alienating voters who would not give a nasty campaigner a second-preference vote, which that candidate might need to win. Although negative campaigning has not yet become a widespread problem in Vermont, IRV may help protect campaign civility here.

IRV will not increase the cost of holding elections, other than the minimal cost of conducting recounts when there is the lack of a first-choice majority. There would be some small transition cost for a voter education campaign.

**In sum: The IRV reform that this Commission recommends encourages voter participation, eliminates the distorting effect of multiple candidacies, secures direct popular election of state officials, does not increase the cost of elections, and does not give advantage or disadvantage to conservatives, liberals, major parties, or minor parties. IRV assures that a candidate preferred by the majority of voters will not be defeated by a candidate preferred by a minority, and strengthens Vermont's democracy for the next century.**

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<sup>5</sup> Milton town clerk John Cushing, chair of the legislative committee of the Vermont Town Clerk and Treasurers Association, testified that they had no problem with the IRV bill for this reason.

## SECTION 2. RECOMMENDATIONS

1. The state should adopt an IRV bill, similar to H.665 from the 1998 session, for all statewide elections beginning in the year 2000<sup>6</sup>. The offices included are: Governor, Lieutenant Governor, Treasurer, Secretary of State, Auditor of Accounts, Attorney General, U.S. Senators, U.S. Representative, and electoral college electors (as a block) for President and Vice-President.
2. An IRV law should be structured to allow the option of ranking as many alternates as they wish, but allow individual voters to continue single-choice voting.
3. The State should carry out a voter education campaign to familiarize voters with the new ballots to ease the transition.
4. The General Assembly should study, either directly or through a citizen commission, the idea of proportional representation for electing legislative bodies.

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<sup>6</sup> For a summary of H.665, see Appendix B.

### SECTION 3. THE PROBLEM IRV SOLVES

At present in Vermont it is not uncommon for a candidate to be elected with less than a majority of votes cast. **Under current law, It is possible for a candidate preferred by the majority of voters to be defeated by a candidate strongly opposed by a majority of the voters.** The arrival of campaign finance reform, including public financing beginning in the year 2000, may exacerbate this problem by allowing a larger number of credible candidates. Especially when there is no incumbent, it is likely many races will have split votes with no majority winner.

Under Vermont law, most races can be won with a plurality of under 50% of the vote, while some races, by our constitution, are thrown to the General Assembly to choose from among the top three vote-getters. This has already happened 69 times in Vermont history including the recent Lieutenant Governor contest<sup>7</sup>. Both scenarios are less democratic than we might like or need to accept. Split votes, whether on the left or the right, can result in undemocratic or questionable outcomes. For instance, the election of Reform Party candidate, Jesse "the Body" Ventura, as Governor of Minnesota with just 37% of the vote, leaves one wondering if that reflects the majority will of the voters.

In Vermont, in the case of no majority for the offices of Governor, Lieutenant Governor and Treasurer, the decision is taken out of the voters' hands altogether and given to legislators. If there is no Governor-elect in November, there is no budget or administration being prepared, and the factors considered by legislators may not always reflect the choice that the voters would have made. In January, when the General Assembly convenes, some legislators will vote for the top statewide vote-getter, some will vote as their district voted (although their district may also have been divided with no majority winner), some will vote based on secret deals, and some will vote according to party. In any event, democracy and the principle of majority rule are diminished.

In Alaska, with a solid Republican majority in the legislature, Governor Knowles, a Democrat, was elected with just 41% of the vote because a strong Ross Perot-style independent party was in the race. In a recent election for Congress from New Mexico, Democrat Eric Serna got 39.8%, Green Party candidate Carol Miller got 16.8% and Republican Bill Redmond got 42.7% and won the election. In Alaska, Republicans have made IRV a priority, and in New Mexico, the Democrats have. But, regardless of our possible happiness with particular outcomes, we all should be interested. Election results should reflect the will of the voters.

A solution some states have adopted, particularly in the South, is to hold runoff elections. Two-election runoffs, however, have many problems. Runoffs extend the campaign season and cost money for both the taxpayers who fund the election and the candidates who must renew campaign fund-raising. Runoffs often have a drop-off in turnout that may yield an unrepresentative result, with the "winner" receiving fewer votes than the loser had gotten in the original election. In Vermont, there is also a constitutional obstacle to using a two-election runoff.

**Vermont's election laws are ill-equipped to deal with more than two serious candidates in a race. With public financing offering the prospect of increased voter choice, a dramatic splintering of votes could not only cause the election of a highly unpopular candidate, it could further exacerbate the cynicism of an already cynical public.**

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<sup>7</sup> For a list of these elections, see Chart 1, on page 8.

## SECTION 4. DISCUSSION

### 1. Vermont's voting system *is* broken, and *needs* fixing.

Is our current system prone to problems? If so, have these problems been frequent? Have they been serious when they did occur? Are they likely to become more frequent or more serious?

**The fundamental problem with plurality election rules is that they allow a candidate that is the least preferred choice of a majority of the voters to be declared the winner.** While it is probably true in most cases that the plurality winner is indeed also the candidate most preferred by the majority (in Australia, the initial plurality candidate ends up winning the majority with transfers typically 70-80% of the time), there is no way of knowing if this is true in any particular case without something like IRV. No one really argues over the fact that plurality rules allow for very undemocratic outcomes, violating the principle of majority rule. The question that remains is "Is it worth doing anything about it?"

Some have suggested this is such a rare problem that it hardly warrants a disruptive change. This argument assumes most races will continue to have majority winners (as was common during the century of Republican hegemony in Vermont). It also assumes that in those occasional races when there is no majority winner, the plurality winner is most likely the majority-preferred candidate anyway.

The occurrence of no-majority has been far more common than this argument suggests. **In Vermont's statewide general elections, there have been 120 races with no majority winner.** Due to a failure of any candidate to attain a popular majority, statewide officers have been elected by the General Assembly, instead of by the people, 69 times in Vermont's history, including both Lieutenant Governor and Treasurer in the state's first election in 1778. This occurred 21 times in the case of Governor, 26 times in the case of Lieutenant Governor, 17 times in the case of Treasurer, twice for Auditor of Accounts, twice for Attorney General, and once for Secretary of State. The most recent such election was the 1998 lieutenant gubernatorial race. Since 1972, looking at both constitutional and federal elections (excluding presidential races), there have been 16 statewide races with no majority winner. Of these 16 elections, 7 went to the General Assembly for decision. Over Vermont's entire history the General Assembly had to step in to elect one or more statewide officers in 23% of all election years. **If we look at all statewide races, in 37% of all election years at least one race had a result less than a majority.**

The problem of plurality election rules has gone relatively unnoticed in modern time, first because of the hegemony of the Republican Party and most recently by the dominance of just two major parties. That reality, however, appears to be changing. Recent presidential and state elections, with Perot-style and other independents, have already returned us to the days of plurality rather than majority outcomes. Most importantly, the advent of campaign finance reform, with public financing, nearly assures there will be more than two credible candidates in many statewide elections.

Even if one doesn't accept the notion that plurality elections will be more common in the immediate future, the potential downside of having the selection of a Governor delayed till the General Assembly elects someone in January is far more serious than in the past - and it has been very serious in the past. The most extreme examples of complete disfunction and breakdown occurred just two elections apart. In 1835, William Palmer, the Anti-Mason Party candidate for Governor, received 46% of the popular vote, Democrat William Bradley received 38%, and the

Section 4. Discussion

Chart 1. Vermont Elections with No Majority Winner

Year	U.S. Rep.	U.S. Sen.	Gov.	Lt.-Gov.	Treas.	Sec. State	Aud. Acct.	At.Gen.	
1778			X	X					
1781				X					
1782				X					
1784					X				
1785					X				
1786				X	X				
1789			X						
1790				X					
1791	X								
1793	X								
1794	XX								
1796	X			X					
1797			X						
1798	X								
1802	X								
1804	XX								
1812	XX								
1813			X	X					
1814			X	X					
1820	XX								
1824	X								
1826	XX								
1828	XX								
1830	XXXX		X	X					
1831			X	X					
1832			X	X					
1833	XX								
1834	XXXX		X	X	X				
1835			X						
1836	X								
1837					X				
1838	X								
1841			X	X	X				
1843	X								
1844	X								
1845			X	X	X				
1846	XX		X	X	X				
1847			X	X	X				
1848	XXX		X	X	X				
1849			X	X	X				
1850	X								
1852	X		X	X	X				
1853			X	X	X				
1866	X								
1874	X								
1878	X								
1902			X	X					
1912			X	X	X	X	X	X	
1974		X		X	X		X	X	
1976		X		X					
1980		X							
1986			X						
1988	X								
1990							X		
1992						X			
1994	X								
1996							X		
1998				X		X			
Total	44	3	21	26	17	3	4	2	Total 120

Whig candidate, Charles Paine got 16%. After 63 ballots the General Assembly still could not select a Governor. **They finally adjourned for the year leaving the state with no Governor.** Lieutenant Governor Silas Jenison served in the absence of an elected Governor.

In 1837 there was no majority winner in the Treasurer's race. **With the General Assembly deadlocked between the top two vote-getters, they finally compromised by electing the third place candidate, who had received a mere 3% of the popular vote.** This "winner," Norman Williams, refused to serve. But the joint assembly of the House and Senate had already dissolved. The House attempted to reconvene a joint assembly to fill the vacancy, but the newly created Senate refused. The state went the year without an elected Treasurer. The Governor, perhaps illegally, but pragmatically, picked Allen Wardner, who had not even been a candidate, to "supply the vacancy in that office, until the same can be filled in the manner directed by law or the constitution of the state."

Even if the plurality winner in the Governor's race would have won a majority in a runoff, there remains a significant downside for the state by the prolonged period of uncertainty from November until January. If there is no majority Governor-elect in November, there is no budget or administration being prepared, and one can imagine the deal-making between potential Governors and 180 legislators for their votes ("You want a road or office building in your district?"). Such a transition could be devastating to the smooth functioning of government and public confidence.

## 2. How Vermont's voting system has changed

Vermont has changed both its voting system and majority requirements many times through its history. The acceptance of initial plurality winners is actually a rather recent change in Vermont election law. The majority requirement was finally abandoned altogether for all offices other than constitutional ones only in 1940. **For most of Vermont's history, all single-scat races required a majority to elect.** In cases without an initial majority winner for a legislative seat, if there was no majority a new vote was held, repeatedly, until a majority was achieved. For Congress, this meant elections a month or so apart. For state representatives, it meant re-voting on into the night or the next day at a town meeting. Eventually, plurality victories were recognized if there was no majority winner after a few re-votes. This shift to the plurality rule came in the midst of a period of one-party predominance in which no statewide election was won by any candidate other than a Republican for over a century.

Changes in voting procedure have also been notable, although most of the changes occurred prior to this century. These changes include the allowance of printed ballots rather than written ballots, the usage of absentee ballots, and the introduction of the Australian ballot or government-printed ballot. The only major change in this century was the adoption of state sponsored party primaries in 1915.

As state archivist Gregory Sanford noted in his testimony to the Commission, **Vermont has continually changed its voting system in response to political stimuli.**

## 3. How IRV would work in Vermont

Here is one possible scenario of how such a system could work in Vermont. Voters would have the option of indicating on their ballots their first choice for each statewide office, and who their second, third or subsequent choices are, in case their first choice doesn't win. Local election officials will count the first-choice votes, just as they do now. If no candidate in a race ends up

#### Section 4. Discussion

with a majority of first-choice votes, the ballots are retabulated by the court, in a manner similar to how a statewide recount is conducted under current law.

The instant runoff re-count mirrors the vote counts that would occur if all the voters participated in runoff elections, except the voters have no need to return to the polls. The candidate with the fewest votes is declared defeated. In the subsequent count, first-choice votes for candidates still in the running again count for those candidates, but the voters whose first-choice candidate was eliminated have their votes transferred to their second choices - the same as occurs in a traditional runoff. This process of dropping off bottom vote-getters and transferring their votes to their supporters alternate choices continues, until some candidate gets a majority, or only one candidate remains. The description of the re-count process can sound complicated, but in fact, the voters' task is simple. **The voters just have to rank candidates in order of preference: 1, 2, 3, etc., or, if they prefer, they can still vote for a single candidate as they do presently, they just won't give themselves a second choice in case their favorite candidate is knocked out of the race.**

#### 4. IRV promotes majority rule in single-seat elections

This is the main attribute of IRV that prompts this Commission to recommend its adoption for all statewide elections. **With our existing plurality rules, depending on the mix of candidates, a candidate that is actually the least favorite of a majority of voters can defeat a candidate that is preferred by a majority of voters.** A voting system that allows this perverse outcome is fundamentally flawed and should be changed. In a single-seat election, such as Governor, IRV assures that a candidate actually preferred by a majority can win.

This is not true if IRV is used for electing a legislature from multiple districts. Like all winner-take-all systems, including Vermont's existing one and IRV, the majority can be thwarted depending on the distribution of supporters throughout the various districts. In the recent elections in Quebec, which uses the same plurality voting rules as Vermont, the Liberal Party candidates received 44% of the vote and 38% of the seats compared to the PQ's smaller 43% of the vote, yet 60% of the seats. Thus the Commission concludes that while IRV may be somewhat better than our existing system for electing legislators, it also cannot assure majority rule. The Commission is limiting its recommendations to statewide elections, and suggests further study of legislative election options.

#### 5. IRV could increase voter participation

The reasoning for why IRV might increase voter participation runs like this: Some potential voters may feel that there are no candidates on the ballot that they can really get excited about -- so they don't bother voting. Since IRV eliminates the problem of multiple candidates splitting the vote and throwing the race to least preferred candidates, more candidates, representing a broader range of views, will feel free to run. While IRV will not enhance the chances of a candidate with marginal support to win, it may encourage greater voter participation since some refrainers may feel they have a candidate to enthusiastically support with their first-choice vote.

All of the nations that use IRV have far higher levels of voter participation than does Vermont. However, there are so many other contrasting factors involved that no causal relationship can be assumed.

The mayoral elections in Ann Arbor, Michigan during the 1970's provide clearer evidence of the potential impact of IRV. The relevant factor is whether an election has only two credible contenders or more (which IRV accommodates). In 1971 and 1977 there were only two candidates running for Mayor and the average turnout was 24,401. In 1973 and in 1975 (with IRV) the Human Rights Party joined the Democrats and Republicans in the mayoral races and the average voter turnout was 31,190 -- 28% higher.

The Commission observed mock elections using IRV conducted at eight Vermont schools. Among high school students who participated, 46% said IRV would make them more likely to vote after they turn eighteen and only 1% said it would make them less likely to vote<sup>8</sup>.

The Commission concludes that IRV could have a positive impact on voter participation rates and public debate in Vermont. However, it is not certain that this impact would be significant or permanent. While the Commission is encouraged by the prospect of increased levels of voter participation, this is still sufficiently speculative that it should not, by itself, be a reason for adopting IRV.

#### 6. IRV promotes government stability

Stability in government, which fairly reflects changes in voter attitudes, is beneficial for both civil society and commerce. Plurality voting systems are subject to extreme swings in government even if there is no change in public sentiment, depending on the number and mix of candidates in a race. If a majority of the voters are of persuasion *a*, and there is only one candidate who advocates *a*, that candidate will win. But if in the next election there are two or more candidates advocating *a*, a candidate who advocates *b*, who is intensely disapproved of by the majority of voters, can win under plurality rules. IRV, like all majoritarian systems, is, of course, also subject to swings, but only if the public attitude itself shifts, or if the population is nearly evenly divided between two competing camps. Any voting system, such as Vermont's, that allows the minority to defeat the majority is subject to undemocratic and wild swings in government. This is a strong argument in favor of adopting IRV.

#### 7. IRV encourages sincere voting rather than disingenuous tactical voting

To accurately aggregate individual opinions into a community decision, a voting system should encourage citizens to honestly vote according to their consciences. With our existing system, some voters struggle with the decision of whether to vote for the candidate they actually prefer, or whether to vote for a perceived "lesser" candidate who may have a better chance of winning for fear of inadvertently helping the candidate the voters like the least.

Various preference voting systems *other* than IRV, examined by this Commission, such as approval voting, Bucklin voting, and at-large multi-seat voting (actually a multi-vote *no*-preference system) suffer a similar problem of insincere tactical voting. Voters who honestly express their second or subsequent choices on their ballots may be penalized since those alternate-choice votes may cause the defeat of their most preferred candidates. The "smart" voter with a strong first preference will "bullet vote," refraining from expressing any alternate choices. This is not a difficulty with systems such as IRV, however, since voters who select second or subsequent choices will not thereby help defeat their first choice.

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<sup>8</sup> For student survey results, see Chart 2, In Appendix F.

### **8. IRV reduces the number of "wasted" votes**

"Wasted" votes are a particular problem with the single seat winner-take-all plurality elections common in the U. S. Many votes can be described as "wasted." Voters who vote for a most preferred candidate that turns out to have no chance of winning, not only waste their vote, but may actually inadvertently contribute to the election of their least preferred candidate due to a splitting of the vote. But there are many other "wasted" votes. Voters who vote for a lower preference candidate under the mistaken impression that their first choice candidates couldn't win will feel the votes were wasted when it turns out the favored candidate might have had a good chance after all. **IRV eliminates this kind of "wasted" vote problem.**

However, IRV does not alleviate other types of "wasted" votes. The Voters of party A who live in a district that is overwhelmingly dominated by party B voters may feel their votes are wasted since they never get to help elect a representative. Voters who support the dominant party B may also feel their votes are "wasted" as they are not needed. The feeling of these voters that they are "wasting" their votes certainly discourages voter participation in the U.S. Such noncompetitive districts (often a result of gerrymandering) are common throughout the U.S. and Vermont. With IRV, up to 49% of voters may feel their votes were wasted, whereas with our existing plurality rules, a significant majority of voters may feel they "wasted" their votes.

### **9. IRV more accurately reflects each voter's will**

There are two sides to a voter's "will" in a single seat election with more than two candidates. The first is that which the voter most wants, a favorite candidate, and may be called "sympathy." The second is that which the voter most dreads, a candidate the voter wishes to defeat, and may be called "antipathy." Under our current system some voters can roll their sympathy and antipathy into a single vote for a favorite candidate. However, other voters are limited to expressing only one side of their "will," and must choose. We don't know which aspect of the voters' "will" voters are expressing. Did voters really like candidate A, or did they feel forced into voting for A even though they preferred B, because they believed a vote for B would serve to help elect candidate C, due to splitting the vote? **IRV frees all voters to fully and honestly express their honest will, both as to what they really want and what they will settle for, to avoid getting what they loathe.** By so doing, IRV more accurately reflects the collective voters' will, with a decision that fully incorporates both voters' sympathy and antipathy.

### **10. IRV encourages civility and less negative campaigning**

IRV tends to reduce negative campaigning, since candidates are concerned about alienating voters who could give them a second-preference vote that the candidate might need to win. While there is evidence of this in Australia and Ireland, the Commission does not consider it a major factor in recommending IRV for Vermont. Negative campaigning in Vermont has not yet risen to the deplorable levels witnessed in some other states. Campaigns remain reasonably civil, if not actually informative. **Although negative campaigning has not yet become a widespread problem in Vermont, IRV may help protect campaign civility here.**

The Commission is also not convinced by the obverse of this argument, that IRV could "dumb-down" campaigns as candidates try to avoid taking controversial stands so as not to alienate potential second-choice transfers. Depending on the mix of candidates in a race, the Australian experience does indicate that candidates adjust their rhetoric so as to be considered as a

second-choice by voters that are not their core supporters. Does this accommodation reflect civility or timidity on issues?

It seems unlikely that IRV would encourage candidates to shy away from taking strong positions that differentiate themselves from the field. With IRV, no candidate can win simply by being everyone's *second-choice*. A candidate without enough first-choice votes gets eliminated under IRV rules and never gets to benefit from congenial transfers from unalienated voters. This suggests a strategy of trying to excite enough voters to give the candidate their first-choice votes while avoiding nasty campaign tactics that will sour supporters of other candidates: a campaign based on issues that make candidates stand out without the alienating impact of negative ads. Since candidates will not be expecting second-choice transfers from voters at the other end of the political spectrum, but rather from supporters of candidates nearer their own perspective, there is less reason to avoid taking clear stands on issues.

However, one of the factors that is cited by those who argue IRV reduces negative campaigning has little to do with appealing for second-choice votes. This argument is that negative campaigning is simply less effective in multi-candidate races. When there are only two credible candidates in a race, a smear ad campaign may not convince any voter to switch toward the originator of the negative campaign, yet still be successful. Negative ads are intended to 1) get voters to switch candidates and 2) dissuade the supporters of one's opponent from even bothering to vote at all. This is done at the calculated cost of repugnance, turning other undecided voters against the nasty campaigner. Creating cynicism toward politicians generally, and reducing voter turnout (particularly by your opponent's supporters) is a proven tactic, at least outside Vermont. In a race with multiple candidates, supporters of the smeared candidate have other candidates to switch to other than the originator of the negative ads. So the cost of going negative may not be counterbalanced by an equal pick-up of switchers.

## 11. IRV is simple for voters to use

When the IRV system is first explained, some assume it will be complicated for voters. However, to effectively utilize the system voters have no need to learn any of the intricacies of the transfer tabulation methodology, just as hardly any citizens really understand how the electoral college works (with recourse to election by Congress with one vote per state in the event of no majority). Among Vermont students who answered a survey question after participating in mock elections using IRV, 91% said the balloting was *not* too difficult and 90% said Vermont should switch to IRV<sup>9</sup>.

While it is true that any change in the status quo will require a voter education effort, there is nothing inherently complex in the voters' role in IRV. Vermonters are well acquainted with the procedure of ranking preferences on survey forms, for favorite sports teams, movies or other things. International experience, and the experience in the 23 U.S. cities that have used some form of preference voting this century, shows that ranking candidates is a task easily grasped by the electorate. Voters in countries using IRV or PR preference voting, such as Australia, and Malta, which have 95% voter participation rates, don't find it difficult. Citizens in Australia, Malta, and Ireland are not smarter than Vermonters, nor do those nations have levels of literacy significantly higher than Vermont's. Northern Ireland adopted the use of a preference ballot in 1998 as part of

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<sup>9</sup> For the student survey results, see Chart 2 in Appendix F.

the peace plan, and experienced minuscule occurrence of spoiled ballots with a far higher voter participation rate than Vermont.

The importance of the transition should not be ignored, however. In 1890, Vermont first adopted use of the "Australian ballot" (government-printed ballots listing all qualifying candidates). In the first election using this new system, in 1892, there was some protest of the new ballot. Much of the protest focused around inadequate preparation. Prior to this new system, voters could prepare ballots at home or simply pick up party ballots on their way to the polls. Voters had no need to mark their ballots. They simply had to deposit their ballots in the ballot box. Starting in 1892, voters had to go into voting booths and find the names of their preferred candidates and mark the right number of boxes depending on how many seats were being filled for each office. There were long lines waiting for ballots and spaces in polling booths, accompanied by many complaints. Rather than repealing the Australian ballot, the next legislature increased the number of polling booths the towns had to provide from one for each 75 voters to one for each 50 voters. **The transition to the modern "Australian ballot," a preference ballot, is a much smaller step than was the 1892 change.**

The voter education campaign necessary to ease the transition would cost only a fraction of the amount the state currently spends "educating" citizens to buy lottery tickets (the state's single largest communication effort with its citizenry). Also, due to the nature of such a campaign, unlike lottery advertising, free public service announcement slots would almost certainly be made available by the state media.

## 12. IRV ballot design<sup>10</sup>

Existing state law gives the Secretary of State authority to approve designs of ballots within guidelines. It is possible and desirable to redesign the ballot to allow voters to mark their ballots in exactly the same manner as they have in the past. The option of ranking alternate choices should probably be treated as an add-on section of the ballot. **Unlike Australian federal elections, Vermont should use optional preference voting as is done in New South Wales and other jurisdictions within Australia. This way, those voters loathe to change, could still mark their ballots as they are used to -- with the same amount of input into the outcome of the Governor's election as they ever had in the past.** Such voters would be forgoing the new power, unavailable under current law, to help select the winner in case there is no majority winner. Thus the traditionalist who refrains from ranking alternatives does not have a diminution of power, but simply is voluntarily not seizing an additional input opportunity.

A preference ballot can be designed with the goal of making it simple for the voter to understand and mark, or with the goal of making it easy for poll workers in those towns that do hand counts. For example, a ballot design that simply has the voter put a rank number next to each candidate is simple for the voter but may slow down the count since all candidates may have some mark next to their name, the counter will need just that much more attention to pick out the "1."

An alternate design that has a separate column of boxes or circles for indicating alternate choice numbers is quick and easy to count, since the first-choice stands out more. Another reason for having a separate column for alternate choices, is to help distinguish those races using IRV, in which voters are allowed to indicate alternate choices from those races voters are still limited to a first choice only. A design of this sort may also be necessary for machine-read ballots, so that

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<sup>10</sup> For some sample IRV ballots, see Appendix G.

indications of alternate choices are physically separated from that portion of the ballot where the machine scans for a first-choice mark. Of course, machine ballots are already different than hand-count ballots in Vermont. Finding the optimal point of balance between ease for the voters and ease for the counters will be a judgement call. While Cambridge, Massachusetts, uses a machine read preference ballot, most countries use a hand count ballot exclusively.

### **13. IRV will not create any increased burdens for local polling officials**

Some might worry that the retabulation of ballots will require local polling officials to stay up late into the night and impose an unreasonable burden. As proposed in H.665, none of the new retabulation responsibilities would be placed on local polling officials: They would do nothing differently than they do currently: counting first-choice preferences and reporting to the Secretary of State. There is no need to buy any new vote tabulating machines. All of the "complex" elements of IRV are proposed to be handled like a statewide recount: by a committee appointed by the court, sometime after the voting day. These "complexities" only come into play when there is no majority first-choice winner. In elections with an initial majority winner, there is no administrative burden or even cost in using IRV.

Recognizing that IRV for statewide races will cause no increased workload for local polling officials, John Cushing, chair of the legislative committee of the Vermont Town Clerk and Treasurers Association, testified to the House Local Government Committee that they have no problem with such a reform. Speaking personally, Mr. Cushing said he favored IRV since it keeps the election of the Governor "in the hands of the people."

Poll workers will likely need to answer more questions than usual during the first couple of elections using new IRV ballots. The voter education campaign, with sample ballots, would probably need to extend through the election day.

### **14. IRV and polling place efficiency**

As in the election of 1892, when Vermont first used the Australian ballot, it is reasonable to expect it will take some voters longer to mark a preference ballot for the first time. Of course, as long as voters understand that choosing alternate candidates is merely an option, rather than a requirement, this shouldn't be a significant concern. Indeed, some voters will be able to mark their ballots faster as they no longer need to stand with their pencil poised as they wrestle with their conscience about whether to vote for their favorite candidate or the "lesser-of-two-evils" candidate.

Other reforms, not currently being examined by this Commission, could further speed up the balloting process. Oregon has led the way in this country in the use of mail ballots. The concept of a voting day is being replaced with a voting deadline. Ballots are mailed to qualified voters who can fill them out in the privacy of their homes and either mail them back or bring them in to the polls on the deadline day. In some ways, this is akin to a return to the voting efficiency of pre-1892 Vermont, when no voting booths were even needed.

### **15. IRV will not generally delay election results**

Since it is not being proposed that Vermont poll workers perform the transfers and retabulations on election night, the concern is that the public will be upset with a new delay in getting results. The IRV retabulations would be carried out by a court-appointed recount commit-

tee at least a couple of weeks after the election day. However, in fact, the same amount of information, first-choice results, will be available just as quickly as under the existing system. **In races where there is a majority winner, IRV will not change the reporting time at all. In statewide races, where no majority is achieved by any candidate, IRV can provide *new* information that remains undiscovered with our current system -- that is, which of the candidates a majority of voters actually prefer.** In an age of instant gratification, some may argue that it is better to pick the plurality candidate and declare that person elected quickly than to worry about which candidate the majority of voters would have picked.

While technically there is no winner for any constitutional offices until the General Assembly convenes almost two months later, since only the General Assembly can certify a winner, as a practical matter, unless there is a recount, the winner in majority races is generally "known" the next day. However, in the case of Governor, Lieutenant Governor and Treasurer, when there is no majority winner, under our existing system the result is genuinely not known until January when the General Assembly votes by secret ballot. IRV would not change the constitutional fact that the winner is not official until January. As a practical matter, however, IRV will allow the voters and the members of the General Assembly to know if there is a candidate a majority of voters prefer, and thus which candidate will be declared elected, more than a month quicker than under existing law.

#### **16. IRV treats all voters equally and does not give extra clout to some**

When the procedure of IRV is described, some people figure that the supporters of the fringe candidates (those with the fewest votes) are getting two votes while supporters of the top candidates get only one vote. This is not true. Every voter has exactly the same clout with IRV. If there is no majority winner, the supporters of fringe candidates have their candidate eliminated while the supporters of major candidates get to keep their candidates in the running. **While the bottom candidates' voters have their ballots transferred to their second choices and counted a second time, the voters who favored the top candidates get to have their ballots remain with their favorite candidates and also counted again. This is the same logic that is used in a regular runoff.** In a regular runoff, it is those voters whose favorite candidate is out of the running that decide the outcome.

Another related confusion has to do with the notion that if low-ranking candidates were dropped in some different order, their ballot transfers could produce a different winner. This is not true. If the transfers from the bottom candidate(s) reveal a majority for a particular one of the top candidates, then it is a mathematical truism that no other candidate *could* have a majority (unless you had a perverse rule that eliminated one of the top two candidates first).

#### **17. IRV accommodates more candidates without vote splintering**

IRV completely eliminates the problem in our existing system of multiple candidates splintering constituencies resulting unrepresentative outcomes. Our existing winner-take-all plurality voting system provides a powerful disincentive for offering voters a range of choices. With current plurality rules, a third party candidate entering a race is most likely to help the candidate furthest from the third party's perspective, thus alienating potential supporters. In some cases, third parties have attempted to use this reality as a blunt instrument to extract concessions from major parties. The threat of running a candidate may elicit a change in a major party candidate's position, but only if the threat is plausible. New Mexico is a place where this threat is

more than merely plausible, with the Green Party now regularly denying Democrats what they may consider their "rightful" election in liberal districts. Since IRV eliminates this splintering effect, some third parties likely will feel freer to run candidates and voters will feel freer to vote their true preferences. This may be perceived as undesirable by major party leaders who do not understand the new dynamic of IRV. Multiple candidacies are only a problem if we use our existing plurality rules. With plurality rules, third parties are considered dangerous both to the major parties as well as to fair election outcomes (due to the vote splintering effect). **So, while IRV may open the door to third party candidacies, at the same time it eliminates the problem that third party candidacies may create in our existing system.**

#### **18. IRV does not favor or hurt any particular group**

**This reform does not give advantage or disadvantage to conservatives, liberals, major parties, or minor parties.** As evidence of the nonpartisan nature of this reform, note that among the sponsors of the 1998 instant runoff voting bill, H.665, were a conservative Republican, Rep. Dwyer, a moderate Republican, Rep. Little, a conservative Democrat, Rep. Howrigan, a liberal Democrat, Rep. Woodward, and a Progressive, Rep. Bouricius. This reform eliminates the concern about vote splintering or wasted votes. Voters have every incentive to vote their true beliefs -- their favorite candidate first, their next favorite second and so on -- because their ballot can still count toward a winner if their first choice loses. There also is no reason for voters not to rank as many candidates as they want, as a voter's lower choice will never help defeat one of that voter's higher choices.

#### **19. IRV would add no significant cost to running elections**

As proposed, for exclusively statewide races, there would be no changes for town clerks or local election officials. **If the first-choice votes result in majorities in an election, then this new system costs nothing. If some race requires instant runoff tabulations, the cost is the same as a recount** — just the minor cost of transporting the ballots to Montpelier and the retabulation — much cheaper and easier than a traditional runoff election.

There would be some small transition costs, including redesigning and testing the ballot before actual use, as well as a voter education campaign on how to use the new ballot. The cost of an education campaign should be small since public service announcements will certainly be made available by Vermont media. If the state spent a fraction of what it spends on promoting the lottery, to strengthen our democracy, this Commission believes it would be money well spent.

#### **20. The variety of runoff voting procedures**

A system with traditional runoff elections in the event of no majority is clearly more democratic than the existing plurality rule, but suffers from drawbacks that instant runoff avoids.

There are three kinds of runoffs. The first is the "new election" open to new candidates, with no formal process for the winnowing of bottom vote-getters. Some candidates might drop out of subsequent elections while other new candidates might join the race. This can and has led to time-consuming re-voting.

Vermont has had a long history with such new election runoffs. This is the procedure Vermont law required for state and federal legislative races until at least 1916. Both our U.S. and Vermont State Representatives used to need a majority rather than a mere plurality to win election.

#### Section 4. Discussion

In the case of towns' representatives, the ballot box would be opened and counted at 3:00 p.m. on election day and if there were no majority attained, the gathered townspeople would vote again, and again, sometimes for days, until someone got a majority. In the case of federal candidates, new elections would be scheduled a month or so later, sometimes repeatedly for months (even for over a year in one case) until a majority was achieved.

A modern two-round runoff election, rather than just being a new election, eliminates candidates who are deemed to have little chance of winning. **With the more common method, all but the top two candidates are eliminated.** This expediency assures that the runoff will end with a majority winner on the next ballot. We can term this "batch elimination." Runoffs are common in southern states but are rare in Vermont. It is used in some municipal elections, such as in Burlington. However, the Burlington City Charter is even more expedient. It allows a Mayoral or a City Council candidate to win with a plurality as low as 40% to avoid the hassle of frequent runoffs. If nobody reaches the 40% threshold, the top two candidates face off a month later. This batch elimination runoff is also specified in the Vermont General Assembly's joint rule 10 when electing members to such boards as UVM or state college boards of trustees.

**The third method involves dropping the bottom candidates one at a time in a series of runoffs.** This is the procedure set forth in state law (V.S.A. Title 17 sec. 2384) for a party committee to nominate a candidate to fill a vacancy on the general election ballot. This procedure does not have the difficulties of a runoff in a general election: there is no need to reassemble the voters at a future date, since all of the "voters" (members of the party committee present) simply remain in the room while the ballots are counted. If after two ballots no candidate has a majority, the bottom vote-getter is eliminated and balloting is repeated. Subsequent bottom vote-getters are removed until someone gets a majority. This same basic procedure is also used to elect party leaders in the U.S. House of Representatives (Rep. Dick Armey recently won re-election as majority leader from a field of four contenders on the third round, after the elimination of the bottom vote-getters, Rep. Hastert and then Rep. Dunn). This is a time-consuming, though probably the "fairest," procedure since, in a crowded field, it allows for the possibility that a third place candidate may actually be more popular with a majority of the voters than either of the first two candidates, depending on the nature of the vote split.

"Batch elimination," while less democratic, is more practical for general elections since it is unreasonable to call voters back multiple times if there happen to be many candidates. Instant Runoff Voting, however, does not face the problem of turning voters out for a re-vote, and thus is free to use the more democratic sequential elimination of bottom candidates. This is how it is utilized in Australia.

#### 21. IRV is superior to two-round runoff elections

In our society, for many reasons, it is hard to get many voters to pay attention to election campaigns. Unlike in a traditional two-round runoff election, voters only have to pay attention once with IRV. A traditional runoff extends the campaign season and can be met with a collective sigh of "Oh no, here we go again." **IRV increases the likelihood that the ultimate decision will be made at the election with the greatest level of citizen participation.** Runoffs tend to have a lower voter turnout, though there are, of course, exceptions. Imagine the turnout for a runoff for a more minor office such as state Treasurer. The winner of a runoff may get fewer votes than an opponent got in the original election, leading to doubts about the "will of the people," hobbled legitimacy, and lack of a perceived mandate.

Traditional runoffs are also costly, both to the taxpayer who must pay for the duplicate election and to the candidates who must resume campaign fund-raising and prolong the stress on their families and business lives. **The cost of ballot retabulation in the case of IRV is a tiny fraction of the cost of holding a new election.**

Traditional runoffs can also create doubts about candidates' sincerity as they change their message and repackage themselves based on their narrowed opposition, and the new perceived swing voters.

IRV eliminates one of the biggest confusions for many voters that traditional runoffs don't solve. When there are more than two candidates, many voters currently make a complex calculus of what candidate they want compared to what candidate they think can win and what candidate they don't want that might win if they "waste" their vote on the candidate they actually prefer. The complexity of this assessment frustrates many voters who may feel either resentment or shame in voting for what they see as the "lesser of two evils" while feeling forced to abandon their true preference. While IRV eliminates the need for this calculation, it persists in traditional runoffs that drop to the top two candidates.

In addition to retaining this complexity, traditional runoffs also introduce a new element of possible manipulation. If voters are confident that there will be a runoff, and their favored candidate will be in it, they may consider voting for the perceived "weaker" or more extreme, opponent in hopes that that candidate will make it to the runoff, knocking off the stronger opponent, and thus improving the chances of their favored candidate. This manipulation may not be widespread but it is certainly real. Witness Vermont's open primary in which voters whose party has no serious primary challenges vote in the other party's primary for the perceived weakest opponent. It is widely believed that this logic played a part in Fred Tuttle's U.S. Senate primary victory.

In Vermont, there is also a constitutional barrier to using traditional runoffs for electing a Governor, Lieutenant Governor or Treasurer. The votes cast to elect these officers must be cast at a single particular election, when Vermonters elect their state representatives, rather than at two separate elections. IRV simply retabulates those same ballots and thus does not run afoul of this restriction. Changing the constitution is extremely difficult. The time-lock on our constitution means that the soonest a change could take effect is for the elections of 2004.

## **22. IRV can comply with Vermont's Constitution**

The essence of this question revolves around Chapter II sec. 47 of the Vermont Constitution, which requires the General Assembly to elect a Governor, Lieutenant Governor, or Treasurer whenever there is no election by the people. Would IRV preempt the General Assembly and provide an alternative method of resolving the situation when there was no majority?

This would be unconstitutional if an IRV bill attempted to bypass the General Assembly's authority, but that can easily be avoided. Under existing law and under H.665 only the General Assembly canvassing committee appointed in January can declare a candidate elected. Under existing law and H.665, other bodies including a canvassing committee consisting of members appointed by the major parties and the court in the case of recounts or other challenges can advise the official General Assembly canvassing committee as to which candidate received "the major part of the votes." The actual voting method is not mentioned in the constitution and it has changed over time. The General Assembly may pass a law which defines in statute what

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**“the major part of the votes” means within any particular system of voting, whether that be instant runoff voting, or our existing system. If, after transfers, a candidate ends up with a majority, this can be legally defined as “the major part of the votes.” In this case, the election is not given to the General Assembly since the second controlling phrase, “[if] there shall be no election,” does not get activated. Since voting for alternative choices is proposed to be optional, it is still possible for there to be an outcome after the transfers in which there is still no majority, and with no candidate receiving “the major part of the votes” there would have been “no election” and the General Assembly would proceed to elect from among the top three candidates.**

Another constitutional question that might have been raised, as to whether the constitution allows voters to express more than one preference on a ballot, is answered definitively by precedent of other court challenges in states such as Ohio, Massachusetts and Michigan. In all cases, preference voting has been universally upheld. In some of these court challenges, it was unsuccessfully argued that IRV, or other preference voting systems, gave voters more than one vote and thus violated the one person one vote rule. This is wrong on several counts. First, the one person one vote rule simply is a shorthand description of equal voting power for each voter. Otherwise, at-large elections such as the Chittenden County Senate race where voters get six votes, or the two-seat representative districts, where voters get two votes, would be problematic. But more fundamentally, **IRV does not give voters more than one vote for Governor.** The name for preference voting systems used internationally and by political scientists is the “*single transferable vote*” (STV). The name describes the fact that there is only one net vote to be had, but that the vote for the candidate for whom it will ultimately count can be transferred. Even if one concluded, contrary to court precedent and political science understanding, that IRV did entail more than one vote, the specific wording in the Vermont Constitution is accommodating in that it uses the plural noun “votes” in describing the task of the voters to “bring in their votes for Governor...”

Finally, the changes envisioned by the use of IRV are far less troubling than the existing flagrant deviations from the voting procedure as far as it is described in sec. 47. The details that are no longer complied with are: 1. the voters “bring their votes for Governor, with the name fairly written.” (The ballots are now preprinted and provided by the polling officials as a result of the reforms of 1890, and preprinted party ballots have been deemed constitutionally acceptable since at least 1832. Also, voters are no longer required to “bring” in their votes, but may *send* in absentee ballots, contrary to an 1864 opinion of the Vermont Supreme Court.) 2. The Constable receives the ballots and seals them up. (The General Assembly long ago provided for a more practical secure and convenient polling procedure with local polling officials who are not constables.) 3. With no counting of the ballots, the constables “deliver them to the Representatives chosen to attend the General Assembly” in January. (Currently, the ballots are counted locally, a summary sheet is prepared and the results transferred to a return form which is delivered or mailed to the Secretary of State within 48 hours. Then a statewide canvassing committee, consisting of representatives of the major parties, reviews the return forms from all over the state and prepares a draft certificate of election for the use of the General Assembly.) 4. In January the General Assembly meets and appoints a committee to “receive, sort, and count the votes for Governor”, Lieutenant Governor and Treasurer. (The General Assembly does appoint a committee in January, but it never sees the votes, does not sort or count them, but instead reviews and adopts a report provided by the Secretary of State.)

All of these existing deviations from Constitutionally mandated procedures, however, are probably not “unconstitutional” in that the goals and purpose of section 47 is to assure a fair and honest determination of the voters’ will. The technologies and customs of the times

have changed markedly since the 1700's. Printed ballots are easily distributed, the mails are more reliable, voting machines can make the sorting of ballots unnecessary, etc. As the Vermont Supreme Court ruled in *Temple vs. Mead* (1832), when the use of printed ballots instead of handwritten ballots was challenged, Section 47 "was intended to secure to the freemen the privilege of voting for the officers therein named by ballot. . ." and the procedure of balloting may evolve with the times.

### 23. IRV faces no obstacle from federal laws or the federal constitution

For state elections, there is certainly no federal restriction. Many states and municipalities have used a variety of preference voting systems. But what about Vermont's federal elections, President/Vice president electors, U.S. Senators, and U.S. Representative? Is there a federal restriction on voting systems? There are some regulations, but none that would preclude IRV.

**The constitutional requirements are few.** They include: The requirement that Congress be chosen by the citizenry (Article I sec. 2: states "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States..."); that the state legislatures shall decide the voting system subject to override by Congress (Article I sec. 4: states "The Times, Places and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Place of chusing [sic] Senators."); that Congress shall rule on disputes over an election of a member (Article I sec. 5: "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members..."); **the voting system for selecting members of the electoral college is solely the responsibility of the state legislature except as to the timing,** (Article II sec. 1: The President and Vice-President shall "be elected as follows Each State shall appoint, in such manner as the Legislature thereof may direct, a Number of Electors, equal to [the number of Representatives and Senators combined]...The Congress may determine the Time of chusing [sic] the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.").

There are only two restrictions Congress has applied to how states conduct federal elections. The first restriction is a prohibition against electing U.S. Representatives from at-large districts of more than one seat. This is irrelevant for Vermont, as we currently have only one Representative, although that number is not set in the Constitution and could be raised by a change in the law that put a cap on the size of the House. The second restriction is an 1872 law that prohibits any state from holding a decisive election for a *federal* office on any date prior to the national date. This law was cited when the Supreme Court threw out a Louisiana voting system used from 1975 till this year, wherein an open, unitary primary, allowed a winner with more than 50% of the total vote to be declared elected in October without any November election. Neither of these restrictions would have any impact on Vermont's adopting IRV.

## SECTION 5. AREAS FOR FURTHER STUDY

Due to time constraints, the Commission is not making detailed recommendations in certain areas that could fall within the scope of our original charge.

While the Commission is familiar with the 1998 instant runoff voting bill, H.665, we did not delve into the details of its functioning. We recommend it generally, while leaving the drafting details to the appropriate legislative committees and legislative counsel.

The Commission is not making any recommendations about how the IRV ballot should be designed, other than that a balance must be struck between ease for the voter and ease for the polling officials. The Commission examined numerous ballot designs used around North America and around the world for both hand counts and machine-read ballots, and concluded ballot redesign should not be an obstacle to the adoption of IRV. The principles of good ballot design already exist in Vermont's statutes, which give authority to the Secretary of State to specify approved designs through rules.

Finally, while the Commission did take some expert testimony and did give some consideration to the use of preference voting in the election of legislators, we are not prepared to give a recommendation in this area. Arguments were made about the desirability and rejuvenation of our democracy that could result from the adoption of some form of proportional representation for the election of legislators. We do believe this is an area worthy of continued examination by the General Assembly (either by committee or special citizen commission). We agree with critics of our existing winner-take-all legislative races that such a voting system tends to under-represent minority voices within the "people's house" and thus constricts political debate and weakens public interest in electoral participation. The fact that the U.S. has, by far, the lowest rate of voter participation of any developed democracy is of great concern to us. Proportional representation is certainly an option that should be considered, but is beyond the limits of this report.

## APPENDIX A.

### H.R. 37 Vermont House Resolution relating to the creation of a Vermont Commission to Study Preference Voting

Whereas, plurality election rules in races with more than two candidates can result in a candidate opposed by a majority of the voters being declared the winner, and

Whereas, in 35 percent of all election years in Vermont, one or more federal or statewide races had a result less than a majority, and

Whereas, in 23 percent of all election years, the General Assembly had to intercede to elect one or more statewide officers, due to the lack of a popular majority, and

Whereas, 21 times in Vermont's history the Governor was elected by the General Assembly rather than the voters, due to a failure to achieve the constitutionally required majority of popular votes, and

Whereas, the General Assembly has often elected a statewide candidate who did not receive the greatest number of votes, and

Whereas, in one election year with no majority winner in the Governor's race, the General Assembly deadlocked and elected no Governor, forcing the Lieutenant Governor to serve, and in another election year with no majority in the Treasurer's race the General Assembly elected the third-place candidate who had received only three percent of the popular vote and who therefore refused to serve, leaving Vermont with no Treasurer, and

Whereas, recent presidential elections in Vermont with more than two candidates indicate that the existing plurality election rules cannot be certain to faithfully reflect majority voter sentiment, and

Whereas, the advent of public financing in certain statewide elections, beginning in the year 2000, could increase the likelihood of multiple viable candidates, and

Whereas, having more than two credible candidates increases the chances of there being no majority winner, and

Whereas, alternative voting systems that solve this problem through an instant runoff or single transferrable vote system are used in democracies around the world, including Australia and Ireland, and

Whereas, the house of representatives could benefit from a broad examination and public discussion of such alternative voting systems, now therefore be it

#### Resolved by the House of Representatives:

That there is created a Vermont Commission to Study Preference Voting that shall consist of a maximum of 12 Vermont residents, one-half of whom shall be designated by the Vermont League of Women Voters, and one-half of whom shall be designated by Vermont Common Cause and who shall represent a diversity of political parties, and include at least one resident under the age of 25, and be it further

Resolved: That the League of Women Voters and Common Cause shall forward the names and contact information of the commission members so designated to the Secretary of State who shall designate one member of the commission to act as convener for the first meeting at which the commission shall elect a chair, and be it further

Resolved: That the commission shall analyze possible impacts of public campaign financing as it relates to any increased likelihood of failures to attain majorities, and to review alternative voting systems, including the Australian single transferrable vote system and variants that would facilitate popular majority rule in single seat elections or representative outcomes in multiseat legislative elections, and be it further

Resolved: That the commission shall give its highest priority to an examination of those statewide races that will be eligible for public financing, and be it further

Resolved: That the commission is encouraged to seek the assistance of the political science departments at Vermont institutions of higher education, and be it further

Resolved: That the commission is encouraged to conduct mock elections, utilizing a preference voting system, and be it further

Resolved: That the commission shall report its findings and recommendations, including any draft legislation that it deems necessary to implement its recommendations, to the house of representatives by January 15, 1999, and be it further

Resolved: That the members of the commission shall not be entitled to per diem compensation nor expenses from the state of Vermont in connection with their duties, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Secretary of State, Vermont Common Cause and the Vermont League of Women Voters.

## APPENDIX B.

### Summary of 1998's H.665 - Instant Runoff Voting for statewide elections

Introduced by: Representatives Bouricius (P-Burlington), Dwyer (R-Thetford), Howrigan (D-Fairfield), Kendall (R-Woodstock), Little (R-Shelburne), Snyder (D-Pittsford), and Woodward (D-Johnson)

In the case where, under existing election laws, there would be no majority winner, instead, a retabulation of ballots using the instant runoff method is used to discover which candidate is actually preferred by the most voters. Put in the negative, Instant Runoff Voting assures that a candidate the majority of voters oppose is not inadvertently declared elected.

The ballot for statewide elections is redesigned, consistent with the existing principles, to allow a voter to rank each candidate in order of preference. [Sec. 3]

Voters have the option to rank candidates, but are not required to do so. Voters can mark ballots in exactly the same manner as in the past. There is no change in the conduct of the election. Local election officials will count first choice votes in the same manner as in the past, whether by hand or machine.

When the existing statewide canvassing committee meets (one member from each major party) they prepare a certificate of election for the candidate for each office who received a majority of first choice votes. If they discover that no candidate in a particular race received a majority of the first choice votes, instead of preparing a certificate of election for the non-majority plurality winner, they petition the court, in the same manner as a recount, to convene a runoff count committee to determine the actual majority winner. [Sec. 6]

The Instant Runoff Method mirrors the ballot counts that would occur if the voters participated in a series of runoff elections. In a regular runoff, voters who had selected the bottom vote-getter would have to pick from the remaining candidates. Likewise with instant runoff retabulation, without calling the voters back to the polls, the same result can be discovered by re-examining the preferences marked on the ballots. First choice ballots for candidates who are still in the running once again count towards those same candidates. Voters whose first choice candidate has been eliminated have their ballots transferred to each individual voter's next choice (the same as in a regular runoff). If there is still no majority winner, the successive bottom vote-getters are excluded and their supporters' ballots are transferred to the next choices that are still in the running. This process continues until there is a majority winner, or there is only one candidate left. In the extremely unlikely prospect that the last remaining candidate failed to win a majority, a report of no election is issued and the legislature elects as provided in the constitution (except for the federal offices where the final candidate is declared elected).

This bill would take effect in time for the November elections in the year 2000.

## APPENDIX C.

### History of Vermont Voting Systems

Unlike some states where voters once were required to loudly proclaim their choice of candidates in front of election officials, Vermont favored the use of the secret ballot from its very inception. Vermont's constitution has always required voters to "bring their votes for Governor, with the name fairly written." This language was the core of an early constitutional challenge to one of the early changes to our voting procedure. By the early 1800s, candidates, parties and newspapers were printing lists of endorsed candidates that voters could submit as a ballot. The Vermont Supreme Court ruled in *Temple vs. Mead* (1832), that the use of printed ballots instead of handwritten ballots was acceptable, since the language in Section 47 "was intended to secure to the freemen the privilege of voting for the officers therein named by ballot. . ." rather than to require any particular method of balloting. The same section of language was cited by the Vermont Supreme Court during the civil war to invalidate absentee voting by Vermont's soldiers away at war, using the logic that "bring" is not the same thing as "send." In the twentieth century this has obviously been reversed.

The biggest change to the procedure of voting in Vermont occurred at the end of the nineteenth century with the adoption of the "Australian ballot." Today the phrase "Australian ballot" is used to distinguish voting by a secret ballot as opposed to a face-to-face town meeting, but that is not what the term actually means. Prior to 1892, ballots listing only favored candidates were provided by candidates, parties and newspapers. The Australian innovation adopted by Vermont was the use of government-printed ballots that listed all qualifying candidates.

**Ironically, at the same time that Vermont started using the "Australian" ballot, Australia was beginning the process of abandoning it, in favor of the modern Australian ballot, which is a preference ballot used for IRV and PR elections.<sup>11</sup>**

In the first Vermont election using this new system, there was some protest of the new voting procedure. Formerly, voters could prepare ballots at home or simply pick up party ballots on their way to the polls. Voters had no need to mark ballots, they simply had to deposit them in the ballot box. Now the voters had to go into a voting booth and find the names of their preferred candidates and mark the right number of boxes depending on how many seats were being filled for each office. There were long lines waiting for ballots and spaces in polling booths, accompanied by many complaints. Rather than repealing the Australian ballot, the legislature increased the ratio of polling booths the towns had to provide from one for each 75 voters to one for each 50 voters.

The use of the Australian ballot also had implications for independent candidates and smaller parties. How was it to be decided which candidates to list on the official ballot? Unlike some states, Vermont has maintained a manageable petition threshold that allows any serious candidate to appear on the ballot. The major change in Vermont's ballot access laws was the adoption of state-sponsored party primaries in 1915.

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<sup>11</sup> For sample historic and modern Australian ballots, see appendix G.

*Appendix C. History of Vermont Voting Systems*

There have been a few small changes to Vermont's "Australian" ballot over the years. These include listing candidates in alphabetical order grouped by office, rather than by party, as is still done by some other states to facilitate straight party voting.

Some of the more far-reaching changes to Vermont's voting system have occurred in this century. The most well-known change, of course, is the change in what groups of citizens were included as part of the eligible voting pool! -- extending suffrage to women and young people between the ages of 18 and 21.

A less well-known but fundamental change has been the abandoning of the majority requirement to win election. The acceptance of plurality winners is a rather recent change in Vermont election law. For most of Vermont's history, all single seat races required a majority to elect. In the case of legislative seats, if there was no majority a new vote was held, repeatedly, until a majority was achieved. For Congress, this meant elections a month or so apart. For state representatives, it meant re-voting on into the night or the next day at a town meeting. The majority requirement was relaxed for most elections by 1916, allowing plurality winners after a limited number of re-votes. **Majority rule was finally repealed altogether for all offices, other than constitutional offices, only in 1940.**

The shift to the plurality rule came in the midst of a period of one-party predominance in which no statewide election was won by any candidate other than a Republican for over a century. Because of the hegemony of just one, and later two, political parties, this abandonment of one of the most basic principles of democracy -- majority rule -- went unnoticed. With only one or two choices, candidates were sure to win with majorities anyway. It is only with the reappearance of third party and serious independent candidacies since the 1970's that the potentially undemocratic results of plurality rule would again be a potential problem.

As State Archivist Gregory Sanford noted in his testimony to the Commission, Vermont has continually changed its voting system in response to political stimuli.

## APPENDIX D.

### The History of Vermont Elections Without a Majority

*Volume XXI of the State Papers entitled Vermont Elections 1789-1989, published by the Secretary of State, is the primary source for this section.*

#### Part 1. Election of State Officers

Vermont has had frequent and serious problems with the failure to popularly elect constitutional officers by a majority vote. Due to this failure of any candidate to attain a popular majority, statewide officers have been elected by the General Assembly, instead of by the people, 69 times in Vermont's history, including both Lieutenant Governor and Treasurer in the state's first election in 1778. This occurred 21 times in the case of Governor, 26 times in the case of Lieutenant Governor, 17 times in the case of Treasurer, twice for Auditor of Accounts, twice for Attorney General, and once for Secretary of State. The most recent such election was the 1998 lieutenant gubernatorial race. Since 1972, there have been 11 state officer elections with no majority winner. Of these 11 elections, 7 went to the General Assembly for decision.<sup>12</sup> The General Assembly had to step in to elect one or more statewide officers in 23% of all election years.<sup>13</sup>

In most cases, the General Assembly elected the candidate who had the highest popular vote total. In some of these cases, however, that plurality candidate may well not have been the preferred candidate of the majority of voters. Some examples: In nine gubernatorial elections in the 1840's and 1850's, if the popular vote totals of the Democratic candidate and the Free Soil Democratic Party or Liberty Party candidate are combined, they constitute a majority, yet the Whig candidate had a plurality, and was elected by the General Assembly. In 1912 the combined vote total of the Democrat (31%), Progressive (24%), Prohibition (3%) and Socialist (2%) candidates for Governor equaled 60% of the vote. The Republican, with just over 40% of the popular vote, however, was elected Governor by the General Assembly.

In a number of cases, the General Assembly elected a candidate who had come in second, or even third, in the popular vote. Some noteworthy examples follow. In 1789 Thomas Chittenden had 44% of the vote, but the General Assembly elected Moses Robinson instead, even though he had received only 26% of the popular vote. In 1813, although the Democratic-Republican Party candidate, Jonas Galusha, had the popular plurality and was just 155 votes short of an absolute majority, the General Assembly elected Federalist Martin Chittenden Governor by a vote of 112 to 111. The most recent example of the General Assembly's rejection of the plurality candidate occurred in 1976 when Republican T. Gary Buckley, who had come in second in popular vote was elected by a three-vote margin in the General Assembly over the plurality winner, John Alden. In this case, the candidate who had forced the

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<sup>12</sup> Until recent times the offices of Attorney General, Auditor of Accounts and Secretary of State, by statute, required a majority to be elected, or else be chosen by the General Assembly, the same as the constitutionally mandated offices. In the late 1970s this law was amended, declaring the plurality candidate elected.

<sup>13</sup> Biennial elections did not become the norm until 1870.

race into the General Assembly was Liberty Union candidate John Franco (to the left of both the Democrat and Republican), indicating a majority of the electorate would almost certainly have selected Alden instead of Buckley in a one-on-one or instant runoff election.

An election of special importance in the history of both the Republican and Democratic Parties of Vermont occurred in 1853. Contrary to common belief, the first Democratic Governor of Vermont was not Phil Hoff, but rather John Robinson, elected by the General Assembly in 1853. Robinson had come in a distant second in popular vote (38%). Whig candidate Erastus Fairbanks had 44% and Lawrence Brainerd, the Free Soil Democrat, had 18%. *After nine days and 26 ballots* the General Assembly finally elected the Democrat Governor and then went on to do likewise in the election of a Lieutenant Governor and Treasurer (in which races the Democrats had also come in second). There are two reasons noted for the General Assembly's rejection of the plurality candidate. First, Fairbanks, the incumbent Governor, had irritated many members of the General Assembly with his support for a temperance bill that had passed by one vote the previous year. And second, the Free Soil Democratic Party members of the General Assembly struck a deal with the Democrats that a Free Soil Democratic Party member would be elected Speaker of the House. The Free Soil Democratic Party leadership outside the statehouse, including defeated gubernatorial candidate Brainerd, repudiated the deal. The resulting split in the party led to the creation of the Republican Party in Vermont in 1854.

The most extreme examples of complete disfunction and breakdown occurred just two elections apart. In 1835 William Palmer, the Anti-Mason Party candidate for Governor, received 46% of the popular vote, Democrat William Bradley received 38%, and the Whig candidate, Charles Paine got 16%. After 63 ballots the General Assembly still could not select a Governor. **They finally adjourned for the year leaving the state with no Governor.** Lieutenant Governor Silas Jenison served in the absence of an elected Governor.

In 1837 there was no majority winner in the Treasurer's race. With the General Assembly deadlocked between the top two vote-getters, **they finally compromised by electing the third place candidate who had received a mere 3% of the popular vote.** This "winner," Norman Williams, refused to serve. But the joint assembly of the House and Senate had already dissolved. The House attempted to reconvene a joint assembly to fill the vacancy, but the newly created Senate refused. **The state went the year without an elected Treasurer.** The Governor, perhaps illegally, but pragmatically, picked Allen Wardner, who had not even been a candidate, to "supply the vacancy in that office, until the same can be filled in the manner directed by law or the constitution of the state."

## Part 2. Election of U.S. Congressional Representatives

In the case of election of federal officials, there has never been a provision for election by the General Assembly in the event of a failure to attain a majority. For most of Vermont's history, when there was no majority winner, new elections were held until some candidate received a majority. It often took many such runoff elections, month after month, to find the candidate most preferred by a majority of voters. The most extreme case was in Fourth Congressional District in 1830. It took ten new elections, spanning 18 months, to get a winner.

These new elections were not exactly "runoffs," as we know them, in that anyone could run in the new election, including candidates who had not even been in the original election. However, they often served as runoffs, as candidates who finished poorly in one round would often drop out or be abandoned by their supporters for more viable candidates. **In 26% of all biennial elections since 1791 there was no majority winner in one or more of Vermont's congressional districts.**

The election laws changed several times, making a chronologic analysis difficult. For example, for a few years in the early nineteenth century Vermont elected its Representatives to Congress<sup>14</sup> in at-large elections, with the top six candidates elected. Any analysis concerning attainment of a majority is confused by this voting system. In 1916 the majority requirement for this office was completely eliminated, but by then the Republican Party dominance was so overwhelming that hardly any elections were settled with less than a majority. The most recent election for Congress won with a mere plurality was in 1994, when Bernard Sanders won with 49.8%. In 1988 Peter Smith won the U.S. House seat with 41%. In that election, independent Bernard Sanders had 38%, and Democrat Paul Poirier received 19% with a bit over 2% divided among the remaining three candidates.

When Vermont held new elections as a result of no majority in the original election, the plurality winner more often than not ended up winning a majority in a subsequent runoff. However, in 16 elections the ultimate winner, eventually given a majority by the voters, was not the original plurality "winner." One noteworthy example of this occurred in Vermont's first congressional election in 1791. Matthew Lyon originally received 36% of the popular vote, Israel Smith had 35% and Isaac Tichenor got 29%. In the new election, Tichenor's total dropped to 2% and the original second place candidate, Smith, was elected with 68%.

In 1832, after the particularly protracted battle in the Fourth District in 1830-2, the General Assembly compromised the democratic principle of majority rule to avoid such stalemates and changed the majority requirement, so that whichever candidate was the top vote-getter after the second runoff, whether by majority or plurality, would be declared elected. This was further changed in 1848 to a single runoff. A single runoff, however, did not always allow for an adequate winnowing of candidates. In 1850, in Vermont's First Congressional District, A. L. Miner who had come in second in the original election with 31%, won the runoff with just 39% of the vote. The original election had had a field of four candidates. In the runoff, only the original bottom vote-getter, Democrat Merritt Clark (10%), withdrew, leaving a fairly even three-way split in the final election. The majority requirement and runoff elections for congressional races were dropped altogether in 1916. Since the Republican candidate in this era generally got 70 - 80% of the vote, the abandonment of a basic democratic principle hardly seemed significant for actual elections.

The direct election of U.S. Senators did not commence until 1914 with the Seventeenth Amendment to the U. S. Constitution. This was the height of the Vermont Republican era, so issues of a majority requirement were not considered. In modern times, however, (1974, 1976 and 1980) U. S. Senate elections in Vermont have been won with a plurality less than a majority.

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<sup>14</sup> At its peak, Vermont had six U.S. Representatives.

### Part 3. Conclusion

Looking at both federal and statewide elections, in 37% of all election years one or more races had a result less than a majority in Vermont. The fact that the state used to have runoff elections for at least some races, contributed to the reality that in most of these cases it is likely that the candidate preferred by most voters was ultimately elected. Vermont, however, no longer has runoffs.

The problem of plurality election rules has gone relatively unnoticed in modern time, first because of the hegemony of the Republican Party and most recently by the dominance of just two major parties. That reality, however, is now an anachronism. Recent presidential and state elections, with Perot-style and other independents have already returned us to the days of plurality rather than majority outcomes. Most importantly, the advent of campaign finance reform, with public financing, nearly assures there will be more than two credible candidates in many statewide elections. Quoting from an essay on the history of Vermont's elections,

*Each election brings to light new reasons to contest elections in Vermont, and we will never exhaust the possibilities, given the ingenuity of voters and the opportunities for conflict. The best we can do is strengthen the laws we have on elections, and on the critical steps that follow the casting of ballots in particular, so that Vermont elections will always be, in the words of the Constitution, "free and voluntary," and truly representative of the intent of the voters.<sup>15</sup>*

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<sup>15</sup> Paul S. Gillies, "A Short Popular History of Vermont Elections," in Christie Carter, ed., *Vermont Elections 1789-1989*, State Papers of Vermont, Vol. 21, Secretary of State, 1989, p. 49.

## APPENDIX E.

### The History of Instant Runoff Voting

The key to the development of instant runoff voting (IRV) was the invention of the single transferable vote (STV) in the 1850's by Thomas Hare in England and Carl Andrae in Denmark. The essence of STV is the concept that a citizen would have one vote in a particular contest, but that that vote might be transferred from one candidate to another according to each voter's ranking of candidates, depending on the aggregate result of other voters' ballots. Hare devised this balloting and counting procedure in creating a system of proportional representation.

IRV, however, is not a system of proportional representation. Instead, IRV uses the STV innovation in a winner-take-all context. Instant runoff voting, using a preference ballot, was invented by an American, W. R. Ware, a Professor at the Massachusetts Institute of Technology, around 1870. The first known use of IRV in a governmental election was in 1893 in Queensland, Australia. However, this was a modified version of IRV in which all candidates except the top two were eliminated in a batch rather than sequentially, as in the pure form of IRV. The "staggered runoff" concept that we understand today as IRV was first used in Western Australia in 1908.

IRV, called "alternative vote" in Australia, came to be used in most Australian legislative elections, although it was superseded by Hare's STV system of proportional representation for the federal Senate. IRV is still used for electing members of the lower house. IRV is also used in other nations, such as Ireland. In the United Kingdom, the Jenkins Commission, appointed by the new government, released their report October 29 that recommends the use of IRV for electing the House of Commons (with proportional representation achieved through the election of additional members based on the popular vote for parties nationally).

In the United States, IRV election laws were first adopted in 1912. Four states -- Florida, Indiana, Maryland, and Minnesota -- used versions of IRV for party primaries. Seven other states, used a different version of preference voting known as the Bucklin system. Bucklin was found to be defective as it allowed a voter's second-choice vote to help defeat a voter's first-choice candidate. With Bucklin voting, most voters refrained from giving second choices, and the intent of discovering which candidate was favored by a majority of voters was thwarted.

Of the four states with IRV, only the Maryland law used the standard IRV sequential elimination of bottom candidates, while the others used batch elimination of all but the top two candidates. After a series of primary elections in which alternate preference votes happened to play no role in determining the winner, this voting procedure was eclipsed in all four states. By the 1930's all of these preference voting systems had been replaced by other primary election reforms, including the use of a second, or runoff primary in the event of a non-majority outcome.

STV became a key element of the municipal reform movement of the 1920's, and eventually 23 U.S. cities adopted proportional representation for council and school board elections. In these cities, one would think IRV would have been a natural for electing a mayor,

since proportionality is moot with an inherently single seat election. Instead, the reform movement of the day pushed for abolishing the mayor's office, preferring a city manager form of government.

The next use of IRV in the U.S. came in 1975 in Ann Arbor Michigan. The presence in Ann Arbor of a third party, the Human Rights Party, created lively three-way elections with concerns about splintering the vote. The election of the first ever African-American Democrat as mayor on the strength of second-choice votes transferred from the Human Rights Party candidate, prompted an effort by Republicans, the beneficiaries of split liberal votes with plurality rules, to eliminate the system. A legal challenge failed as the court upheld the IRV law. Since, in this particular case, it was the incumbent Republican Mayor who would have won under the old plurality rules, the Republicans led a repeal effort.

Currently, several states in which third party politics are creating splintered vote situations for the major parties, IRV is being considered. In New Mexico, where the Green Party and Democratic Party have split the "liberal" vote, giving Republicans 43% plurality wins, the Democratic Party is actively pursuing IRV. In Alaska, where a Perot-style independent party has "spoiled" Republican races, the Republicans are interested in IRV. The New Mexico State Senate came close to approving a constitutional amendment in 1998 to allow IRV with a favorable vote in the Rules Committee and a tie vote in the subsequent committee. Unlike Vermont, the constitution of New Mexico specifies that the plurality candidate must be declared elected.

**The single transferable vote is a more common voting procedure in the U.S. than most of us realize. Even the Academy Awards uses STV in determining their finalists. The American Political Science Association (APSA), the organization of political science professors, uses IRV to elect their national president, since political scientists understand that IRV is the fairest and simplest way to elect a single winner from a field of candidates.**

## APPENDIX F.

### Mock Election Demonstrations using IRV in Vermont Schools

As resolved in HR.37, the established Commission observed the process of Instant Runoff Voting by conducting mock elections in various classes at six high schools and two junior high schools in Vermont. These mock elections were held during the months of September, October, November and December at Lamoille Union, Middlebury, West Rutland, Black River (Ludlow), U32 (E. Montpelier), Bellows Free Academy (St. Albans), Harwood Union (Duxbury), and Mt. Abraham Union (Bristol). Prior to the mock election, a brief presentation was held regarding HR.37, the history of Vermont elections and the history of IRV. Students were first encouraged to discuss the meaning of democracy. The majority of students recognized that the process of democracy has continued to evolve and develop internationally, in our nation and in the state of Vermont, and that different systems of voting may be discussed as being "more" or "less" democratic.

At the close of the presentation and discussion, students participated in both the voting and counting procedures of the mock IRV election. Students were given a ballot with four former United States presidents and asked to read the directions, printed as they might appear on an actual IRV election ballot. Various ballot designs were used to gauge how user-friendly they might be. In a few schools, the directions were read aloud to the students, as well. The students, then, proceeded to vote by ranking the candidates in order of preference. Four volunteer students collected and counted the ballots, counting the first-choice votes first. In most of the classes, no candidate received an initial majority of the votes. Students comprehended the process of transferring votes from the lowest ranked candidate and continued the process by redistributing the votes to find the candidate truly preferred by the majority of voters.

In some of the mock elections, the process of IRV revealed that a candidate who had not received the greatest plurality of initial votes, was the candidate actually preferred, over the plurality candidate, by the majority of the students.

At the close of class, students were given evaluation forms that were to be collected by the teacher and mailed to the Commission. As of this writing, five of the schools, representing 120 students have returned their evaluation forms. A copy of the evaluation form submitted to the students and a chart of the results of the evaluations, along with a copy of the actual mock election ballot, may be found in Chart 2 on page 35.

Of all students expressing an opinion, 91% said that marking the ballot was *not* "too difficult or confusing." (If junior high students are excluded, the figure rises to 93%.) Since the ballots were not explained to the students in detail, the Commission finds this very encouraging. In a real election, sample ballots that show how to mark the ballot should all but eliminate concerns about IRV's supposed complexity for the voters. **There is no evidence that voting in an IRV election is any more confusing than our current system.**

In the evaluations, 20% of the students said that their parents don't vote regularly, and of those who ventured a guess, 17% said they doubted they themselves would vote regularly once

they turned eighteen. The correlation of these two answers is impressive, with 100% of those who doubted they would vote reporting that their parents also do not vote regularly.

As to the question of whether IRV would encourage greater voter participation, 42 students, or 35%, said they would be more likely to vote if IRV were used, only four students (3%) said they would be less likely, with the rest indicating it would make no difference. Of the nineteen students who said that they would not vote regularly, once they turned eighteen, three students (or 16% of that group) said that they would be more likely to vote if Vermont had a preference voting system such as Instant Runoff Voting.

Of the 116 students expressing an opinion, **90% said Vermont should use Instant Runoff Voting.** As happened with the members of this Commission, once students understood how IRV works to restore the principle of majority rule, it is almost universally favored over our existing system.

Some of the classes also received a brief explanation of proportional representation in electing legislative bodies. Of the 84 students who answered the following question, "Do you think Vermont should consider using proportional representation for electing either its House of Representatives or its State Senate?" 93% said yes. The Commission did not feel it had sufficient time to adequately address this side of preference voting but suggests that this public enthusiasm warrants further examination of proportional representation by the General Assembly.

The four Commission members who observed the presentations and mock elections at the various schools all testify to the interest of the students in the Instant Runoff system, their recognition of the system as "more fair" or "more democratic," as well as their interest in the continued study of proportional representation by the Vermont State Legislature.

## CHART 2. Mock IRV Election Survey

120 students (85 high school / 35 junior high) from various Vermont schools  
 Percentages are of those expressing an opinion

1. Did you find marking your Instant Runoff Ballot too difficult or confusing?

	high school	all students
YES =	7% 6	9% 11
NO =	93% 79	91% 108
Total =	85	119

2. Do you think Vermont should use Instant Runoff Voting?

	high school	all students
YES =	90% 74	90% 104
NO =	10% 8	10% 12
Total =	82	116

3. Do you think Vermont should consider using proportional representation for electing either its House of Representatives or its State Senate?

	high school	all students
YES =	93% 69	93% 78
NO =	7% 5	7% 6
Total =	74	84

4. Do your parents vote in all, or almost all elections?

	high school	all students
YES =	76% 65	80% 96
NO =	24% 20	20% 24
Total =	85	120

5. Do you think you will vote regularly after you turn 18?

	high school	all students
YES =	76% 64	83% 95
NO =	24% 17	17% 19
Total =	81	114

6. Do you think you would be any more or less likely to vote if Vermont had a preference voting system such as Instant Runoff Voting?

	high school	all students
MORE =	46% 38	36% 42
LESS =	1% 1	3% 4
No Diff.=	53% 44	61% 71
Total =	83	117

**APPENDIX G.**

**Ballot A.**

**BALLOTING PAPER**

ELECTORAL DISTRICT OF THE MURRUMBIDGEE  
*Polling day the 2nd day of January 1875*

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NAMES OF CANDIDATES

THOMAS HODGES MATE

CHARLES DARBY BARDWELL

JOSEPH LEARY

WILLIAM FORSTER

Above is a reproduction of an 1875 Australian ballot from New South Wales. Vermont's adoption of the "Australian ballot" in 1890 was based on this concept of government-printed ballots that listed all qualifying candidates. This replaced the practice in which parties, candidates, employers, and newspapers provided ballots listing only the candidates they endorsed. With minor modifications (such as providing a box to check) Vermont has maintained this kind of balloting up to the present.


**Ballot C.**

**Instructions for Voter**

1. Mark your first-choice candidate by filling in the oval next to the candidate's name.
2. You may mark a different second choice, and third choice, by filling in the oval in line with each candidate's name, in the columns labeled "second choice," and "third choice."

Rank Your Choices For Governor	first choice	second choice	third choice
JANE CROSS, Republican	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
STEVEN PICHER, Democrat	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
PAUL TUCKER, Independent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Write in _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Ballot B.**



**BALLOT PAPER**  
**HOUSE OF REPRESENTATIVES**  
AUSTRALIAN CAPITAL TERRITORY  
ELECTORAL DIVISION OF  
CANBERRA

**Number the boxes  
from 1 to 6 in the  
order of your choice.**

- KELLY, Ros  
AUSTRALIAN LABOR PARTY
- KELLY, Sally Christine  
NATURAL LAW PARTY
- MYERS, Peter  
AUSTRALIAN DEMOCRATS
- TREVETHAN, Mike  
ABOLISH SELF GOVERNMENT COALITION
- ADAMSON, Greg  
ACT GREEN DEMOCRATIC ALLIANCE
- STEFANIAK, Bill  
LIBERAL

**Remember...number every box  
to make your vote count**

Australian Electoral Commission AEC

Above is a sample of a modern Australian ballot used for an IRV election. Australia abandoned the single-choice ballot (still called the "Australian ballot" here) 80 years ago, in favor of preferential voting.

At left, and on the next page, are a few alternative designs for a Vermont IRV ballot.

**Ballot D.**

**Instructions for Voter**

1. For each office mark your first-choice candidate by marking the box next to the candidate's name.
2. You may also indicate which candidates are your second choice, third choice, and so on, in case your first choice doesn't win, by writing the numeral "2", "3", and so on in the column labeled "alternate choice #" in line with those candidates' names.
3. You may indicate as many or as few alternate choices as you please. Making a second choice cannot help defeat your first choice, making a third choice cannot help defeat your first or second choice, and so on.
4. Do not mark the same number choice for more than one candidate running for the same office.

FOR GOVERNOR		first choice	alternate choice #
Mark only ONE first-choice box			
CHRISTOPHER BATES, Brattleboro, Libertarian	<input type="checkbox"/>		2
KAREN MICHAELS, Manchester, Republican	<input type="checkbox"/>		
ANTHONY TOWNSEND, Springfield, Independent	<input checked="" type="checkbox"/>		
SUSAN VANKAMP, Colchester, Democrat	<input type="checkbox"/>		3
Write in _____	<input type="checkbox"/>		

The voter likes Townsend the best, so marks the first-choice box by Townsend's name \*

The voter likes Bates second best, so writes a two here

The voter is neutral about VanKamp, but dislikes Michaels, so ranks VanKamp third.

\* A voter can write a number "1", or use an "x", a check, or other mark in the first choice box.

**Ballot E.**

**Instructions for Voter**

1. Vote for your most-preferred candidate by filling in the oval next to that candidate's name in the first-choice column.
2. You may indicate a second-choice, and third-choice (in case your first-choice candidate doesn't win) by filling in the oval in line with those alternate candidates' names, in the second-choice, and third-choice columns.

VOTE FOR GOVERNOR					
Your <u>FIRST</u> choice for U.S. Senator	1 <sup>st</sup>	Your <u>SECOND</u> choice for U.S. Senator	2 <sup>nd</sup>	Your <u>THIRD</u> choice for U.S. Senator	3 <sup>rd</sup>
DOUGLAS AMBROSE Newport, Democrat	<input type="radio"/>	DOUGLAS AMBROSE Newport, Democrat	<input type="radio"/>	DOUGLAS AMBROSE Newport, Democrat	<input type="radio"/>
SALLY GENOVESE Putney, Vt. Grass Roots	<input type="radio"/>	SALLY GENOVESE Putney, Vt. Grass Roots	<input type="radio"/>	SALLY GENOVESE Putney, Vt. Grass Roots	<input type="radio"/>
SEAN T. O'DELL Burlington, Progressive	<input type="radio"/>	SEAN T. O'DELL Burlington, Progressive	<input type="radio"/>	SEAN T. O'DELL Burlington, Progressive	<input type="radio"/>
PETER J. WHITTEN Richmond, Democrat	<input type="radio"/>	PETER J. WHITTEN Richmond, Democrat	<input type="radio"/>	PETER J. WHITTEN Richmond, Democrat	<input type="radio"/>

## Glossary of terms used in this report

**Instant Runoff Voting (IRV):** This is a voting system used to determine a majority winner in a single-seat race from a field of candidates. With IRV, each voter has one vote and ranks candidates in order of choice (1, 2, 3, etc.). All first choices are counted, and if no candidate wins a majority of first choices the re-tabulation of ballots simulates a series of run-off elections. The last place candidate (candidate with the least first-choices) is eliminated. Ballots of voters who ranked the eliminated candidate first are then redistributed to their second-choice candidates, as indicated on each voter's ballot. First-choice ballots for candidates still in the running are again counted for those favored candidates. Last place candidates are successively eliminated and ballots are redistributed to next choices until one candidate remains or a candidate gains over 50% of votes. IRV is not a system of proportional representation.

**Plurality election rule:** Under plurality elections, in a single-seat race, the candidate with the most votes wins even if that represents a minority of voters. With a field of five candidates, it is possible to win with as little as 21% of the vote, for example. Plurality winners may, or may not, be the most preferred-choice of a majority of the voters. For this reason, it is sometimes called "minority rule." Plurality election rules are common in the U.S. and Vermont.

**Proportional Representation (PR):** This refers to a variety of systems used for electing a legislature in which the number of seats a party wins is more or less proportional to the percentage of popular votes received. PR does NOT refer to a parliamentary system in which the executive branch of government is selected by the legislative branch. PR can be used to elect the legislature in either a parliamentary or a presidential system such as the United States'. PR is not part of this Commission's recommendations.

**Single Transferable Vote (STV):** This is a preference voting system in which voters rank candidates in order of preference. The single vote can be transferred from one candidate to another according to the voters' rankings, depending on the cumulative result of other voters' ballots. STV can be used for IRV winner-take-all elections, and in multi-seat PR elections. In IRV elections, ballots can only be transferred from eliminated candidates to candidates still in the running. In PR elections, ballots can also be transferred from the surplus of a winning candidate, who has surpassed the winning threshold, to voters' alternate choices so as to minimize the number of wasted votes and achieve overall proportionality.

**Winner-Take-All election:** In contrast to PR, winner-take-all refers to an election rule whereby the majority (or in the case of plurality elections, merely the largest faction) in a district receives 100% of the seats. Some offices, such as Governor, are inherently winner-take-all, since there is only one seat. All Vermont elections are currently winner-take-all. Winner-take-all systems tend to exclude minority voices from legislative debate.

*Alaska State House of Representatives*  
**STATE AFFAIRS COMMITTEE**  
*Representative Jeannette James, Chair*



Rm 102, Capitol Building, Juneau

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March 30, 1999

Following are copies of faxed testimony re: HB 141.

Summaries of these will be heard on teleconference.

# The Center for Voting and Democracy

PO Box 22411 A 94122-2411  
Tel. & FAX (415) 665-5044 hill@fairvote.org



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Wilma Rule

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Ed Still

Alex Willingham

### Executive Director

Robert Richie

### West Coast Director

Steven Hill

### National Office:

PO Box 60037

Washington, DC 20039

(301) 270-4616

(301) 270-4133 fax

fairvote@compuserve.com

www.fairvote.org

**TO: Barbara, staff person  
Committee of State Affairs**

**FROM: Steven Hill  
Center for Voting and Democracy**

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### COMMENTS:

**Barbara, here is my testimony for the committee hearing tomorrow.**



# The Center for Voting and Democracy

PO Box 22411

415-665-5044

Tel. &amp; FAX (415) 665-5044

hill@fairvote.org

**Board of Directors**

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Marian Spencer

Ed Still

Alex Willingham

**Executive Director**

Robert Richle

**West Coast Director**

Steven Hill

**National Office:**

PO Box 60037

Washington, DC 20039

(301) 270-4616

(301) 270-4133 fax

fairvote@compuserve.com

www.fairvote.org

March 29, 1999

**Testimony of Steven Hill, West Coast director, Center for Voting and Democracy**

In my capacity as the West Coast director of the Center for Voting and Democracy, I have conducted research into issues related to the election administration of Instant Runoff Voting (IRV) in Alaska. Previously, at the request of state legislators in New Mexico, I researched and wrote in January 1999 the comprehensive "Report on the Election Administration of Instant Runoff Voting in New Mexico," which was based on a survey of election administrators of all 33 counties in New Mexico, as well as interviews with the Secretary of State's office and vendors of voting machines in New Mexico. The Center for Voting and Democracy, which is a 501 (c)(3) nonprofit, nonpartisan educational organization that specializes in voting systems, authored a similar report in 1994 for Cambridge MA when Cambridge was exploring election administration issues associated with their use of a transferable ballot system similar to Instant Runoff Voting. The Center has also advised election administrators in New York City regarding their use of a transferable ballot system, the Department of Justice in its deliberations regarding voting systems in New York City and elsewhere, as well as numerous election officials and city councilors who are seeking information about voting systems.

I am the co-author of the book *Reflecting All of Us* (about voting system reform), published by Beacon Press in February 1999. I have published in various scholarly and academic journals, and co-authored scholarly papers on voting system reform that have been presented at academic conferences. In addition, my articles and commentaries on Instant Runoff Voting and other electoral reforms have appeared in the *Los Angeles Times*, *Wall Street Journal*, *The Nation*, *Ms.*, *Miami Herald*, *Christian Science Monitor*, *San Francisco Chronicle*, *San Jose Mercury News*, *Charlotte Observer*, *Sacramento Bee*, *Atlanta Journal-Constitution*, *Seattle Times*, *Albuquerque Tribune*, *Houston Chronicle*, *Arizona Republic*, *The Oregonian*, *Cleveland Plain-Dealer*, *Buffalo News*, *Fresno Bee*, *The Missoulian*, *Orange County (CA) Register*, *Arizona Daily Star*, *Cincinnati Enquirer*, *Hartford Courant*, *Casper (WY) Star-Tribune*, *Madison (WI) Capital Times*, *Long Beach Press-Telegram*, *Las Vegas Review-Journal*, *Wichita Eagle*, *The Record (Hackensack, NJ)*, *Roanoke (VA) Times* and many others.

The Center for Voting and Democracy, and myself as its West Coast director, are willing and ready to assist the state of Alaska and its Election Division in education and electoral administrative issues related to Instant Runoff Voting. The following research is based on various telephone conversations with personnel from the Elections Division in Alaska, personnel responsible for election administration in Cambridge MA (which uses a similar system as Instant Runoff Voting, with transferable ballots), personnel from Accuvote manufacture Global Election Systems, and personnel from LHS, a vendor of the Accuvote machines currently used Alaska. I have confined my comments strictly to electoral administration issues. For more information about Instant Runoff Voting itself, see Appendix A below. Here are my findings:

**Voting machines.** Alaska currently uses the same Accuvote machines, model ES 2000, used by Cambridge MA, in 275 out of 453 precincts. These 275 precincts contain approximately 85 percent of the registered voters in Alaska (the remaining precincts and voters use a hand count of ballots). The Accuvote ES 2000 is used by Cambridge MA to count its choice voting elections, which like Instant Runoff Voting employs transferable ballots.

However, the Accuvote machines used in Alaska utilize different software than the Cambridge Accuvote machines. The Alaska software is called Gems, which is a Microsoft Windows NT based platform, while the Cambridge software is called VTS, and is a UNIX-based platform. The manufacturer of the Accuvote machines, Global Election Systems, says that the Gems software is not presently programmed to handle transferable ballots like that used in IRV. The VTS software, however, is programmed and fully capable of handling transferable ballots like that used in IRV. However, Global Election Systems regards the Windows NT based platform as the more recent version of their software. They have not yet provided an estimate of what it will cost the state of Alaska to either: 1) program the Gems software to handle transferable ballots, or 2) install the VTS software (which can handle transferable ballots) into the Alaska Accuvote machines.

**Alternative Method.** Regardless of whatever figures Global Election Systems quotes for upgrading their Gems software or installing VTS software, there is another method for counting IRV's transferable ballots that would not require any change to the current Accuvote machines. In this method, voters would rank candidates on their Accuvote "bubble sheet" ballots, just like do in Cambridge MA. These ballots appear as a grid that lists candidates on the left side and a series of gray-shaded vertical columns to the right, one for each ranking. The bubble that corresponds with the voter's choice is darkened with a pencil. The instructions say, "Fill in the number one '1' oval next to your first choice; fill in the number two '2' oval next to your second choice, and so on."

Initially, all ballots would be counted for their first choice rankings only, which is exactly how Alaska conducts its elections now. Many, if not most, of the races will show a majority winner after this first counting, and for those races the winners can be announced, just as they are now. For those races that do not show a candidate with a majority, the Instant Runoff would be employed as a way to elect a majority winner in the quickest time possible. To accomplish this, all ballots would be transported to a centralized location, just as they are now for final certification and recount purposes. At the centralized location, second, third and subsequent rankings would be counted by hand to achieve a majority winner.

Counting the ballots by hand may sound like a slow and daunting task, but in actuality it would not be as onerous as it seems, nor need it take a long time to know who the winners are. Firstly, you will already have the first choice rankings for all candidates. For most of the IRV races, this will be sufficient information to release preliminary results about the eventual winner. For instance, let's say there are three candidates in a close race, and those three candidates are from the Republican Party, the Democratic Party and the Libertarian Party. Let's say, after the count of the first rankings the three candidates have the following totals: Republican Party candidate 44 percent, Democratic Party candidate 42 percent, Libertarian Party candidate 14 percent. In most cases, supporters of Libertarian Party candidates will rank

the Republican Party candidate ahead of the Democratic Party candidate, because there is usually a stronger ideological affiliation between Republicans and Libertarians than between Democrats and Libertarians. So a preliminary result can be announced that the Republican Party candidate will win a majority, pending final results and certification. The results would probably be different in the example above if the Libertarian candidate was replaced by a Green Party candidate. Then, a preliminary result could be announced that the Democratic Party candidate would most likely win a majority, because there is a stronger ideological affiliation between Democrats and Greens than between Republicans and Greens.

Most IRV races will display results that make announcing preliminary winners both doable and accurate. The Republic of Ireland and Australia have utilized this practice in their IRV elections for years without difficulty or problems.

In addition, while Alaska has approximately 250,000 voters for statewide offices, it is likely that there will be no more than 40,000 ballots that will need to be counted for second, third and subsequent choices. That's because most ballots will stay with voters' first choice rankings. Candidates with least first choice rankings are successively eliminated, and those ballots transferred to voters' second choices. There's no reason to expect that more than 40,000 or so ballots will need to be transferred before a majority winner is reached.

Also, this method will allow a smooth co-joining of ballots from the 275 precincts that employ the Accuvote machines with the other precincts in Alaska that currently use a hand count. Since there are so few voters whose ballots are completely hand-counted (only 15 percent of all Alaska voters), these ballots could be transported with the Accuvote ballots needed for second and third rankings to a state centralized location and counted. Or, for even faster results, you could have the hand count precincts deliver their first ranking results by a telephone call to the Director of Elections. These results would then be added to the Accuvote results, and preliminary results would be announced.

If Alaska is able to either upgrade its Gems software or install the VTS software and use its Accuvote machines for counting all rankings, then the results from the hand count precincts still could be smoothly integrated into the Accuvote results. Since so few votes are involved from the hand count precincts, preliminary results would be announced. Then, election administrators in the hand count precincts would count all their first choice rankings for each candidate. They would phone in these totals, and the state's chief of elections would add those results to the Accuvote results and determine if any candidate had received a majority. If yes, the election is over; if not, the chief of elections would relay to each election administrator in the hand count precincts which candidate had the least number of statewide first choice ballots, and that candidate would be eliminated. Election administrators would transfer the eliminated candidate's votes and then phone their new vote totals back to the chief of elections. This iterative process would continue, back and forth, until a winner was declared. In most races this process would not normally require more than a few rounds of phone calls, and could be completed quickly. The Republic of Ireland, which uses Instant Runoff Voting to elect its President, uses this iterative telephone process for its ballot counting.

**Conclusion.** A final determination regarding costs associated with either upgrading the Gems software or installing the IRV-capable VTS software needs to be attained from the manufacturer of the Accuvote machines, Global Election Systems. If this proves to be too expensive, there is still another method that may be employed that uses the current Accuvote machines just as they are. This method involves using a process similar to that employed for many years in the Republic of Ireland and Australia. This method is

doable and inexpensive. The Center for Voting and Democracy, and myself as its West Coast director, are willing and ready to assist the state of Alaska and its Election Division in education and electoral administrative issues related to Instant Runoff Voting.

## **Appendix A. How Instant Runoff Voting works**

Instant Runoff Voting (IRV) is a well-established voting system for electing a single winner from a field of candidates for a particular office. It provides an alternative to plurality elections and two-round runoff elections, the two most widely used single-winner voting systems in the United States.

In a plurality election, voters cast a vote for a single candidate. The candidate with the most votes (a "plurality") wins the election, whether or not that candidate has a majority (50% + 1) of the vote. In a two-round runoff, voters cast a vote for a single candidate in each round. If a candidate wins a majority in the first round (some jurisdictions use a lower pre-determined threshold, such as 40%), that candidate is declared elected. If not, then typically the top two finishers run again in a second round, and whichever candidate then wins a majority is declared elected. The two-round runoff has the advantage over a plurality election of selecting the candidate that is preferred by a majority of voters. However, two-round runoffs suffer from several primary disadvantages: 1) requiring candidates and election administrators / taxpayers to pay for a second election; 2) experiencing a change in voter participation and enthusiasm between the first and second rounds; and 3) forcing candidates and organizations to mobilize their supporters twice.

Instant Runoff Voting simulates a series of runoffs, but it does it all with one vote. Voters rank candidates in order of their preference, ranking their top choice first, their next choice second, and so on. The numbers of rankings may be unlimited or limited to two or more, depending on what the enacting legislation requires. Voters can rank as few or as many choices as they like.

After the polls close, all first choice ballots are totaled. If any candidate receives a majority of the first choice ballots, that candidate is elected. If no candidate gains a majority, then an "instant runoff" is initiated. The candidate receiving the fewest first choice ballots is eliminated, and ballots of voters that ranked the eliminated candidate first are transferred to their next-choice candidate, as indicated on each voter's ballot. Last place candidates are successively eliminated and ballots are transferred to remaining candidates until a candidate reaches a majority or one candidate remains.

The "instant runoff" process is analogous to holding a series of runoff elections, except the winner is determined in one election. Also, like two-round runoffs, every voter has more than one opportunity to express their preferences. With two-round runoffs, voters who vote for eliminated candidates select their next choice in the second round, and voters who vote for a continuing candidate usually stay with the same candidate in the next round. With Instant Runoff Voting, voters who rank first an eliminated candidate see their vote transfer to their next ranked choice, and voters who vote for a continuing candidate stay with the same candidate until that candidate is eliminated or wins.

There are many attractive elements about IRV, but its primary advantage over plurality elections is that the IRV winner has the support of the most voters, which cannot be definitively said of a plurality winner. Its primary advantages over a two round runoff are that a majority winner is reached with one election, saving money for taxpayers and candidates, and producing a winner without a drop in voter turnout.

With Instant Runoff Voting, there is no incentive to "bullet vote"—that is, rank only one candidate (though that is certainly a choice that a voter is permitted to do). Instead, there is every reason for a voter to rank as many candidates as she or he desires because a voter's lower choice can never help defeat one of their higher choices. A voter's ballot does not transfer to a lower choice until their higher choice has been defeated.

Minor variants on this system are possible in order to speed up the count. For example, if no candidate receives a majority of the first choice ballots, all candidates receiving less than a predetermined level (for example, 1 to 5 percent of first choice ballots) can be eliminated at the same time, and all of those votes transferred simultaneously. Also, jurisdictions using Instant Runoff Voting can limit the number of candidates a voter can rank for ease of election administration and voter comprehension, although a minimum of 3 choices is recommended to minimize wasted votes.

**Example:** In both 1992 and 1996, Bill Clinton was elected president with less than 50% of the popular vote. IRV could be used to elect a majority-winner. Here's how it could have worked.

#### The 1992 Presidential Election—a Simulation

Candidate	First Choice %	redistribute to 2 <sup>nd</sup> choice	Final Tally
George Bush	38%	+10%	= 48%
Bill Clinton	43%	+9%	= 52%
Ross Perot	19%	- 19%	X

Assume that, of the 19 percent of voters who ranked Ross Perot first, slightly more than half (e.g. 10% of all voters) ranked George Bush second on their ballots, and slightly less than half (e.g. 9% of all voters) ranked Bill Clinton second. When Ross Perot is eliminated, those votes are redistributed. Bill Clinton ends up with 52 percent of the overall vote, a clear majority, and is declared the winner.

Testimony of Robert Richie  
Executive Director, The Center for Voting and Democracy  
to the State Affairs Committee, Alaska House of Representatives  
March 30, 1999

Good morning. It is a pleasure for me to have the opportunity to speak to you this morning about such an important issue as House Bill 141, the legislation to implement preferential voting for most of your state and federal elections. I am executive director of The Center for Voting and Democracy. Based in Washington, D.C. our Center is the premier national organization to research and disseminate information on how election systems affect voter participation, governance and representation. We focus in particular on how to reform plurality elections to promote majority rule and higher participation. We are a 501(c)(3) educational organization.

I have been executive director of the Center for Voting and Democracy since 1992.

Among my activities at the Center are:

- addressing the Voting Section of the U. S. Department of Justice, the Texas Commission on Judicial Efficiency, the annual meetings of the National Association of Counties and the National Conference of State Legislatures and several groups of foreign dignitaries through the auspices of the United States Information Agency;
- testifying in special sessions before charter commissions in localities such as Nassau County (NY), Miami Beach (FL), Cincinnati (OH) and Detroit (MI) and before state legislative committees in Vermont, North Carolina and Washington;
- providing advice to state legislators and Members of Congress in drafting legislation relating to election systems and reapportionment;
- speaking as a panelist at national conferences of such other organizations as the Joint Center for Political and Economic Studies, U.S. Term Limits and National Black Caucus of State Legislators;
- appearing as a guest lecturer in numerous classes at such universities as Georgetown Law School, the American University School of Law, Princeton University and Duke University;
- working closely with our board and advisory board, members of whom include Arend Lijphart, 1995-96 president of the American Political Science Association, and leading electoral system scholars such as Douglas Amy, Matthew Shugart (UC-San Diego), Rein Taagepera (UC-Irvine) and Joseph Zimmerman (SUNY-Albany).

As regards House Bill 141, I will not presume to tell you whether preferential voting is the perfect system for your state. Nevertheless, I can discuss the following matters with great confidence: 1) how preferential voting works; 2) the history of preferential voting; 3) how and why preferential voting is gathering growing support around the nation and in other countries; and 4) specific matters relating to SSHB 141, such as the constitutionality of preferential voting in federal elections and minor suggestions for changes to the current language. I also want to stress that we will do whatever we can to help you answer any questions that arise in this hearing.

#### How preferential voting works

Preferential voting is a well-established voting system for electing a single winner from a field of candidates for a particular office. Note that the system has been called other terms as well. In the United Kingdom, where it recently was recommended by a high-level commission for elections to the British House of Commons, preferential voting is called "the alternative vote." In the United States, preferential voting is often called "instant runoff voting."

Each of these names suggest how the system works. "*Preferential voting*" is an appropriate name because voters are given the opportunity to rank order candidates in order of preference rather than just vote for one. "*The alternative vote*" makes sense because voters have an alternative selection if their first choice candidate is too weak to win. "*Instant runoff voting*" is derived from the fact that the method of counting ballots simulates a series of runoff elections, with the goal being a majority winner.

With preferential voting, each voter has one vote, but is able to express preferences for more than one candidate. The voters rank candidates in order of choice in a way that, for

them, is "as easy as 1, 2 3." Ballot-counting simulates a series of run-off elections. All first choices are counted, just as they would be in a traditional plurality elections. If no candidate wins a majority of first choices, however, the election is not finished. Instead, the last-place candidate -- the candidate with the fewest first-choices -- is eliminated. Ballots of voters who ranked the eliminated candidate first then are redistributed to next-choice candidates, as indicated on each voter's ballot. No one else's ballots are redistributed because their first-choice candidate is still in the running to win the election. Last-place candidates are successively eliminated and ballots redistributed to next choices until a candidate has won over 50% of votes or only one candidate remains.

The experience of other nations using preferential voting shows that the system is easy for voters. Voters of course can vote just as they do now, ranking only one candidate, but they now have additional options that in many ways make voting easier for them. Instead of making calculations about candidate viability and "wasted votes," they have every incentive to simply vote for their favorite candidate first, their next favorite second and so on because they know that their ballot can still count toward a winner if their first choice loses. They also know there is every reason for a voter to rank as many candidates as they want because a voter's lower choice will never help defeat one of their higher choices -- that is, because a ballot will never go to a lower choice unless one's higher choice has already lost.

There are strong arguments in favor of preferential voting. Three are mentioned in the accompanying letter written by Neal Jesse, a widely-published scholar at Scripps College in Claremont, California:

- It creates a mandate for the winner through that candidate's accumulation of a majority of the vote.

- It reduces the number of votes cast for losing candidates.
- It increases the number of choices available to a voter.
- The combination of the above tends to boost voter turnout.

As an additional argument particularly pertinent to primary elections, preferential voting undercuts the worst abuses of negative campaigning, as candidates will be aware that they may need to be the second-choice of supporters of other candidates.

Finally, note that while preferential voting simulates a runoff election, it has definitive advantages over traditional runoffs. For example, two-round runoffs: require taxpayers to fund for a second election; can vary greatly in voter participation and enthusiasm between the first and second rounds, particularly when the runoff is for a down-ballot office; and force candidates and organizations to mobilize their supporters twice.

#### The history of preferential voting

A key to the development of preferential voting was the invention of the single transferable vote (STV) in the 1850's by political theorist Thomas Hare in England. The essence of STV is the concept that a citizen would have one vote in a particular contest, but that that one vote might be transferred from one candidate to another according to each voter's ranking of candidates, depending on the aggregate result of other voters' ballots.

Hare devised the STV balloting and counting procedure in creating a system of proportional representation for which he received great praise from John Stuart Mill. Preferential voting, however, is not a system of proportional representation. Instead, it makes use of the single transferable vote innovation in a winner-take-all context. The preferential voting form of STV in fact was invented by an American, W. R. Ware, a Professor at the Massachusetts Institute of Technology, in 1870.

The first known use of a variant of preferential voting in a governmental election was in 1893 in Queensland, Australia. The "graduated runoff" concept that we understand today as preferential voting was first used in a public election in Western Australia in 1908. The system soon after was adopted to elect the Australian house of representatives, which is the main seat of power in the nation. Preferential voting is widely popular in Australia. The system also is also used in the Republic of Ireland for its presidential elections, while the proportional representation variant is used to elect the parliament. Both uses of preferential voting are well-established and very unlikely to be changed, as suggested in the attached letter from the chief election administration official in the 1997 presidential race in Ireland.

Preferential voting has been debated in the United Kingdom for decades, and twice this century was nearly adopted for electing the House of Commons. Most recently in the United Kingdom, a high-level commission (headed by Roy Jenkins, one of the nation's most influential politicians) released a report in October 1998 that recommends preferential voting for electing most seats the House of Commons. The Jenkins Commission proposal almost certainly will be put before the voters in a national referendum within three years; in the meantime, preferential voting will be used to elect the first elected mayor of London in the year 2000.

In the United States, preferential voting was used in 1975 in Ann Arbor Michigan. The presence in Ann Arbor of a third party, the left-leaning Human Rights Party, had create lively three-way elections that had resulted in splintering of the Democratic Party's vote. After the adoption of preferential voting, the 1975 defeat of the Republican mayor by a Democrat -- very clearly on the strength of second-choice votes transferred from the Human Rights Party candidate -- prompted backers of the former mayor to push to eliminate the system. A legal challenge failed as the court upheld preferential voting, but the combination

of the costs to this city of the legal challenge, the bitter partisanship behind the results of the very first preferential voting election and a poorly administered election created conditions for the system's repeal in a subsequent special election.

The proportional representation variant of preferential voting has been used to elect the city council and school committee in Cambridge, Mass. The main lessons to be drawn from that experience for those interested in preferential voting are: 1) voters clearly can handle the opportunity of ranking candidates, as there are very few spoiled ballots and voter turnout is higher than in similar jurisdictions near Cambridge; 2) the election administration can be modernized, as Cambridge has fully automated its ballot-count, which my colleague Steven Hill will discuss later.

Among private organization elections using preferential voting, perhaps the most instructive is the American Political Science Association (APSA), the organization of political science professors. The APSA uses IRV to elect its national president because political scientists are more likely than any to be aware of their options in selecting the fairest and simplest way to elect a single winner from a field of candidates.

#### The recent rise in interest in preferential voting

Just in the past two years there has been a surge of interest in preferential voting in the United States. In New Mexico this year, the state senate passed a constitutional amendment very similar to your House Bill 141. The bill stalled in the state assembly, largely over concerns relating to election administration; my colleague Steven Hill can discuss this debate later, if you wish, and how steps have been taken to resolve the election administration questions. In Vermont, a cross-partisan commission established by the legislature in 1998 in early 1999 made a unanimous recommendation for preferential voting

for federal and statewide elections in Vermont; this year's bill has gained impressive bipartisan support, but most likely will not get to the floor of either house for a vote until the year 2000.

We also know of legislation that has been introduced or will shortly be introduced in Massachusetts (where a one-party district's congressional primary was won last year with only 23%, sparking much talk of reform); North Carolina (to replace current two-round runoff's used for primary elections, as it true in all southern states); Oregon; Pennsylvania; and Texas. None of these states had debated preferential voting legislation before 1997 as far as we know.

I believe that the major reason for this surge in consideration of preferential voting legislation is that information about the system is reaching more decision-makers. To know about preferential voting seems typically to lead to appreciate it. This seems to be particularly true in the light of current conditions in our politics: shrinking voter turnout; increasing participation by minor party and independent candidates; and excessively negative campaigning that drives good people from participation in politics.

Exercises recently carried out in Vermont -- in which junior high school, senior high school and college students were able to use preferential voting in mock elections -- are quite encouraging. These young people overwhelmingly preferred preferential voting to current methods of voting and had a near-perfect validity rate in voting with the system. As to the matter of increasingly fractured candidate fields, note the attachment that we produced in early 1998 on governors around the nation. At that time, nearly half of all governors had been elected by less than a majority in of their gubernatorial races.

The dawn of a new century -- which in this case, is a new millennium -- is helpful for drawing attention to first principles. Limiting voters to a single choice is an unnecessary

restriction that puts limitations on our democracy itself. Preferential voting's simple change -- allowing voters to express the preferences they already have -- is beginning to capture the imagination of a broad range of elected officials and civic leaders. I look forward to Alaska voters being the first in the nation to have a freedom to fully express their choices that I suspect someday will be a nearly universal right in American elections.

#### Addressing specific issues of SSHB 141

I wanted to add the following the following comments about SSHB 141: 1) answering any concerns people might have about the legality of adopting SSIIB 141 for federal elections and 2) recommending minor changes in the statutory language of SSHB 141.

On the matter of whether states can adopt preferential voting for federal elections within that state, the Center has assisted with research for a current bill in the Vermont state legislature to use preferential voting for federal and state offices. At our request, the Brennan Center at New York University Law School (which specializes in election law) researched this question and came to the following conclusion:

It appears likely that the proposed system would be held to accord with the U.S. Constitution as well. Although the Constitution requires that the qualifications to elect U.S. Representatives and Senators be the same as to elect members of the most numerous branch of the state legislature, art. I, 2; amend. XVII, the Constitution does not specify whether the same procedures must be followed for federal and state elections. Instead, the Election Clause of the U.S. Constitution, art. I, 4, cl. 1, provides that "[t]he Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations." This Clause "invests the States with responsibility for the mechanics of congressional elections," provided "Congress declines to preempt legislative choices." *Foster v. Love*, 118 S. Ct. 464, 466 (1997). The Court has held that the powers delegated to the states under this clause includes the power to pass regulations regarding

the counting of votes, such as a statute governing recounts. See *Roudebush v. Hartke*, 405 U.S. 15, 24-25 (1972); see also *McIntyre v. Fallahay*, 766 F.2d 1078, 1085-1086 (7th Cir. 1985) ("rules for counting and not counting ballots . . . are presumptively rules of state law" unless overridden by Congress). Congress has not prohibited the use of Instant Runoff Voting or majority requirements more generally. Cf. *Public Citizen, Inc. v. Miller*, 813 F. Supp. 821, 828-31 (N.D. Cal. 1993) (statute requiring a majority for election as U.S. Senator does not violate federal statutes governing the timing of senatorial elections even though it required a runoff election held after the statutorily mandated day for federal elections), 992 F.2d 1548 (11th Cir. 1993). The proposed IRV system also appears to conform to constitutional requirements regarding presidential elections, such as the use of electors and the requirement of a uniform election day. U.S. Const., art. II, 3-4, amend. XII; see also art. II, 2 ("[e]ach State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors")."

As far as changes in SSIIB 141, here are my suggestions:

- Section 2 (c), line 12: I would modify the sentence to read "If no candidate as a majority (*meaning 50%, plus one vote*) of the *valid* first-choice votes, further...." -- This change will clarify what could be uncertain to some people.
- Section 2 (c), line 01: "the election board shall the second *or subsequent* choices votes...". -- This change will clarify that ballots will go to a third or lower choice if a second choice candidate already has been eliminated.
- I would add a provision that would allow election administration officials to drop all very weak candidates simultaneously rather than transfer their ballots candidate-by-candidate. The Republic of Ireland goes so far as to drop any grouping of candidates whose total vote is less than the next highest candidate. Alternatively, all candidates with less than one percent of the vote could be dropped simultaneously.
- I would add a provision to clarify how to handle any ties that take place during the count. For example, it could read: "For ties between candidates occurring at any stage in the tabulation, determinations shall be made based on whomever was credited with the most votes at the previous stage of tabulation. In the case of any tie to which a previous stage does not apply, the tie shall be resolved in accordance with the general election laws of the state of Alaska."
- I would consider including provision for education for citizens and for polling officials about preferential voting. I am confident that voters will like the new system, but it is important that they receive clear information about it. There are good models for such voter education material from other nations.

- I would make sure that preferential voting is consistent with any laws you might have regarding ballot access for parties. The key point is to have any ballot access that is tied to a statewide vote total threshold be based on the party's share of first-choice votes.

Once again, thank you for inviting me to speak with you, and I look forward to answering any questions today and having our Center be a resource to you in any way we can in the future.

**Attachments:**

- Pages 1-2: Two-page letter from Peter Greene of the Republic of Ireland
- Pages 3-5: A Center for Voting and Democracy factsheet on gubernatorial elections won by plurality in the 1990s.
- Page 6: Letter from Professor Neal Jesse, assistant professor at Scripps College in California
- Pages 7-8: A listing of scholars and civic leaders directly linked with our Center



29 March 1999

AN RANN COMHARLAIR

AN LE DIALTAN ANNUIL

DEPARTMENT OF

THE ENVIRONMENT AND

LOCAL GOVERNMENT

Mr Robert Richie  
Executive Director  
Center for Voting and Democracy  
PO Box 60037  
Washington DC20039

TEACH AN CHUIGHEAN

BARRÉ ÁTHA CLATH I

CUSTOM HOUSE DUBLIN 1

TELE 01 479 2397

FACS 01 876 2710

TELEX 31016

OTN 9 1 08

Dear Mr Richie

I was the Presidential Returning Officer for the 1987 Presidential election in Ireland and I am presently responsible for the Franchise Section of the Department of the Environment and Local Government, whose functions include monitoring the various electoral legislative codes for the various elections and referenda in Ireland.

At the 1997 Presidential election, there were five candidates. The election system used at the Presidential election was the single transferable vote which is called the "alternative vote" in some countries and I understand it is called the "instant runoff voting" in the United States. At the 1997 election, none of the five candidates exceeded the quota (majority of the first preference votes) at the first count. The three candidates with the lowest number of first preference votes were then excluded and their second preference votes transferred to the two remaining candidates. At the second count, a candidate received sufficient transfers to bring her total votes over the quota and was therefore elected.



At the election, 1,279,688 electors voted in about 3,500 polling stations throughout the country. Counting of votes commenced at 9 am on the day after polling day and the result was declared at 9 pm approximately. The declaration of the result would have been earlier but there was also a referendum held at the same time. The segregation and verification of ballot papers in the ballot boxes was longer than would be in the case with a single poll. Counting of ballot papers in Ireland is a manual exercise. If electronic voting was used the result would be declared within one or two hours of the close of poll. The 1997 election was not typical of previous Presidential elections as it was the first time that there were five candidates. Two candidates would be more typical.

In Ireland the electorate do not have any major difficulties with the PR/STV voting system which is used at all statutory elections. As you may be aware PR/STV is not the proper description of the Presidential election (or at a bye-election for the Irish Parliament (Dáil)) as there is only one person elected. Two referenda were held in 1959 and 1968 to change the STV/PR voting system but the proposal was defeated on both occasions. A major report in 1996 entitled 'Report of the Constitution Review' stated "the present PR/STV system has had popular support and should not be changed without careful advance assessment of the possible effects."

Yours sincerely



P Greene

*A Center for Voting and Democracy Factsheet***Plurality-Elected Governors: February 1998**

*Following is a survey of current governors who won with a plurality in at least one of their primary or general gubernatorial elections. Of 47 governors who were elected (three others were appointed), 22 -- nearly half -- won a plurality victory, including 14 in a general election. Some governors have won more than one election by plurality; Christine Todd Whitman (NJ) has had three plurality victories. Two governors (in Georgia and Mississippi) avoided plurality wins because of laws requiring runoffs in primary elections. Other governors -- in Maryland and Florida, for example -- probably avoided pluralities in general election wins due to restrictive ballot access laws that kept independent and minor party candidates off the ballot.*

**Alaska: Tony Knowles (D)**

1994      General      41%

*Knowles won by 536 votes out of more than 211,000 cast.  
An independent was elected with 39% in 1990.*

1994      Primary      44%

**Arizona:** *Note that in 1997, Fife Symington (R) resigned. He had been elected in his 1990 primary with 44%. He then won a runoff in the general election with fewer votes than he won in the election that forced the runoff. Arizona had established general election runoffs after controversial governor Evan Mecham was elected with 40% in 1986.*

**California: Pete Wilson (R)**

1990      General      49%

**Connecticut: John Rowland (R)**

1994      General      36%

*Four candidates won more than 10% of the vote. Lowell Welcker had been elected governor in 1990 with only 40%.*

**Hawaii: Benjamin Cayetano (I)**

1994      General      37%

*Three candidates won at least 29% of the vote.*

**Idaho: Phil Batt (R)**

1994      Primary      48%

**Kansas: Bill Graves (R)**

1994      Primary      41%

Kentucky: Paul Patton (D)

1995 Primary 45%

Louisiana: Mike Foster (R)

1995 Primary 26%

*Louisiana has an open primary system in which the top two finishers face off, regardless of party. If no candidate wins 50%. Four candidates won at least 18% of the first-round vote in 1995. In 1991, former Ku Klux Klan leader David Duke won a place in the runoff with 32% of the first-round vote.*

Maine: Angus King (I)

1994 General 35%

*Independent King defeated Democrat Joseph Brennan by 1%. Maine's previous governor John McKernan, Jr. won his two gubernatorial elections with 40% and 47%.*

Michigan: John Engler (R)

1990 General 49.8%

*Although near a majority, Engler won by less than 1%.*

Minnesota: Arne Carlson (R)

1990 Primary 32%

*Carlson lost this primary, but two weeks before the general election, he replaced the original Republican nominee who had withdrawn from the election.*

Nebraska: Benjamin Nelson (D)

1990 General 49.9%

*Although close to a majority, Nelson won by only 4,000 votes.*

Primary 27%

*Nelson defeated the runner-up by 42 votes in a primary in which four candidates won at least 19%.*

New Jersey: Christine Todd Whitman (R)

1997 General 47%

1993 General 49%

1993 Primary 40%

New Mexico: Gary Johnson (R)

1994 General 49%

Primary 34%

*Johnson defeated the runner-up by barely 1,000 votes.*New York: George Pataki (R)

1994 General 49%

Oklahoma: Frank Keating (R)

1994 General 47%

*Three candidates won at least 23% of the vote. Oklahoma also had a plurality-elected governor in 1986.*Oregon: *Note that in 1990, previous governor Barbara Roberts was elected with 46% in a three-way general election.*Pennsylvania: Tom Ridge (R)

1994 General 45%

Primary 35%

*Four candidates won at least 14%.*Rhode Island: Lincoln Almond (R)

1994 General 47%

Utah: Michael Leavitt (R)

1992 General 42%

*Three candidates won more than 23% of the vote.*Washington: Gary Locke (D)1996 Primary 45% (*estimate among Democrats in open primary*)West Virginia: Cecil Underwood (R)

1996 Primary 41%

Wyoming: Jim Geringer (R)

1994 Primary 43%



SCRIPPS  
THE WOMEN'S COLLEGE  
CLAREMONT

1030 COLUMBIA AVENUE  
CLAREMONT, CALIFORNIA  
91711-3948

TEL: (909) 621-8000  
FAX: (909) 621-8323

Rob Ritchie  
Director  
Center for Voting and Democracy

March 29, 1999

Dear Mr. Ritchie,

I write this letter to you expressing my support of the single member district, preferential voting system (called the Alternative Vote in Australia and the Instant Run-off Vote in the United States). My support is based on my past and continued research on preferential voting systems. In particular, I have published a number of articles and presented over a dozen conference papers on the use of preferential voting systems in Australia, Ireland and Malta.

The Alternative Vote is a credible electoral system that the Australian House of Representatives has used for most of this century. The main advantages of the system are 1) the creation of a mandate for the winner (through the accumulation of 50% + 1 of the vote), 2) a reduction in the "wasted vote" typically seen in plurality elections, 3) an increased number of choices for the voter and 4) greater voter participation. Also, the administration of the system is in no significant manner more complicated or costly than in typical plurality elections.

If I can be of any additional service, please feel free to contact me.

Sincerely,

Neal G. Jesso  
Assistant Professor

Department of Politics and International Relations  
Scripps College  
1030 Columbia Avenue  
Claremont, CA 91711-3948

[njesso@scrippscollege.edu](mailto:njesso@scrippscollege.edu)  
ph: 909-607-3540  
fax: 909-621-8323

### The Center for Voting and Democracy and Scholars

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Nicolaus Tideman: Professor, Virginia Tech University  
Richard Timpone: Professor, SUNY-Stony Brook  
Robert Warren: Professor, University of Delaware  
Denise Zeck: Director, American Forum  
Joseph Zimmerman: Professor, SUNY-Albany

\* Note: use of "professor" does not make distinctions between full professors and others. Professors listed are mostly in political science/government, but some are in economics, urban affairs and philosophy. Most have published in the area of comparative electoral systems or at least taught the subject in their classes. The Center also is close communication with many other academics, attorneys and public interest leaders.

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. CSSSHB141(STA)

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Office of the Governor  
 Title An Act relating to preferential voting BRU Elections  
 Component \_\_\_\_\_  
 Sponsor Representative Kolt  
 Requester House Finance Committee Component Serial No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual	1,872.0	535.0	35.0	535.0	35.0	535.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>1,872.0</b>	<b>535.0</b>	<b>35.0</b>	<b>535.0</b>	<b>35.0</b>	<b>535.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,872.0	535.0	35.0	535.0	35.0	535.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>1,872.0</b>	<b>535.0</b>	<b>35.0</b>	<b>535.0</b>	<b>35.0</b>	<b>535.0</b>

Estimate of any current year (FY99) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

The \$1,872.0 includes the following: \$290.0 for increase in ballot printing costs; \$250.0 for programming enhancements to the GEMS software; \$1,092.0 for the purchase of 168 Accu-Vote precinct tabulators; \$40.0 for voter education/advertising; \$50.0 for an increase in election worker training; \$80.0 for an increase in postage and shipping; \$45.0 for additional election worker payments; \$25.0 for a contract with an outside accounting firm.

The division believes that in order to get the most accurate and quickest results, an Accu-Vote precinct tabulator must be purchased for the 168 hand-count precincts. If an Accu-Vote is not purchased in each hand-count precinct, the inaccuracy and timeliness of the ballot count will increase significantly. The division would prefer to deal with the logistics of shipping and storage of the additional Accu-Vote units versus the increase risk of counting errors in the 168 hand-count precincts.

Prepared by Gail Fenumiai *Gail Fenumiai* Phone 465-3935  
 Division Division of Elections Date/Time 4/6/99 9:42 AM  
 Approved by C. Lt. Governor Fran Ulmer *Fran Ulmer* Date 4/6/99  
 Agency Office of the Lieutenant Governor

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Fiscal Note - CSSH 141(STA)  
Prepared by the Division of Elections, 4/6/99  
Page 2 of 2

Analysis continued

The subsequent year funding includes: \$290.0 for ballot printing; \$35.0 for equipment maintenance; \$20.0 for voter education/advertising; \$40.0 for training; \$80.0 for postage/shipping; \$45.0 for election worker payments; \$25.0 for a contract with an outside accounting firm.

Re: fiscal notes

**Subject:** Re: fiscal notes  
**Date:** Thu, 25 Mar 1999 10:52:16 -0900  
**From:** Barbara Cotting <Barbara\_Cotting@legis.state.ak.us>  
**Organization:** Alaska State Legislature  
**To:** Shari Kochman <shari\_kochman@gov.state.ak.us>

Shari Kochman wrote:

> thanks for getting these in so early.  
> will take care of them.  
>  
> Barbara Cotting wrote:  
> >  
> > I have scheduled the following bills for hearing in House State Affairs  
> > on Tuesday, March 30, and need fiscal notes:  
> >  
> > HB 141      Preferential Voting Elections  
> >  
> > HB 153      State Employee Annual Leave                      Admin  
> > HB 157      PFD Allowable Absences                              Revenue  
> >  
> > Barbara