

2023 HOUSE POLITICAL SUBDIVISIONS

HB 1273

2023 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1273
2/9/2023

Relating to home rule powers.

9:00 AM Chairman Longmuir opened the hearing. Members present: Chairman Longmuir, Vice Chairman Fegley, Rep. Hatlestad, Rep. Heilman, Rep. Holle, Rep. Jonas, Rep. Motschenbacher, Rep. Ostlie, Rep. Rios, Rep. Toman, Rep. Warrey, Rep. Davis, and Rep. Hager. Absent: Rep. L Klemin

Discussion Topics:

- Voting methods.
- Approval voting.

Rep. Koppelman: Introduced the bill: Testimony # 20303

Tim Mahoney, Mayor of Fargo: Board of City Commissioners: Testimony #19980

Jed Limke: Testimony #20214

Jodi Plecity: Testimony #19249

Stephanie Dassinger Engebritson: No written testimony

Additional written testimony:

Jeffrey Powell: Testimony #19227

Carol Sawicki: Testimony #20040

Tracy Clapper: Testimony #20132

Eric Hanson: Testimony #20166

Zac Echola, Resident of Fargo: Testimony #20168

Alex Gonzalez, Fargo, ND: Testimony #20174

Kaden Kerzman, Fargo Resident: Testimony #20201

Sharnell Seaboy, Spirit Lake Nation: Testimony #20286

Hearing closed at 9:43 AM

Delores Shimek, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1273
2/9/2023

Relating to home rule powers.

2:48 PM Chairman Longmuir opened the meeting. Members present: Chairman Longmuir, Vice Chairman Fegley, Rep. Hatlestad, Rep. Heilman, Rep. Holle, Rep. Jonas, Rep. Motschenbacher, Rep. Ostlie, Rep. Rios, Rep. Toman, Rep. Warrey, Rep. Davis, and Rep. Hager. Absent: Rep. L Klemin,

Discussion Topics:

- Local control.
- Approval voting.
- One candidate; one vote.

Rep Rios moved a Do Pass;
Seconded by Rep. Heilman

| Representatives | Vote |
|------------------------------------|------|
| Representative Donald W. Longmuir | N |
| Representative Clayton Fegley | N |
| Representative Jayme Davis | N |
| Representative LaurieBeth Hager | N |
| Representative Patrick Hatlestad | Y |
| Representative Matt Heilman | Y |
| Representative Dawson Holle | Y |
| Representative Jim Jonas | N |
| Representative Lawrence R. Klemin | A |
| Representative Mike Motschenbacher | Y |
| Representative Mitch Ostlie | N |
| Representative Nico Rios | Y |
| Representative Nathan Toman | Y |
| Representative Jonathan Warrey | Y |

Roll Call Vote: 7 Yes 6 No 1 Absent Carrier: Rep. Heilman

Meeting closed at 3:09 AM.

Delores Shimek, Committee Clerk

Bill was reconsidered on 2/10/23.

2023 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1273
2/10/2023

Relating to home rule powers.

10:15 AM Chairman Longmuir opened the meeting. Members present: Chairman Longmuir, Vice Chairman Fegley, Rep. Hatlestad, Rep. Heilman, Rep. Holle, Rep. Jonas, Rep. Motschenbacher, Rep. Ostlie, Rep. Rios, Rep. Toman, Rep. Warrey, Rep. Davis, and Rep. Hager. Absent: Rep. L Klemin

Discussion Topics:

- Reconsideration
- Amendment

Rep. Ostlie moved to reconsider this bill;
Seconded by Rep. Hatlestad

| Representatives | Vote |
|------------------------------------|------|
| Representative Donald W. Longmuir | Y |
| Representative Clayton Fegley | Y |
| Representative Jayme Davis | Y |
| Representative LaurieBeth Hager | Y |
| Representative Patrick Hatlestad | Y |
| Representative Matt Heilman | N |
| Representative Dawson Holle | A |
| Representative Jim Jonas | Y |
| Representative Lawrence R. Klemin | A |
| Representative Mike Motschenbacher | N |
| Representative Mitch Ostlie | N |
| Representative Nico Rios | N |
| Representative Nathan Toman | N |
| Representative Jonathan Warrey | Y |

Roll Call Vote 7 Yes 5 No 2 Absent

Chairman Longmuir presented an amendment. Testimony # 20467

Rep. Warrey moved amendment 23.0371.03001
Seconded by Rep. Hagar

| Representatives | Vote |
|------------------------------------|-------------|
| Representative Donald W. Longmuir | Y |
| Representative Clayton Fegley | Y |
| Representative Jayme Davis | N |
| Representative LaurieBeth Hager | Y |
| Representative Patrick Hatlestad | Y |
| Representative Matt Heilman | N |
| Representative Dawson Holle | A |
| Representative Jim Jonas | Y |
| Representative Lawrence R. Klemin | A |
| Representative Mike Motschenbacher | N |
| Representative Mitch Ostlie | N |
| Representative Nico Rios | Y |
| Representative Nathan Toman | N |
| Representative Jonathan Warrey | Y |

Roll Call Vote: 7 Yes 5 No 2 Absent

Rep. Heilman moved a Do Pass as Amended;
Seconded by Rep. Toman

| Representatives | Vote |
|------------------------------------|-------------|
| Representative Donald W. Longmuir | Y |
| Representative Clayton Fegley | Y |
| Representative Jayme Davis | N |
| Representative LaurieBeth Hager | N |
| Representative Patrick Hatlestad | Y |
| Representative Matt Heilman | Y |
| Representative Dawson Holle | A |
| Representative Jim Jonas | Y |
| Representative Lawrence R. Klemin | A |
| Representative Mike Motschenbacher | Y |
| Representative Mitch Ostlie | N |
| Representative Nico Rios | Y |
| Representative Nathan Toman | Y |
| Representative Jonathan Warrey | Y |

Roll Call Vote: 9 Yes 3 No 2 Absent Carrier: Rep. Heilman

Meeting closed at 10:25 AM.

Delores Shimek, Committee Clerk

HA
2-10-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1273

Page 1, line 23, after "void" insert ", unless the ordinance was adopted on or before February 1, 2023"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1273: Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1273 was placed on the Sixth order on the calendar.

Page 1, line 23, after "void" insert ". unless the ordinance was adopted on or before February 1, 2023"

Renumber accordingly

2023 SENATE STATE AND LOCAL GOVERNMENT

HB 1273

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

HB 1273
3/17/2023

| |
|--|
| Relating to the prohibition of ranked choice and approval voting in elections; relating to home rule powers. |
|--|

9:00 AM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Intrusion on political subdivisions
- Alternative systems
- Mathematical fairness

Rep Koppleman, Dist 16, bill sponsor testified in support #25689.

Timothy J. Mahoney, Fargo Mayor, testified opposed #25592.

Commissioner Denise Kolpack, Fargo, testified opposed with no written testimony.

Mike Gardner, League of Cities, testified opposed with no written testimony.

Barbara Headrick, League Women, Fargo testified via TEAMS opposed #25409.

Jed Limke, Fargo, ND testified via TEAMS opposed #25638.

Joseph Kennedy, Fargo, ND testified via TEAMS opposed #25643.

Josh Daniels, Utah, testified via TEAMS opposed #25588, #25589.

Additional written testimony:

Adam Carico, Dist 11 in support #23626.

Doug Sharono, Fargo, ND in support #25652.

Eric Wilson, Alexandria, VA, opposed 25606.

Matthew Germer, Washington, DC opposed #25579.

David Voecks, Fargo, ND opposed #25437.

Connie Hoffman, Fargo, ND opposed #25416.

Whitney Oxendahl opposed #24967.

Mona Tedford Rindy, Portland, ND opposed #24231.

Stan Lockhart, Utah opposed #25610.

Pete Hanebutt, Farm Bureau, opposed #25641.

Will D. Thompson, Fargo resident, opposed #25639.

10:00 AM Chair Roers closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

HB 1273
3/23/2023

| |
|--|
| Relating to the prohibition of ranked-choice and approval voting in elections; relating to home rule powers. |
|--|

2:50 PM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Committee action

Chair Roers told members she was not waiting for any amendments.

Sen Lee moved a DO NOT PASS.

Sen Braunberger seconded the motion.

| Senators | Vote |
|--------------------------|------|
| Senator Kristin Roers | Y |
| Senator Jeff Barta | Y |
| Senator Ryan Braunberger | Y |
| Senator Sean Cleary | Y |
| Senator Judy Estenson | N |
| Senator Judy Lee | Y |

ROLL CALL VOTE: YES – 5 NO – 1 Absent – 0 Motion PASSED

Sen Lee will carry the bill.

2:54 Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1273: State and Local Government Committee (Sen. K. Roers, Chairman)
recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB
1273 was placed on the Fourteenth order on the calendar. This bill does not affect
workforce development.

TESTIMONY

HB 1273

Greetings.

My name is Jeffrey Powell and I live in Grand Forks.

I rise in opposition to House Bill 1273 and I ask the Political Subdivisions Committee to grant to this bill a Do Not Pass recommendation.

Approval Voting has been adopted by the City of Fargo, and I for one believe the expansion of Ranked Choice Voting and of Approval Voting will improve our representative democracy. Acting under their Home Rule charter, the people of the City of Fargo selected this voting mechanism. Mr Koppelman – who does not live in Fargo – is using his position as a legislator to tell a neighboring community what they must do. This is not in furtherance of any agenda except his own – to ensure that first-past-the-poll elections keep current politicians in office, even when the policy agendas pursued by these incumbents are increasing less popular.

Ranked Choice Voting and Approval Voting, the named targets of 1273, are both mechanisms of elections that are used around the globe and in fact are used in other parts of the United States. These voting systems are used successfully around the United States. The facts are clear that this voting mechanism does not favor either party, but only favors compromise and general agreeability. The premise of both Ranked Choice Voting and Approval Voting systems is that politicians who work to meet the needs and fulfill the wishes of constituents who hold diverse and sometimes divergent views are the politicians who garner the respect of those constituents. Mr Koppelman is quoted in the Fargo Forum – I hope it's a misquote – quoted as saying it is unAmerican to expect a politician to seek approval from all constituents. A fear of Approval Voting and a fear of Ranked Choice Voting generally belies a politician who intends only to deliver for his base rather than do what is good for all members of his community. Under Approval Voting and Ranked Choice Voting, candidates garner votes from voters who believe an incumbent has done a good job, including those voters who might generally disagree with the philosophy of the candidate. These voting systems inspire citizens to be more openminded about candidates and requires candidates and politicians to be less dogmatic.

These voting systems cause politicians to do a better job of reaching out to those of different opinions and a better job of making sure that they are doing the will of people, of a larger swath of people than those who inherently are likely to vote for that member when they face reelection. We all talk about how polarized our politics are, and first-past-the-poll voting contributes to that polarization. First-past-the-poll voting advantages those politicians committed to serving their base voters and only those base voters. Our political system works best when reasonable people meet in the middle of our various camps, and having a legislative restriction on local decision making takes away a tool of reasonability.

Not only should the legislature check its desire to stifle local control in these matter, it should encourage more boards and commissions to examine Ranked Choice Voting and Approval Voting systems. The adoption of these voting systems would prove beneficial to school board races, county commission races, and other multi-representative districts across our state. I honestly believe Ranked Choice Voting would improve the representative standing of our State Legislature. Working with our neighbors is American, and in his characterization of cross-party cooperation as an unAmerican concept Mr Koppelman is decidedly and wholly wrong.

I understand Conservative politicians are afraid of an electorate that may in the future have options not yet installed. I understand the goal of Conservative political ideology is to grasp and retain power for the sake of having power. That singular goal of having power does not benefit our communities. Taking choice away from the citizens of a county, of a school district, or of a city by a legislature afraid of those citizens is not honorable. And there is no way to sugarcoat this – Bill 1273 is a bad bill written in bad faith and for bad cause. It deserves to be defeated.

Thank you for your time.

My name is Jodi Plecity and I am in support of HB1273. We need to put our election systems back to the basics, vote for one and be done! I have worked and been involved in multiple elections, including one where I ran this last summer for City of Fargo Commission where the City of Fargo used these types of voting procedures. The census from ALL the citizens I spoke to and had interaction with was total confusion and frustration. Not ONE person throughout my entire campaign was for this type of election voting process and all the citizens felt it was unfair, they were misled, and wanted it gone. Please vote in favor to permanently end these types of voting procedures in our state and support hb 1273. Thank you.

Jodi Plecity

City of Fargo resident

**BOARD OF CITY COMMISSIONERS**

Fargo City Hall
225 4th Street North
Fargo, ND 58102-4817
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February 7, 2023

House Political Subdivisions Committee
Representative Donald W. Longmuir, Chairman
HB 1273

RE: Testimony of the Board of City Commissioners for the City of Fargo in OPPOSITION to HB 1273

Chairman Longmuir and Members of the House Political Subdivisions Committee:

We, the Board of City Commissioners for the City of Fargo, submit this testimony in opposition to House Bill 1273 and request a **“Do Not Pass”** recommendation in the House Political Subdivisions Committee.

In the State of North Dakota, we appreciate the longstanding, time-honored tradition of respect for Home Rule Authority and the ability of local elected officials to manage the business of their cities, counties, and townships. Local elected officials lead, plan, and direct their communities in response to what their citizens wish to see for their local government. As the government closest to the people, we listen to the public we serve and directly reflect their wishes.

One such example of local government responsiveness to the public is the initiated measure process. In 2018, Fargo residents placed a ballot question before voters to determine the future conduct of Fargo city elections. In the November 2018 election, 30,092 voters supported “approval voting,” sending a clear mandate that approval voting be implemented for Fargo city elections. 63.52% of ballots cast in this election were in support of approval voting – an unequivocal “supermajority” message of support for reform and a change in the manner in which City Commissioners are elected. Since the voter approval of the initiated measure, the City of Fargo has conducted two (2) municipal elections in an efficient manner without issue.


As proposed, HB 1273 would void the wishes of the citizens of Fargo by prohibiting approval voting in future elections. HB 1273 would effectively place the State Legislature in control of local election procedures and dictate that approval voting – despite its selection by the voters of Fargo – be prohibited. This legislation would simultaneously nullify Fargo’s democratic process and voting procedure while prohibiting other cities in North Dakota from considering approval voting or ranked choice voting.

At best, HB 1273 is a legislative solution in search of a local government problem, where none exists. At worst, it is an unnecessary incursion and disruption to the balance of local control and the democratic process. How the political subdivisions of North Dakota choose to elect their Commissioners, serve the interests of their communities, and govern themselves is a question unique to each of our communities and should be left to local voters. Home Rule Authority, at its core, is about respect for the will of the people and the democratic process, and the Board of City Commissioners for the City of Fargo simply requests that Fargo continue to be permitted to extend this respect and courtesy to our voters and their wishes.


The Board of City Commissioners of the City of Fargo OPPOSES HB 1273 and respectfully urges a "DO NOT PASS" recommendation.

Sincerely,

THE BOARD OF CITY COMMISSIONERS FOR
THE CITY OF FARGO, NORTH DAKOTA



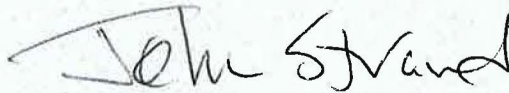
Dr. Timothy J. Mahoney
Mayor



Arlette Preston
Deputy Mayor



Denise Kolpack
City Commissioner



John Strand
City Commissioner



House Bill 1273
House Political Subdivisions Committee
February 9, 2023

Chairman Longmuir and members of the House Political Subdivisions Committee, My name is Carol Sawicki, and I am submitting testimony on behalf of the League of Women Voters of North Dakota **in opposition to House Bill 1273.**

The League of Women Voters supports legislation that allows local jurisdictions to explore alternative electoral methods and supports state election laws that allow for more options at both the state and local levels. House Bill 1273 would prohibit ranked-choice and approval voting methods, thereby constricting rather than allowing more options.

Both ranked-choice and approval voting methods have been adopted in various states and localities around the country, including the City of Fargo, which uses approval voting in elections for city officials. Ranked-choice and approval voting allows voters to be more expressive with who they wish to represent them and ensures that the winner in an election will be the most popular candidate.

In ranked-choice voting, voters are given the option to rank candidates on the ballot in order of preference, and voters know that if their first choice does not get enough votes to win, their vote automatically counts for their next choice instead. This voting method yields election outcomes that better represent voter preferences. Legal challenges to ranked-choice voting “have been uniformly upheld in federal courts as a lawful policy choice within the states’ constitutional authority to administer elections.”¹

Approval voting, in which voters choose as many candidates as they want, does not dilute the will of the people; instead, it is a representation of the candidates voters would like to represent them. It gives them the freedom to make that choice and vote for all the candidates they approve of.

In November 2018, Fargo citizens voted 63.52% to 36.48% to amend the city charter to implement approval voting. The League of Women Voters of North Dakota supports the right of Fargo citizens to continue to vote using the method they have deemed most fair, simple, and accurate.

Since HB 1273 would prevent North Dakota citizens from implementing alternative voting methods, **the League of Women Voters of North Dakota strongly urges committee members to give HB 1273 a Do Not Pass recommendation.**

Testimony submitted by Carol Sawicki, LWVND Board Member. nodaklww@gmail.com

¹Congressional Research Services. Ranked-Choice Voting: Legal Challenges and Considerations for Congress. 10-12-22. <https://crsreports.congress.gov/product/pdf/LSB/LSB10837>

Members of the Political Subdivisions Committee,

As a parent and resident of North Dakota, I am writing to show my opposition to HB 1273. I am deeply concerned about the impact that this bill would have on our democracy, and on the ability of local communities to make decisions that best serve their citizens.

As a parent, I believe that it is important to give our children a strong foundation in the principles of democracy, including the right to have a voice in our government and to have our votes counted fairly. By banning Approval Voting and Ranked Choice Voting, HB 1273 would take away these rights from our citizens and would undermine the principle of local control.

I also believe that it is important to support the ability of local communities to choose the voting methods that best serve their needs. By dictating to local communities what voting methods they can and cannot use, HB 1273 would be a step backward for our democracy and would prevent our communities from making the changes that they believe are necessary to improve our elections and to better reflect the diverse views and interests of our citizens. This change isn't fair to my neighbors and friends in Fargo who already have chosen to adopt Approval Voting and certainly isn't fair to the rest of the state should we wish to do the same.

I urge you to reject HB 1273 and to support the right of local communities to choose the voting methods that best serve their needs. By doing so, you would be helping to strengthen our democracy and to ensure that all citizens, including our children, have a voice in their government.

Sincerely,

Tracy Clapper

TESTIMONY

Wednesday, February 8, 2023

9:29 PM

HB 1273 undoes what Fargo voters overwhelmingly approved. I like approval voting and so does everyone else I've spoken to about it. HB 1273 would be a slap in the face of voters and the democratic process.

Dear Honorable Members of the Committee,

I am Zac Echola, a resident of the illustrious city of Fargo and a fervent advocate of the democratic process. I have taken the liberty of submitting testimony to you to voice my opposition to the proposed House Bill 1273. This insidious piece of legislation seeks to deprive North Dakota's voting populace of one of the most sacrosanct democratic principles: **choice**.

As a resident of Fargo, I have seen firsthand the problems that have plagued our elections for far too long. However, with the implementation of approval voting, we have found a solution to these issues. This system, which was embraced by the overwhelming majority of Fargo voters, has given us a fairer and more representative election process.

Indeed, as a participant in the recent election in Fargo, I was able to bear witness to the miracle of approval voting in all its splendor. The people, in their infinite wisdom, were empowered to cast their ballots for multiple candidates for mayor and commissioner, rather than being limited to the ignoble choice of settling for the lesser of two evils. This system also helps to keep candidates who lack true popular support from winning elections, preventing what I like to call the "whackadoodle candidate" problem.

Therefore, I implore you, O wise and learned members of the committee, to reject this nefarious bill and preserve the right of local communities to determine their own election methods. Approval voting is a fair and transparent system, a veritable panacea for the ills of democracy, and should be kept available to all North Dakota voters should they so choose, as Fargo residents like myself already have. To ban it would be to rob the people of their voice and to negate the fundamental principles of democracy.

I remain,

Zac Echola

A Resident of Fargo, North Dakota, and a Defender of Democracy

Dear Committee Members,

I am writing to express my opposition to House Bill 1273. This legislation would restrict the freedoms of voters and reinforce the existing power structures, making it an unacceptable proposal.

The ability to change and adapt voting options is crucial for ensuring a fair and democratic election process. By limiting this ability, we risk perpetuating a system that does not adequately represent the diverse needs and views of our communities. We chose to adopt approval voting here in Fargo and it is working well for us.

It is my belief that we should not willingly restrict our freedom to vote and make informed choices at the ballot box. Therefore, I urge you to reject HB 1273 and preserve the right of North Dakota voters to choose the voting methods that best serve their needs.

Thank you for your attention to this matter.

Sincerely,
Alex Gonzalez
Fargo

Dear Committee Members,

I am writing to express my strong opposition to House Bill 1273. Since recently coming of age to vote, I had the opportunity to use approval voting in last year's city election and saw how it granted us more control and choices in the democratic process.

With approval voting, voters are able to show their support for multiple candidates, resulting in a more precise representation of their views. This system eliminates the need for voters to make the difficult choice between two undesirable options and gives them the power to select the candidates they genuinely support.

I implore you to reject HB1273 and preserve the right of local communities, like Fargo, to make their own decisions regarding election methods. Approval voting is a just and clear method of election and should be an option for adoption by all voters in North Dakota.

Thank you for taking the time to consider my testimony.

Sincerely,

Kaden Kerzman

Fargo Resident

House Bill 1273
House Political Subdivisions Committee
February 9th, 2023

Greetings, members of the House Political Subdivisions Committee, I'm Jed Limke and I'm submitting testimony in **opposition** to House Bill 1273.

In 2015, Fargo held a special election for City Commissioner in which six candidates ran and a single winner was elected—with roughly **four out of every five** Fargo voters **NOT** voting for him.

In the next regularly scheduled election in 2016, we elected two city commissioners in a multi-seat election and, in their cases, roughly **seven out of ten voters did NOT vote for the first place finisher**—and it was even *worse* for the runner up.

Later that year, the City formed an Elections and Governance Task Force, of which I was a member. After study and deliberation for nearly six months, the task force recommended approval voting be put to a public vote as a better election method for our city. While the City Commission did not forward the issue to the public, we, the people, *did* via ballot initiative, and, in the November 2018 general election, Fargo voters adopted approval voting nearly **two-to-one in favor... over 30,000 voters approved the measure...** and we've used it for our City elections ever since.

Approval voting gives voters the freedom to say "yes" or "no" to every candidate instead of just one or two.

If you only like one, you only have to vote for one. If you like more than one, you can approve them all. If you're worried your favorite doesn't have a chance, you can safely still vote for him or her—plus a couple more, if you'd like. In the end, the person with the most votes wins, as he or she should.

With approval voting, voters can always freely support as many or as few candidates as they wish and focus on their own **individual preferences** without worrying about group think or "electability." There's no need to go through several rounds of counting or several rounds of voting to determine the winners, either—it's just simple. So simple, in fact, it's compatible with every piece of election equipment across the state.

In addition to being good for voters, approval voting also helps candidates and officials. Ask Fargo Mayor Mahoney how it felt in 2022 to know 64% of the voters on election day showed him support. Think about being able to run for office without worrying that your presence will "split the vote" with an allied or similar candidate and potentially hand a victory to a political rival. Approval voting addresses these concerns and more—and does so with ease.

I strongly oppose HB 1273 and humbly urge this committee to make a DO NOT PASS recommendation.

Sincerely,

Jed Limke

What about “one person, one-vote?”

One person, one vote pertains to the power a voter holds when voting, not the election method they use, so long as all voters are treated equally. Courts have consistently upheld that alternative election methods do not violate this principle. Every voter still gets one *ballot* and, therefore, one *vote* in that sense.

What’s “plurality?” What’s “majority?”

A *plurality* is the largest group of unified voters in an electorate. The plurality *may* be a *majority* (i.e. over 50% of the electorate) but not necessary. All majorities are pluralities, but not all pluralities are majorities. In fact, a *majority* may not even exist in an electorate. Imagine rock, paper, and scissors voters. None of the groups represents a majority of the electorate and, therefore, a majority would not exist in that case. *No voting method can guarantee a majority winner where there are more than two candidates*—not plurality, not approval, not RCV.

What is “vote-splitting?”

Vote-splitting is an electoral effect in which the distribution of votes among multiple similar candidates reduces the chance of winning for any of those candidates, increasing the chance of winning for a dissimilar candidate. It is also sometimes referred to as the “spoiler effect.” Consider famous races like Clinton v. Bush, Sr. v. Perot in 1992 or Bush, Jr. v. Gore v. Nader in 2000—these are oft-cited examples of *vote-splitting*.

What about the recent Alaskan election?

I would tend to agree that ranked-choice voting failed to find the most likely preferred candidate in that election. Ranked choice is ‘*non-monotonic*’ and can suffer issues such as what occurred there: where Republicans showing honest support for their preferred candidates caused their least-preferred candidate, a Democrat, to win.

Approval voting does not suffer this problem which is yet another reason why, after extensive study, I worked diligently to bring approval voting to Fargo.

What does it mean if an election method is non-monotonic?

Non-monotonicity is a property of some voting systems (like ranked choice voting, traditional runoffs, traditional primary-generals, etc.) that can lead to surprising and counterintuitive results.

In layman’s terms, non-monotonicity means that when voters rank the candidates in a certain order (or vote in the primary of a primary-general election), showing more support to a preferred candidate can actually cause that candidate to lose the election (and the voter to get a worse outcome), even if the total number of votes for that candidate stays the same or even increases. This is because the election result is influenced by the order in which the votes are counted.



North Dakota Native Vote
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Bismarck, North Dakota 58504
1-888-425-1483
info@ndnativevote.org

Testimony of Sharnell Seaboy regarding House Bill 1273
On behalf of North Dakota Native Vote
February 9, 2023
House Political Subdivisions Committee

Chairman and members of the House Education Committee, my name is Sharnell Seaboy. I am an enrolled citizen of the Mni Wakan Oyate (Spirit Lake Nation). I am a Field Organizer at North Dakota Native Vote and am here to testify in opposition to House Bill 1273 on behalf of North Dakota Native Vote.

North Dakota Native Vote is a non-partisan grassroots organization. Our mission is to create and affect policy to promote equitable representation for the Native people of North Dakota.

Ranked choice voting and approval voting are methods that are growing in popularity in the United States because many voters are looking for ways to increase voter participation, improve representation of voters' viewpoints, and decrease polarization. At this time, research of U.S. elections is inconclusive about how ranked choice voting and approval voting actually impact the outcomes of elections as to representation or polarization. Research does show that most voters are not confused by the process once they have participated in such elections.

For those reasons, North Dakota Native Vote does not have a position on ranked choice voting or approval voting in our elections. Our main concern about HB 1273 is that it would unnecessarily preempt local community decisions about how to run their own elections. State and federal governments do have an important role to ensure that every voter has the opportunity to vote, has easy access to voting, and that voting processes do not suppress the votes of certain groups of people. Therefore, at this time, ranked choice voting and approval voting appear to be decisions local communities can make, especially in a state that prides itself in bottom up democracy.

North Dakota Native Vote recommends a DO NOT PASS on House Bill 1531.

Pidamiya-ye (Thank you).

HB 1273

Rep. Ben Koppelman- Testimony

Mr. Chairman and Members of the Committee,

Thank You for the opportunity to introduce HB1273 to you today.

I introduced this bill with the intent of honoring the time tested method of voting in our state by ensuring that all of our citizens have an equal vote in our elections.

North Dakota uses a voting method known as **plurality voting**. This method is also used in nearly all the political subdivisions in our state. In fact, this system is the traditional way of voting in the United States for nearly all elections. Under the **plurality voting** system, the top vote getter wins the election, regardless if they achieve a majority or merely a plurality of the votes. This system is sometimes augmented with primary elections if the desire is to narrow the field and try to ensure the winner is more likely to receive a majority of votes. It can also be augmented by adding a run-off election provision to ensure the winner gets a majority of the votes. The combination of **plurality voting** and the run-off provision is sometimes known as **majority voting**.

Other systems of voting have been tried in other parts of the country with various outcomes in mind. Probably the most common and controversial alternative is known as **ranked-choice voting**. This method is also sometimes known as instant-runoff voting. The way this system works is that you vote for as many candidates for a given office as you wish by ranking them in priority order, and since this system is often used without being prefaced by a primary election, the field of candidates is often crowded. On the first round of counting votes, every voter's first choice is counted, and if a candidate receives a majority of the votes, then that candidate wins. This system works the same as **plurality voting** if a candidate received a majority in the first round. If a candidate fails to receive a majority in the first round is when it gets interesting. To conduct the second round of counting votes, the candidate who received the lowest number of votes is eliminated from contention, and the ballots cast for that candidate are reassigned to the second ranked choice candidate on each of those voters. If after the second-round votes are tallied there is still not a majority winner, the counting goes on to additional rounds of eliminating candidates and reassigning votes until

for the voter to learn about the candidates. If it is desirable to narrow the field of candidates, a primary can be used as it is now for statewide and some political subdivision elections. If there is a desire to achieve a **majority voting** system, a run-off election can be added to augment the **plurality voting** system.

Please join me in respecting our right to a fair and equitable election by banning alternative systems that dilute the value of one-man-one-vote and the ability of each voter to cast a single vote for a single office.

Mr. Chairman and members of the committee, I request that you give this bill a Do-Pass recommendation. I would be happy to attempt to answer any questions that you may have.

23.0371.03001
Title.

Prepared by the Legislative Council staff for
Representative Longmuir
February 9, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1273

Page 1, line 23, after "void" insert ", unless the ordinance was adopted on or before February 1, 2023"

Renumber accordingly

My name is Adam Carico, and I live in District 11. I am writing you to urge the Senate to PASS HB1273 to prohibit both “approval” and “ranked-choice” voting statewide, **without** amendments that would allow cities that have already passed ordinances to use such voting methods to continue using them.

Both procedures disenfranchise voters, dilute the results, and undermine faith in elections. Our country’s long history has relied on the tried-and-true method of one person, one vote, which is the most accurate measure of determining honest election outcomes, as it is the only valid measure of reaching equal representation in voting. In this time of upheaval, we need more certainty, not less.

Thank you for your time.

Oppose HB 1273

I write in strong opposition to HB 1273.

I lived and worked in Fargo for decades, and am now retired to rural Steele County. Not only as a citizen of Fargo for many years, but as a citizen of the state I oppose this bill.

Where are the principles of limited government and local control? It is NOT for the state legislature to determine how a community should legally conduct its elections. State government needs to stay out of this conversation. Vote no on this bill.

Thank you.

Mona Tedford Rindy

14129 1st St NE

Portland, ND 58274

Senate State & Local Government Committee
March 17th, 2023
HB 1273 - Testimony in Opposition

Chair Roers and members of the Senate State and Local Government Committee, my name is Whitney Oxendahl and I am writing in opposition to HB 1273. I was one of the volunteers who gathered signatures for the approval voting ballot initiative in Fargo.

I got involved in the approval voting ballot initiative, because of recent city commission races. We had had large fields of candidates running for a small number of open seats, such as in 2016 there were 11 candidates running for two open seats. The top two candidates won with 30.4% and 28.1%, and approval voting was a simple solution to electing candidates with a higher percentage of voter support.

When gathering signatures for the ballot measure, approval voting had bipartisan support among signees. Some voters liked it because it gave them the freedom to choose any candidates they approved of. Others liked it because they were disillusioned with the low percentage of votes supporting the winners of city commission races. All-around, people liked this voting method because it wouldn't cost anything to implement; it was compatible with our current election machines.

The approval voting ballot measure passed with nearly 2 out of 3 voters supporting it, and House Bill 1273 would override the will of Fargo voters.

The argument that it would make a patchwork of voting methods in our state is inconsistent with other aspects of voting. There are a handful of cities across the state that vote by ward while most others vote at-large for city commission or city council. Wahpeton employs a mix and elects some council members at-large and others by ward. These differences in city elections are up to the cities, not the state.

I urge the committee to keep this aspect of running elections to cities and continue allowing local voters to choose their voting method. Please give House Bill 1273 a Do Not Pass recommendation. Thank you for the opportunity to share my testimony.



House Bill 1273
Senate State and Local Government Committee
March 17th, 2023

Chair Roers and members of the State and Local Government Committee: My name is Barbara Headrick, and I am submitting testimony on behalf of the League of Women Voters of North Dakota in opposition to House Bill 1273.

The League of Women Voters supports legislation that allows local jurisdictions to explore alternative electoral methods and supports state election laws that allow for more options at both the state and local levels. House Bill 1273 would prohibit ranked choice and approval voting methods, thereby constricting rather than allowing more options.

Both ranked choice and approval voting methods have been adopted in various states and localities around the country, including the City of Fargo, which uses approval voting in elections for city officials. Ranked choice and approval voting methods allow voters to be more expressive with who they wish to represent them and ensures that the winner in an election will be the most popular candidate.

In ranked choice voting, voters are given the option to rank candidates on the ballot in order of preference, and voters know that if their first choice does not get enough votes to win, their vote automatically counts for their next choice instead. This voting method yields election outcomes that better represent voter preferences. Legal challenges to ranked choice voting have resulted in ranked choice voting being “uniformly upheld in federal courts as a lawful policy choice within the states’ constitutional authority to administer elections.”¹

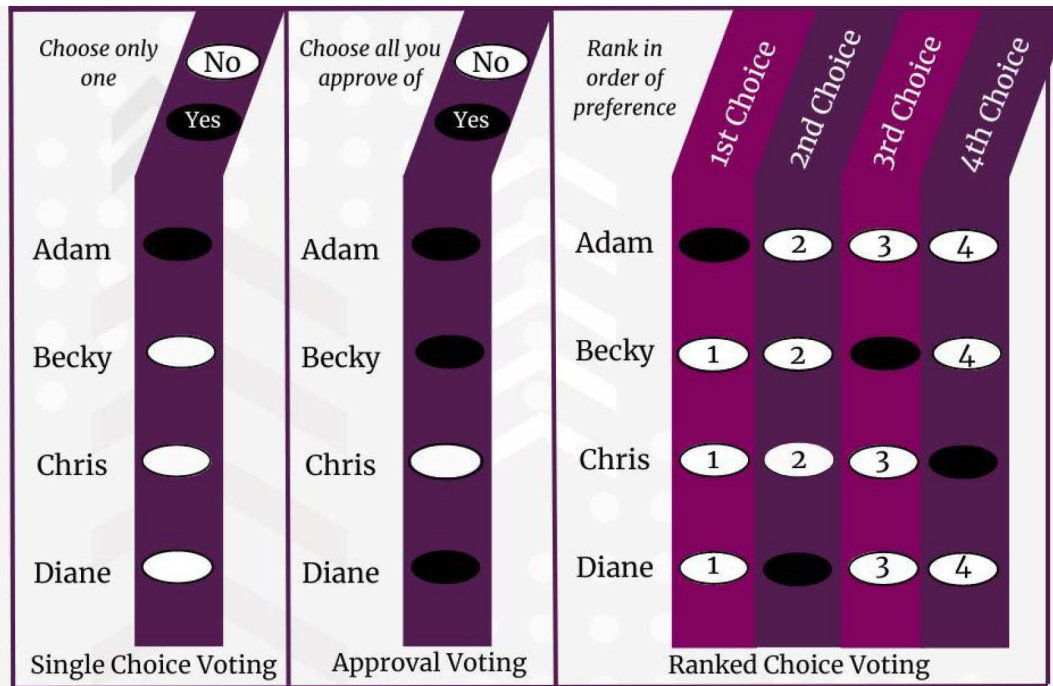
Approval voting, in which voters choose as many candidates as they want, does not dilute the will of the people; instead, it is a representation of the candidates voters would like to represent them. It gives them the freedom to make that choice and vote for all the candidates of which they approve.

In November 2018, Fargo citizens voted 63.52% to 36.48% to amend the city charter to implement approval voting. The League of Women Voters of North Dakota supports the right of Fargo citizens to continue to vote using the method they have deemed most fair, simple, and accurate.

Since HB 1273 would prevent North Dakota citizens from implementing alternative voting methods, the League of Women Voters of North Dakota strongly urges committee members to give HB 1273 a Do Not Pass recommendation.

Testimony submitted by Barbara Headrick, LWVND Board President. nodaklwv@gmail.com

¹Congressional Research Services. Ranked-Choice Voting: Legal Challenges and Considerations for Congress. 10-12-22. <https://crsreports.congress.gov/product/pdf/LSB/LSB10837>



Comparing Voting Methods

Single Choice vs. Approval vs. Ranked Choice



Testimony in Opposition to HB 1273 - Relating to the prohibition of ranked-choice and approval voting in elections

Chairman Senator Roers, Vice Chairman Senator Barta and members of the Senate State and Local Government Committee.

My name is Connie Hoffman, citizen of North Dakota, and resident of Fargo, ND. I am submitting testimony in opposition to House Bill 1273 - Relating to the prohibition of ranked-choice and approval voting in elections.

In November 2018, Fargo citizens voted 64% to 36% to amend the city charter to implement approval voting. I support the right of Fargo citizens to continue to vote using the method they have deemed most fair, simple, and accurate under the Home Rule Charter.

Approval voting allows a voter to indicate a "yes" or "no" to each candidate so that the best candidate is elected with the most overall support of the citizens. I support local control, supporting the right of local communities to choose the voting method that best suits their needs.

I personally found approval voting to be a very positive experience, as did anyone who I asked for their opinion on the process of using approval voting. People shared they were glad they could vote for more than once candidate and felt more confident in the outcomes of the election. Clear information was provided to the public before the November 2022 election on the process of approval voting, resources were provided and various informational sessions were held. The ballot itself was clear to follow.

HB 1273 would prevent North Dakota citizens from implementing alternative voting methods of their choice and take away local control.

I strongly urge the committee members to give HB 1273 a Do Not Pass recommendation.

Testimony submitted by Connie Hoffman, Fargo, ND

Senate State & Local Government Committee

March 17th, 2023

HB 1273 - Testimony in **Opposition**

Members of the Committee,

I am writing in **opposition** to HB 1273.

Approval Voting addresses a problem that was deemed serious enough by the Fargo City Commission to merit creation of a task force. The problem was that candidates were winning elections despite receiving a small percentage of the votes cast (barely 20%). The task force process ultimately didn't result in changes, but the seriousness of the problem persisted. After an initiated ballot measure, Approval Voting passed by an overwhelming majority (nearly two-thirds).

I've heard discussion about how allowing citizens to vote for more than one candidate is "un-democratic". However, to pass HB 1273 is to trample on the votes of a significant majority of Fargo voters. Likewise, how does it serve the principles of Democracy for the people to be represented by candidates that 8 out of 10 people did *not* vote for?

Approval Voting allows people to express their preferences far more effectively and clearly. Voters don't have to worry about the viability of their preferred candidate, or "throwing their vote away". By doing away with vote splitting, the system favors candidates acceptable to the largest number of people, which is what we should strive for in elections. It's an important tool to ensure that election winners better represent the true opinion of the majority of voters, and experts agree that it does an excellent job in this respect.

In short, I strongly urge you to recommend **against** the passage of HB 1273.

Sincerely,

David Voecks

Fargo, ND



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www.rstreet.org

Testimony from:
Matthew Germer, Elections Fellow, R Street Institute

In OPPOSITION of HB 1273, “An Act relating to the prohibition of ranked-choice and approval voting”

March 17, 2023

Senate State and Local Government Committee

Chair Roers, Vice Chair Barta and members of the committee,

Thank you for considering my testimony. My name is Matthew Germer, and I conduct research on election reform for the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government across a variety of policy areas, including election reform. This is why House Bill 1273 is important to us.

When it comes to election reform, lawmakers should be focused on improving the voting experience for eligible voters and ensuring that elections are worthy of public trust. At the same time, state-level officials should recognize the value of local control over elections and allow cities and counties to use the electoral format that best suits their unique needs. House Bill 1273 undercuts these principles by prohibiting localities from using ranked-choice voting (RCV) and approval voting to conduct their elections.

In RCV or approval voting elections, voters answer more than just “who is your favorite candidate?” Rather, they answer “how do you feel about each candidate relative to the others?” The difference between these questions may seem subtle, but the result is substantially more voice for the voter. If voters are comfortable with more than one candidate, they can say so. If they prefer a lesser-known candidate, they can show support without worrying about the spoiler effect. And because the vote-tallying system places a premium on majority support, voters have more opportunities to contribute to that victory.¹ In short, RCV and approval voting empower voters.

Importantly, these voting systems are able to provide these benefits without substantial drawbacks. Concerns over “disenfranchisement” are unfounded and do not hold up to scrutiny.² Under RCV and approval voting, voters are empowered to vote for as few or as many candidates as they wish. If a voter chooses to vote for only one candidate and that candidate turns out to be unpopular, their vote means no less under these systems than it does under a winner-take-all system.³ In fact, RCV and approval voting benefits these very voters the most by offering them the chance to support additional candidates



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and contribute to the final outcome of the election. RCV and approval voting give all voters more power, not less.

House Bill 1273 is particularly concerning because it undermines limited-government principles by imposing top-down restrictions on local elections, and in doing so strips power away from voters. While it is understandable to have concerns about the way votes are cast and counted, the conservative approach should be to let each locality decide for itself how to select its leaders. RCV and approval voting are well-tested systems that have been around for decades, and they have been used to great success around the country and the world.⁴

We encourage North Dakota to take a similar approach to Utah, which has allowed its localities to experiment with RCV to great success. Overwhelming majorities there show satisfaction with the system and found it easy to use.⁵

Unfortunately, HB 1273 prevents North Dakotans from ever choosing to enjoy the benefits of RCV or approval voting in their own cities and counties. Accordingly, we encourage the Legislature to uphold conservative principles and oppose this bill.

Thank you for your time,

Matthew Germer
Elections Fellow
R Street Institute
(714) 609-6288
mgermer@rstreet.org

¹ Matthew Germer, "Restoring Losers' Consent: A Necessary Step to Stabilizing Our Democracy," *R Street Policy Study* No. 240, September 2021. <https://www.rstreet.org/wp-content/uploads/2021/09/Final-No.-240.pdf>.

² "Ranked-Choice Voting," Lawyers Democracy Fund, Jan. 31, 2023. <https://lawyersdemocracyfund.org/other-issues/ranked-choice-voting>.

³ Barry Fagin, *Comparing Approval Voting and Ranked Choice Voting*, Independence Institute, April 2021. https://i2i.org/wp-content/uploads/IP-2-2021_g.pdf.

⁴ Ishaan Tharoor, "Other countries use ranked-choice voting. Has its moment in the U.S. arrived?," *The Washington Post*, June 23, 2021. <https://www.washingtonpost.com/world/2021/06/23/ranked-choice-voting-global>.

⁵ Robert Gehrke, "Polling shows the public liked ranked choice voting, but Robert Gehrke explains why expanding it might be tough," *The Salt Lake Tribune*, Nov. 15, 2021. <https://www.sltrib.com/news/politics/2021/11/15/polling-shows-public>.

Testimony from:
Josh Daniels¹

In **OPPOSITION** to H.B. 1273

March 17, 2023

North Dakota Senate Committee on State and Local Government

Common misconceptions about ranked choice voting

Dear Chair & members of the committee,

I write to you as a former Republican elected Clerk & Auditor for Utah County, a former congressional staffer, political campaign director, and policy director at the conservative Libertas Institute think tank.

I write in opposition to H.B. 1273, which would prevent any community in North Dakota from using alternative voting methods, including approval voting (which citizens of Fargo voted to use in 2018, and which has been implemented in its municipal elections since 2020) and ranked choice voting (which is not currently used in any North Dakota cities). As a former local official, it is concerning that legislators would override local control and force a mandate on cities that might want to try an alternative voting method. However, I want to focus this testimony on dispelling common misconceptions about ranked choice voting (RCV).

Ranked choice voting – sometimes known as “instant runoff voting” – is easy to understand and supported by voters who use it. In every city and state that uses RCV, voters report that they understand and support it.² For example, exit polling in Utah found that 81% of first-time RCV voters found RCV easy to use and 88% were satisfied with the method used to cast their ballot.³ In Alaska, 92% of voters said they received instructions on how to rank their choices and 79% said RCV was “simple.”⁴ In 2022, a majority of Virginia primary voters who used RCV in Republican congressional primaries reported that they prefer RCV to single-choice elections.⁵

This is also borne out in ballot data and academic research, which show strong understanding of the ballot and high rates of ranking. Understanding of RCV is comparable to plurality voting and better than the “top-two” voting used in California and Washington.⁶ Researchers have found no evidence of racial or ethnic differences in understanding of RCV.⁷

This is not a surprise – we rank things everyday, and voters quickly learn how to rank candidates with quality voter education.

Ranked choice voting empowers more voters to make a difference in the outcome. The ability to rank actually increases the number of voters who have a say in the final outcome: since 2004, 73% of voters in RCV contests ranked the winning candidate in their top three, even if the winner wasn’t their first choice.⁸ Compare this to the number of voters whose vote does not impact the final outcome in typical choose-one elections – all voters whose favorite candidate is not one of the top two.

¹ Josh Daniels is the former Republican elected Clerk & Auditor for Utah County. Josh administered ranked choice elections for the first time in Utah on behalf of multiple cities in a pilot project for 2019 & 2021. His career has been in public policy and government relations at the local, state, and national levels. He is a former congressional staffer, political campaign director, and policy director at the conservative Libertas Institute think tank. He holds a J.D. from the University of Houston Texas Law Center and a B.A. from Brigham Young University.

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

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

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

⁵ See “[Measuring the Effects of Ranked Choice Voting in Republican Primaries](#)” by the Center for Campaign Innovation (2022)

⁶ 2014 Eagleton Poll California RCV Survey Results. FairVote. (2021). <https://www.fairvote.org/2014-survey-results>.

⁷ Self-Reported Understanding of Ranked-Choice Voting. Donovan, T., Tolbert, C. and Gracey, K. (2019), Social Science Quarterly, 100: 1768-1776. <https://doi.org/10.1111/ssqu.12651>.

⁸ See “[consensus value](#)” under “[Data on RCV in Practice](#)” by FairVote

Much attention has been drawn to the small number of “inactive,” or “exhausted,” ballots – which occur when a voter does not express a preference between the candidates in the final round of an RCV election. Voters are not forced to rank all candidates in an RCV race, just as they are not forced to use both votes in the vote-for-two municipal elections common in North Dakota and some other states.

For example, in Bismarck’s 2020 city commissioner election, voters had the option to vote for up to two candidates but only 72% of voters used both votes. Similarly, in RCV, voters have the freedom to determine how many candidates they want to support and some voters will exercise their right to abstain from ranking candidates they do not like. All ballots in RCV contests are counted completely to the full extent that voters choose to express their preferences; no ballot is “thrown out.”

This can also be compared to a two-round runoff system. Like RCV, runoffs find a majority winner but also require two separate contests – doubling election administration costs and requiring voters to visit the polls twice. Many voters do not return for a runoff; in fact, turnout declined between the primary and runoff in 266 of the 276 scheduled federal primary runoff elections from 1994 to 2022, by an average of 40%.⁹ In contrast, the rate of inactive ballots across all RCV contests is ~7% – a vast improvement in voter voice.

Two-round runoffs also place an additional burden on military and overseas voters. For this reason, six states currently use RCV for these voters (Alabama, Arkansas, Georgia, Louisiana, Mississippi and South Carolina). In those states, military and overseas voters are allowed to rank their ballots rather than voting in two separate elections.

Ranked choice voting elections can be implemented smoothly, and tabulated instantly and transparently.

Approximately 13 million voters in 64 jurisdictions across the U.S. vote using ranked choice voting. The majority of these jurisdictions, including 20 cities in Utah, release RCV results the night of or day after the election. This includes large cities like Salt Lake City and smaller towns of only a few hundred voters. Where results have been slower, it has been to allow time for absentee ballots to come in, which has nothing to do with RCV or the way the votes are counted.

Further, RCV results can be counted or verified via a hand-count, for example by the Virginia GOP in recent conventions to nominate now-Gov. Glenn Youngkin and congressional candidates.

With the growth of RCV and increasing knowledge of this voting method, there are also best practices and resources available to city or state elections officials tasked with implementing RCV elections, on topics including but not limited to ballot design, voter outreach and education, candidate education, tabulation, and election security.^{10,11}

Ranked choice voting is a proven voting method that works for voters, municipalities, and election administrators alike. I urge you to allow municipalities to take advantage of it if they wish – or at least not close the door on its use in North Dakota before it has even been tried. Thank you for your time and consideration.

Sincerely,

Josh Daniels
Fmr. Utah County Clerk
Saratoga Springs, UT

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⁹ Primary Runoff Elections and Decline in Voter Turnout, 1994-2022. Rose, J. (2022)
<https://fairvote.org/report/primary-runoffs-report-2022/>

¹⁰ Reports. Ranked Choice Voting Resource Center. (2023)
<https://www.rcvresources.org/reports>

¹¹ Ranked Choice Voting in Practice. National Conference of State Legislatures. (2022)
<https://www.ncsl.org/elections-and-campaigns/ranked-choice-voting-in-practice-implementation-considerations-for-policymakers>

Testimony from:
Josh Daniels¹

In OPPOSITION to H.B. 1273

March 17, 2023

North Dakota Senate Committee on State and Local Government

Considerations for administering Ranked Choice Voting elections

Dear Chair & members of the committee,

I write in support of the use of forms of ranked choice voting (RCV) for applicable elections and oppose H.B. 1273, which would deny cities in North Dakota that opportunity. I would like to share my experience in implementing RCV in Utah and why the number of Utah cities choosing to use RCV increased from two in 2019 to 23 in 2021.

A few states are considering legislation to ban and prohibit all forms of ranked choice voting without any differentiation in how RCV can be used. I think this would be a mistake. RCV is a beneficial option for a variety of reasons and legislatures should avoid proactive prohibitions that would reduce future options.

Utah Experience

In 2019, I was brand new to election administration in my executive role in the Utah County Clerk's office. During that year, after a transition in elected leadership and due to staff vacancies, our election team turned over by about 50%. Additionally, we adopted an entirely new election system (migrating from high levels of in-person voting and polling place balloting using the Dominion system to a vote-by-mail system using ES&S equipment and software), which necessitated training and reworking of all our standard operating procedures. In the midst of all this change, we also agreed to be the first county in the state to administer ranked choice elections for various municipal elections. We were warned by various clerks and election officials that this was risky and that administering ranked choice elections was fraught with complexity that might confuse voters and create operational challenges.

Fortunately, these risks and challenges never materialized and our administration of these elections was as smooth as any other. Let me share some key considerations and lessons we learned after administering these elections:

¹ Josh Daniels is the former Republican elected Clerk & Auditor for Utah County. Josh administered ranked choice elections for the first time in Utah on behalf of multiple cities in a pilot project for 2019 & 2021. His career has been in public policy and government relations at the local, state, and national levels. He is a former congressional staffer, political campaign director, and policy director at the conservative Libertas Institute think tank. He holds a J.D. from the University of Houston Texas Law Center and a B.A. from Brigham Young University.

Voters understand ranked choice ballots

One concern we heard was that a ranked choice ballot was inherently more confusing for voters. We tested ballot use by various groups in the community, including some groups with our oldest voters. We learned that the ballot was inherently intuitive despite voters never being exposed to RCV before. We also logged all incoming phone calls from voters during the election period and categorized calls to track voter questions and concerns. What we found was that very few (less than 2%) of all phone calls with questions or concerns were related to RCV specifically.

Additionally, after the election, we surveyed voters who had voted using ranked choice to gather data about their experience. 84% of survey respondents reported that the ballot was “easy to use” and 83% reported that they wanted to continue using RCV or even expand its use to other elections. This was compelling feedback that ran counter to the criticisms and apprehension we had heard about administering RCV elections.

Ballot design was simple

Another concern we heard was that the design of the ballots was more complex, leading to difficulty in administering an election. What we found was that the ballot design, while different, was not significantly more complex to design, program, or administer. We used our existing (ES&S) systems to design and program our ballots and election management system. We had mixed types of election races on a ballot (ranked choice races and plurality races) and scanned and tabulated ballots on existing equipment with no need for any type of segregation or differences in our processes.

Election Administration was smooth

Some have expressed concern that administering an RCV election is more complex than traditional elections. In our experience, this was not true. Nearly every step and part of the process was identical or very similar for an RCV race. We used all our existing certified equipment and systems. The only differences were a slightly different ballot design, an increase in adjudication & ballot review to confirm undervotes (for ballots that did not rank all candidates), and two additional steps at the end related to exporting results, running the instant runoff (IRV) process, and reporting results in a visual chart.

2021 Expansion

As a result of this positive experience, the number of Utah cities where the city council voted to use RCV rose from two in 2019 to 23 in 2021. The positive experience was repeated, which explains why the Sutherland Institute is among organizations supporting the use of RCV in Utah cities.

Recommendations

Our use of RCV was successful and we received a lot of positive feedback from voters who used it. I would recommend states pilot the use of RCV, particularly in municipal elections and presidential primaries. One advantage is that overseas voters can be sure their vote for a particular candidate won't be lost or wasted in the event their chosen candidate drops out of a race prior to election day. Additionally, RCV helps avoid mere plurality victories in

multi-candidate races by ensuring a majority through an instant runoff. For these reasons, states should avoid prohibiting RCV prematurely.

Thank you for your consideration,

Josh Daniels
Fmr. Utah County Clerk
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**BOARD OF CITY COMMISSIONERS**

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March 17, 2023

Senate State and Local Government Committee
Senator Kristin Roers, Chair
HB 1273

**RE: Testimony of the Board of City Commissioners for the City of Fargo in OPPOSITION to
HB 1273**

Chair Roers and Members of the Senate State and Local Government Committee:

We, the Board of City Commissioners for the City of Fargo, submit this testimony to the Senate State and Local Government Committee in opposition to House Bill 1273 and request a **“Do Not Pass”** recommendation. The position of the City Commission is consistent with testimony provided to the House Political Subdivisions Committee earlier in the Legislative Session.

Home Rule Authority – A Respected North Dakota Tradition

In the State of North Dakota, we appreciate the longstanding, time-honored tradition of respect for Home Rule Authority and the ability of local elected officials to manage the business of their cities, counties, and townships. Local elected officials lead, plan, and direct their communities in response to what their citizens wish to see for their local government. As the government closest to the people, we listen to the public we serve and directly reflect their wishes.

Initiated Measure – Democracy in Action

The initiated measure process is enshrined in the Constitution of the State of North Dakota, and all levels of government are bound by it. One such example of the initiated measure process occurred in 2018 in Fargo. At this time, Fargo residents placed a ballot question before voters to determine the future conduct of Fargo city elections. In the November 2018 election, 30,092 voters supported “approval voting,” sending a clear mandate that approval voting be implemented for Fargo city elections. 63.52% of ballots cast in this election were in support of approval voting – an unequivocal “supermajority” message of support for reform and a change in the manner in which City Commissioners are elected.

Approval voting in Fargo is the hallmark of Democracy – with a capital “D.” The citizens of Fargo circulated a petition to obtain the required signatures to place the election procedure on the ballot. This did not result from an action of the Fargo City Commission, but rather was a measure initiated and organized at the grassroots level by citizens.

Senate State and Local Government Committee
Senator Kristin Roers, Chair
March 17, 2023
Page 2

The only way to modify the method of voting now would be by a vote of the citizens of the City of Fargo. Whether the City Commission agrees with the approval voting method is irrelevant; elections are squarely within the province of the municipality powers as provided in NDCC 40-05.1-06(9): "To provide for all matters pertaining to city elections, except as to qualifications of electors." To attempt to simply legislate it away is contrary to democratic values, and would be an affront to the citizens of Fargo.

Approval Voting Has Been Successfully Implemented

Approval voting has been utilized in the last two election cycles for the Fargo City Commission, without incident. There have been no challenges to the method itself, and it has withstood the test of time. While it is an unusual procedure, and different from other cities in North Dakota, this alone does not make it unfair.

It has been suggested by some that approval voting somehow "dilutes" voter intent. This assertion is not factual, and recent results from City of Fargo elections which utilized approval voting demonstrate that candidates, as well as voters, were not "injured" or negatively impacted by the voting procedure. Approval voting effectively requires each voter to vote "yes" or "no" for every candidate. The candidate with the most "yes" votes wins the election. Simply stated, the candidate who gathers sufficient support from the public will prevail in approval voting. A fair outcome is the result, and the will of voters is acknowledged and respected.

State Legislature Should Not Mandate Local Election Procedures and Subvert Voter Will

As proposed, HB 1273 voids the wishes of the citizens of Fargo by prohibiting approval voting in future elections. HB 1273 would effectively place the State Legislature in control of local election procedures and dictate that approval voting – despite its selection by the voters of Fargo – be prohibited. This legislation would simultaneously nullify Fargo's democratic process and voting procedure while prohibiting other cities in North Dakota from considering approval voting or ranked choice voting.

At best, HB 1273 is a legislative solution in search of a local government problem, where none exists. At worst, it is an unnecessary incursion and disruption to the balance of local control and the democratic process. How the political subdivisions of North Dakota choose to elect their Commissioners, serve the interests of their communities, and govern themselves is a question unique to each of our communities and should be left to local voters. Home Rule Authority, at its core, is about respect for the will of the people and the democratic process, and the Board of City Commissioners for the City of Fargo simply requests that Fargo continue to be permitted to extend this respect and courtesy to our voters and their wishes.

Senate State and Local Government Committee

Senator Kristin Roers, Chair

March 17, 2023

Page 3

The Board of City Commissioners of the City of Fargo **OPPOSES** HB 1273 and respectfully urges a "DO NOT PASS" recommendation in the Senate State and Local Government Committee.

Sincerely,

THE BOARD OF CITY COMMISSIONERS FOR
THE CITY OF FARGO, NORTH DAKOTA

Dr. Timothy J. Mahoney
Mayor

Arlette Preston
Deputy Mayor

Denise Kolpack
City Commissioner

John Strand
City Commissioner

Attachments: City of Fargo Approval Voting Petition and Ballot Language
June 19, 2020 Certification of Election Results
July 1, 2022 Certification of Election Results

(2)

#1051

TA

CITY OF FARGO APPROVAL VOTING PETITION

SUMMARY

The Fargo Home Rule Charter would be amended to enable voters to choose all the candidates they wish in city elections and also have the City report the approval percentage for each candidate.

SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the City of Fargo, North Dakota who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with the law:

Jed Limke, Chairperson
2301 11th St. S
Fargo, ND 58103

Karen Stoker
1510 8th St. S
Fargo, ND 58103

Martin J. Riske
2901 27th St. S
Fargo, ND 58103

Barry Nelson
902 42nd Ave. N
Fargo, ND 58102

Lois Ivers Altenburg
1146 5th St. N
Fargo, ND 58102

Zac Echola
1111 6th St. S
Fargo, ND 58103

(2)

INITIATIVE PETITION TO THE CITY AUDITOR, CITY OF FARGO, NORTH DAKOTA

* We, the undersigned, being qualified electors, request the following initiated law be placed on the ballot as provided by law.

REASONING

The State of North Dakota provides that the charters and pursuant ordinances of Home Rule Charter cities (such as Fargo) grant those cities the right of self-government as well as the power to provide for all matters pertaining to city elections. (See generally: N.D.C.C. §40-05.1-05-1.06 and Fargo Municipal Code §2-0203).

BE IT ENACTED BY THE CITY OF FARGO:

A new article of the Home Rule Charter of the City of Fargo is created and enacted as follows:

Article 11 - Election procedures

A. Methodology

City officials will be elected so that each voter may vote for all the candidates the voter approves of in each race.

Candidates receiving the most votes will be elected until all necessary seats are filled in each race.

B. Ballot instructions


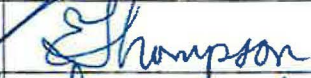
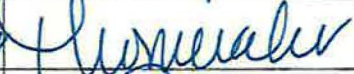











For each race to elect city officials, the instructions on the ballot will instruct voters with the directions, "Vote for ALL the names you approve of," with "ALL" being written in uppercase.




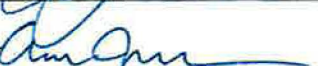














C. Reporting of results

For each candidate's result in each race, reported vote percentages must be calculated by taking the number of votes for that candidate divided by the total ballots cast.

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you are a North Dakota resident, you have lived in Fargo for at least thirty days, and you are a United States citizen. All signers shall also legibly print their name, complete residential address or rural route or general delivery address, and the date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition.

| DATE | PRINTED NAME | SIGNATURE | COMPLETE STREET ADDRESS | CITY, STATE | ZIP |
|--------------------|------------------------|---|--|---------------------|------------------|
| 5/23/18 | Brad Gracia |  | 813 21st Ave S. | Fargo, ND | 58103 |
| 5/23/18 | Erika Beseler Thompson |  | 9 35th Ave NE | Fargo, ND | 58102 |
| 5/23/18 | Tammi Kuonimäki |  | 521 1546 1st St N | Fargo, ND | 58102 |
| 5/23/18 | Paul Overite |  | 1109 10th St N | Fargo, ND | 58102 |
| 5/23/18 | Lydia Tackett |  | 1017 12th St. N | Fargo ND | 58102 |
| 5/23/18 | Aidan Chadwick |  | 1144 College St. N | Fargo ND | 58102 |
| 5/23/18 | RON PADOT |  | 317 22nd AVE N | FARGO, ND | 58102 |
| 5/23/18 | Randy Mann |  | 1310 6th St. So. | Fargo ND | 58103 |
| 5/23/18 | Melissa Sobolik |  | 319 Broadway # 301 ³⁰² | Fargo ND | 58102 |
| 5/23/18 | Jo Boreen |  | 805 6th St S. | Fargo ND | 58103 |
| 5-23-18 | Don Schmidt |  | 1638 7th St N | Fargo ND | 58102 |
| 5/23/18 | Lesi Tande |  | 121 6th Ave N #2 | Fargo ND | 58102 |
| 5/23/18 | Jeremy Sobolik |  | 319 Broadway N. #302 | Fargo ND | 58102 |
| 5/24/18 | Cody Kirkwood |  | 620 MAIN AVE APT 307 | FARGO ND | 58103 |

| DATE | PRINTED NAME | SIGNATURE | COMPLETE STREET ADDRESS | CITY, STATE | ZIP |
|--------------------|------------------------|---|--------------------------|----------------------|------------------|
| 5/24/18 | Rebecca Meyer |  | 2250 57th Ave S | Fargo, ND | 58104 |
| 5/24/18 | Emily Wells |  | 1529 8th St S | Fargo, ND | 58103 |
| 6/3/18 | Carol Martin |  | 52-6th Ave N | Fargo, ND | 58102 |
| 6/3/18 | Aaron Quamme |  | 514 Oak St N | Fargo, ND | 58102 |
| 6/3/18 | Andrew Blouet |  | 502 Oak St N | Fargo, ND | 58102 |
| 6/3/18 | Olivia Ogaard |  | 104 16th Ave N | Fargo ND | 58102 |
| 6/3/18 | Elza Mens |  | 809 20th St N | Fargo ND | 58102 |
| 6-3-18 | Paul Semian |  | 59 6th Ave ND | Fargo ND | 58102 |
| 6-3-18 | Brendy Honder |  | 611 Oak Street N | Fargo ND | 58102 |
| 6/3/18 | Pamela Anderson |  | 609 Oak St. N | Fargo, ND | 58102 |
| 6/3/18 | Garry Hoaglund |  | 619 Oak St. N. | Fargo, ND | 58102 |
| 6/3/18 | ROBERT B. NELSON |  | 702 OAK ST. N. #D | FARGO, ND | 58102 |
| 6-3-18 | Anne Marsoteh |  | 702 oak St. N #F | Fargo, ND | 58102 |
| 6-3-18 | Chelsea Pannell |  | 727 Oak St N | Fargo ND | 58102 |
| 6-3-18 | Donovan Smith |  | 740 Oak St N | Fargo ND | 58102 |
| 6/3/18 | Mr. V. Van |  | 512 Oak St. N | Fargo ND | 58102 |
| 6/3/18 | Barbara J Larson |  | 708 Elm St N | Fargo ND | 58102 |
| 6/3/18 | JENNA POWELL |  | 731 7 21st, OAK | Fargo, ND | 58107 |

| DATE | PRINTED NAME | SIGNATURE | COMPLETE STREET ADDRESS | CITY, STATE | ZIP |
|--------------|-----------------|-----------|-------------------------|-------------|-------|
| 33 6-3-18 | JEROME LEE | | 714 Elm St. N | Fargo ND | 58102 |
| 34 6-3-18 | Tylen Schraeder | | 5 N Terrace N | Fargo ND | 58102 |
| 35 6-3-18 | Julio Villamil | | 25 N Terrace N. | Fargo ND | 58102 |
| 36 6-3-18 | DeAnna Pinnaw | | 37 N Terrace N | Fargo ND | 58102 |
| 37 6-3-18 | Matthew Oland | | 65 N Terrace N | Fargo, ND | 58102 |
| 38 6-3-18 | Helen Hanson | | 61 N Terrace N | Fargo ND | 58102 |
| 39 6-3-18 | Jeff Hanson | | 61 N Terrace N | Fargo, ND | 58102 |
| 40 6-3-18 | Carol Pearson | | 69 N Terrace N | Fargo ND | 58102 |
| 41 6-3-18 | Bonita Goetze | | 725 - 1st St N | Fargo ND | 58102 |
| 42 6-3-18 | Joanne Varva | | 1105 10th St N | Fargo ND | 58102 |
| 43 6-3-18 | Amanda Robson | | 60 S Terrace N | Fargo ND | 58102 |
| 44 6-3-18 | Aubur Allebaek | | 50 S Terrace N | Fargo ND | 58102 |
| 45 6-3-18 | Celeste Carlso | | 50 S. Terrace N. | Fargo ND | 58102 |
| 46 5-3-18 | John Wagner | | 36 S. Terrace | Fargo, ND | 58102 |
| 47 6-3-18 | Sam Hawkins | | 55 6th Ave N | Fargo ND | 58102 |
| 48 6-3-18 | Patrick Leier | | 14 st Terrace | Fargo | 58102 |
| 49 6-3-18 | NANG J. LEIEN | | 16 Smith Terrace N. | Fargo | 58102 |
| 50 6-3-18 | STEVEN REVLAND | | 614 N Elm St | FARGO ND | 58102 |

| DATE | PRINTED NAME | SIGNATURE | COMPLETE STREET ADDRESS | CITY, STATE | ZIP |
|----------------------|---------------------------|-------------|----------------------------|----------------------|------------------|
| 51 6/3/18 | LAURA HAGER | | 3046 10th St. N. #313 | FARGO ND | 58102 |
| 52 6/4/18 | Pastor Mudecke | | 2625 Pacific Dr S #17 | Fargo ND | 58103 |
| 53 6/4/18 | Lynn Wolf | | 2524 18th St | Fargo ND | 58103 |
| 54 6/4/18 | Karin Thompson | | 390 8th Ave. S. | Fargo, ND | 58103 |
| 55 6/4/18 | Scott Hogfoss | | 737 3rd St N | Fargo, ND | 58102 |
| * 56 6-4-18 | MIKE STEWART | | 606 OAK ST N | FARGO, ND | 58102 |
| 57 6-4-18 | Delinda Tappe | | 612 1st N | Fargo ND | 58102 |
| 58 6/4/18 | Justin Tappe | | 616 1ST W | Fargo ND | 58102 |
| 59 6/9/18 | Leah Gains | | 414 14th St S. | Fargo ND | 58103 |
| 60 6-4-28 | Bruce Stewart | | 707 1st St. N | Fargo ND | 58103 |
| 61 6-4-18 | Kristin Syverson | | 745 1st St N. Fho | Fargo, ND | 58102 |
| 62 6-4-18 | Bruce Gortals | | 747 1st St N. Fargo | Fargo ND | 58102 |
| 63 6/4/18 | Jordan Dahl | | 705 13th Ave N Apt 207 | Fargo, ND | 58102 |
| 64 6/4/18 | Andrew Stevens | | 817 1st St N 6 | Fargo, ND | 58102 |
| 65 6/4/18 | Honneshka Cack | | 817 1st N. Apt 4 | FARGO, ND | 58102 |
| 66 6/4/18 | Robert Jentrud | | 822 18th St N | Fargo, ND | 58102 |
| 67 6/4/18 | Tammy Erickson | | 814 1st St N | Fargo ND | 58102 |
| 68 6/4/18 | KEITH COELISS | | 807 1st St N. | FARGO, ND | 58102 |

| | DATE | PRINTED NAME | SIGNATURE | COMPLETE STREET ADDRESS | CITY, STATE | ZIP |
|----|-------------------|-------------------------|-------------------------|--|-----------------------|------------------|
| 69 | 6/4/18 | SAM Knudson | <i>Sam Knudson</i> | 3506 Longfellow Rd N | Fargo, ND | 58102 |
| 70 | 6/4/18 | Tami Plat Sers | <i>Tami Plat Sers</i> | 1444 35 th St S | Fargo ND | 58103 |
| 71 | 6-4-18 | Paul Light | <i>Paul Light</i> | 207 15 Ave N | Farg-ND | 58102 |
| 72 | 6-4-18 | Tanya Light | <i>Tanya Light</i> | 207 15 Ave N | Fargo ND | 58102 |
| 73 | 6/6/18 | Angela Lien | <i>Angela Lien</i> | 1422 14 th St S | Fargo ND | 58103 |
| 74 | 6/6/18 | Barbara Dunn | Barbara Dunn | 1329 11th Ave S. | Fargo ND | 58103 |
| 75 | 6/6/18 | [scribble] | [scribble] | [scribble] | [scribble] | 58102 |
| 76 | 6/6/18 | Jane Effertz | <i>Jane Effertz</i> | 1125 14 th St. N | Fargo, ND | 58102 |
| 77 | 6/6/18 | Will Shirk | <i>Will Shirk</i> | 1121 14 th St. N | Fargo, ND | 58102 |
| 78 | 6/6/18 | Judy Wong | <i>Judy Wong</i> | 1121 N 14 ST N | Fargo, ND | 58102 |
| 79 | 6/6/18 | Maru Kelley | <i>Maru Kelley</i> | 1115 14 St N | Fargo, ND | 58102 |
| 80 | 6/6/18 | Amy Carey | <i>Amy Carey</i> | 1037-14 th St. N | Fargo ND | 58102 |
| 81 | 6/6/18 | Renee J. Nelson | <i>Renee J. Nelson</i> | 1033-14 th St. N | Fargo ND | 58102 |
| 82 | 6/6/18 | Kristen Dodds | <i>Kristen Dodds</i> | 1029 14 th St. N. | Fargo, ND | 58102 |
| 83 | 6/6/18 | CHAB DODDS | <i>[scribble]</i> | 1029 14 th ST N. | FARGO, ND | 58102 |
| 84 | 6/6/18 | Ryan DeConcini | <i>Ryan DeConcini</i> | 1025 14 th St N | Fargo, ND | 58102 |
| 85 | 6/6/18 | Paul Hummel | <i>Paul Hummel</i> | 1025 14 th St N | Fargo, ND | 58102 |
| 86 | 6/6/18 | Andrew Ober | <i>Andrew Ober</i> | 1014 14 th St. N. | Fargo ND | 58102 |

| DATE | PRINTED NAME | SIGNATURE | COMPLETE STREET ADDRESS | CITY, STATE | ZIP |
|-------------------|--------------------------|-------------|---------------------------------------|-----------------------|------------------|
| 6/16/18 | Sekholine Maas | | 1011 14th St So #15 Fargo ND 58102 | Fargo ND | 58102 |
| 6/6/18 | Jeremy Wilson | | 1011 14th St NE Fargo ND 58102 | Fargo, ND | 58102 |
| 6/6/18 | Jeremy Swigart | | 1011 14th St NE | Fargo ND | 58102 |
| 6/6/18 | Brandi OLSON | | 1012 14th St N | Fargo, ND | 58102 |
| 6/6/18 | Michael Payne | | 2321 20th Ave S | Fargo, ND | 58103 |
| 6/6/18 | Doro King | | 5210 44th Ave S | Fargo ND | 58104 |
| 6/6/18 | Grace Lawrence | | 1881 39th S | Fargo | 58103 |
| 6/6/18 | Mattar Sandy | | 740 Albert Dr. W | West Fargo | 58078 |
| 6/6/18 | Jessica Brown | | 1430 34th St, S Fargo, ND | Fargo ND | 58103 |
| 6/6/18 | Jessica Brown | | 1430 34th St, S Fargo, ND | Fargo ND | 58103 |
| 6/6/18 | Byron Scheel | | 917 14th St. N. Fargo | Fargo ND | 58102 |
| 6/6/18 | Jeff Dodd | | 909 14th St N | Fargo | 58102 |
| 6/6/18 | Anna McLaughlin | | 899 Barrett S N Apt 306 | Fgo, ND | 58102 |
| 6/6/18 | Madelaine Dostal | | 899 Barrett St N 301 | Fargo, ND | 58102 |
| 6/6/18 | Ashley Brit | | 899 Barrett Street N 301 | Fargo, ND | 58102 |
| 6/6/18 | Katie Farber | | 899 Barrett St. N 305 | fargo, ND | 58102 |
| 6/6/18 | Sandy Montgomery | | 1336 1st Ave. S. | fargo ND | 58103 |
| 6/6/18 | Simon Mangon | | 825 1st St # 2 | Fargo ND | 58102 |



June 19, 2020

City of Fargo
Steve Sprague, Auditor
PO Box 2083
Fargo, ND 58107-2083

Finance Department

Michael Montplaisir, CPA
701-241-5600

Property Tax Payments
701-241-5611

Marriage Licenses
701-241-5608

RE: Consolidated Primary Election
June 9, 2020
Certification of Results

Dear Mr. Sprague:

Enclosed is a computer printout of the results of the Election on June 9, 2020.
Listed below is a summary of both the candidate(s) and write-in votes.

| City of Fargo | | |
|---|---------------------|--------|
| Commissioner FARGO Vote for 2 | John Strand | 10,393 |
| | Arlette Preston | 9,893 |
| | Tony Grindberg | 9,196 |
| | Edward Krystosek | 3,787 |
| | Doug Rymph | 3,360 |
| | Bradford Shaffer | 3,095 |
| | Ritchell Aboah | 2976 |
| | Scattered Write-Ins | 155 |
| Municipal Judge FARGO Vote for 1 | Steve Dawson | 13,874 |
| | Scattered Write-Ins | 92 |
| Park Board Commissioner FARGO PARK Vote for 3 | Jerry Rostad | 10,123 |
| | Dawn Morgan | 9,353 |
| | Rick Graalum | 6,922 |
| | WRITE-IN | 87 |
| Publication of Minutes | Yes | 15,064 |
| | No | 2,706 |

Please let us know if you have any questions about the election. Thank you.

Sincerely,

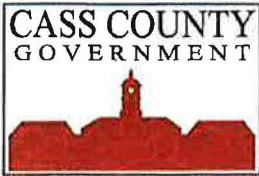
DeAnn Buckhouse, CERA, Election Coordinator
Cass County Finance Office

P.O. Box 2806
211 9th Street South
Fargo, North Dakota 58103

Enc.

Phone: 701-241-5728

www.casscounty.gov



Finance Office

Telephone: 701-241-5600
 Fax: 701-241-5728
 SMB-FIN@casscountynd.gov

July 1, 2022

City of Fargo
 Steve Sprague, Auditor
 PO Box 2083
 Fargo, ND 58107-2083

RE: Consolidated Primary Election
 June 14, 2022
 Certification of Results

Dear Mr. Sprague:

Enclosed is a computer printout of the final results of the Election on June 14, 2022 after canvassing. Listed below is a summary of both the candidate(s) and write-in votes.

| City of Fargo | | |
|-----------------------------------|-----------------------|-------|
| Mayor FARGO – 1 seat open | Timothy Mahoney | 9,755 |
| | Dustin Thomas Elliott | 575 |
| | Sheri L Fercho | 924 |
| | Arlette Preston | 4,837 |
| | Hukun Dabar | 2,729 |
| | Michael E Borgie | 1,353 |
| | Shannon Roers Jones | 3,741 |
| | Scattered Write-Ins | 36 |
| Commissioner FARGO - 2 seats open | Anna Johnson | 4,006 |
| | Branden Krieger | 1,675 |
| | Dave Piepkorn | 5,845 |
| | Matuor D Alier | 3,268 |
| | Victoria Johnson | 2,572 |
| | T. G. Tom Magin | 845 |
| | Ahmed Shiil | 3,130 |
| | Denise M Kolpack | 6,439 |
| | Al Carlson | 4,854 |
| | Jodi Plecity | 4,682 |
| | Ves V Marinov | 1,022 |
| | Will Thompson | 2,484 |
| | Jennifer Benson | 3,720 |
| | Lenny Tweeden | 1,178 |
| Philip Thomas Deery | 702 | |

| | | |
|---|----------------------|--------|
| | Scattered Write-Ins | 40 |
| | | |
| Park Board Commissioner FARGO PARK - Vote for 3 | Jacqueline Dotzenrod | 4,022 |
| | Joe Deutsch | 8,218 |
| | Jim Frueh | 4711 |
| | Aaron Hill | 5,701 |
| | Vicki Dawson | 9,085 |
| | Scattered Write-Ins | 41 |
| | | |
| City Measure No. 1 -- Term Limits | Yes | 12,157 |
| | No | 2,975 |

Please let us know if you have any questions about the election. Thank you.

Sincerely,



DeAnn Buckhouse, CERA, Election Coordinator
Cass County Finance Office

Enc.

Testimony from
Eric Wilson

In OPPOSITION to H.B. 1273

March 17, 2023

North Dakota Senate Committee on State and Local Government

Dear Chair Roers, Ranking Member Barta, Committee Members,
Ranked Choice Voting & Party Primaries

As the North Dakota Senate considers legislation to ban or otherwise limit the use of ranked choice voting (RCV) or instant runoff voting in state elections, I encourage you to consider the unintended consequences of this drastic step that would limit the opportunity for more grassroots conservatives to have a say in nominating candidates.

I have been a consultant for many Republican campaigns and active in the Republican Party of Virginia, where I served on the state central committee from 2020 - 2021. I believe the Republican Party - and voters all over - can benefit from ranked choice voting. Virginia shows exactly why.

With the rise of new media, grassroots candidates with limited establishment support have become more competitive. This has led to a proliferation of crowded primary fields. Between 2000 and 2018, the number of primaries with more than 3 candidates at the federal level has tripled. These nomination contests result in more nominees winning with a plurality – rather than a majority – of support.

In Virginia, the political parties have historically enjoyed broad leeway to determine the method of nomination for their candidates. This includes party-run processes like conventions which are held in a single location on a single day, or so-called firehouse primaries held at multiple locations with flexible timing. The parties may also opt for a state-run primary election with a plurality winner and no runoff requirement.

In 2021, Virginia Republicans adopted an “unassembled” convention which employed ranked choice voting to nominate their statewide candidates. It worked. We had the strongest ticket we’ve ever nominated according to many party insiders.

Following the success of that process, which led to the nomination of Virginia Republicans’ first statewide elected officials in more than a decade, three congressional district party committees adopted RCV in 2022. In the 8th, 10th, and 11th congressional districts, Republicans nominated their candidates via RCV.

Virginia’s 10th Congressional District also neighbors the 7th Congressional District, sharing portions of Prince William County. Republicans in the 7th opted for a state-run primary. This

offered a unique opportunity to test the effects of the method of nomination on candidate images and voter perceptions of campaign quality.

In the 10th Congressional District, 84% of voters described the campaign as positive compared to just 59% in the 7th Congressional District. Two-thirds of voters in the 10th rated the candidates as having run a mostly positive campaign, with an additional 18% saying the race was somewhat positive.

Because the nomination contest in the 10th Congressional District was considered more positive than in the 7th, Hung Cao, the Republican nominee chosen via RCV, emerged with 86% favorability among voters. In the 7th, Yesli Vega's favorability among primary voters was just 64%.

Cao was also better known by voters with 94% name identification compared to 77% for Vega in the 7th. This is likely due to the fact that in the RCV firehouse primary, voters were able to indicate preferences for each candidate and researched all of the options. Indeed, 97% of ballots had enough preferences to be counted for all nine rounds.

By removing incentives to attack candidates, the RCV firehouse primary in the 10th District also benefited those candidates who did not win. Jeanine Lawson, who finished second behind Cao, had a +59% net favorability. Brandon Michon, the third place finisher, had +54% net image.

Contrast this with images of the runners up in the 7th District. State Senator Bryce Reeves, considered the frontrunner for much of the contest, finished with the highest unfavorability rating we measured at 27%. While he still has a net +25% positive image, Reeves faces a contested primary to retain his newly redrawn Senate district this year.

In the general election, Cao outperformed expectations in his blue district by 4 percentage points, and is now considered a candidate for statewide office. In contrast, Vega performed on par with expectations and lost a tossup seat by 4 points.

Proponents of ranked choice voting cite more positive campaigns and more informed voters as one of the method's key benefits. Some observers credit the usage of RCV in the 2021 Virginia Republican unassembled convention that nominated now-Governor Glenn Youngkin as a key factor in GOP victories.

For lawmakers considering election reforms that give individual voters – not the party establishment – more say over party nominees, a wholesale ban on RCV is shortsighted. While RCV in general elections is typically unnecessary in our two-party system, it has proven to be a valuable tool in nominating competitive conservatives in the GOP primary.

I urge you to oppose this bill to preserve the opportunity to use ranked choice voting, for all the benefits described above.

Stan Lockhart
Former Chairman
Utah Republican Party



Saul Anuzis
Former Chairman
Michigan Republican Party

Testimony from:

Saul Anuzis
Former Chairman of the Michigan Republican Party

and

Stan Lockhart
Former Chairman of the Utah Republican Party

In OPPOSITION to H.B. 1273

March 17, 2023

North Dakota Senate Committee on State and Local Government

Dear Chair Roers, Ranking Member Barta, Committee Members,

We write to you as former members of the Republican National Committee and former State Party Chairmen with deep interest and a long-time commitment to the success and vitality of the Republican Party.

We write in opposition to H.B. 1273, which would prohibit use of ranked choice voting (RCV) in all elections in your state. We strongly believe that blanket opposition to RCV will hurt our chances to meet our goal of nominating the strongest possible candidates, and remove the chance for cities to adopt RCV to address “split votes” and “runoff fatigue” in their elections.

RCV is not a “one size fits all” system. Rather than throw the baby out with the bath water, let’s take time to learn why many Republicans in many states like RCV *in some form or in some context*. Supporting some applications of RCV does not mean endorsement of how RCV is used in Alaska, as one timely example.

We believe local and state parties should have the option to use whatever system they see fit, given their specific needs and situation.

First, we know some have real concerns that we should take seriously about using RCV in general elections, and our focus is on the nominating process. It’s true that in our two-party system, third-party candidates are often “spoilers” – and it’s true that Republicans have been far more likely than Democrats to be affected by minor parties. There are five Democrats in the Senate today who defeated a Republican by a margin that was less than half the votes earned by a Libertarian Party candidate in that race.

But where we focus our attention is on use of RCV in primaries, caucuses and conventions where desired by state and local parties. Virginia provides a particularly good example. We invite you to read this [important analysis by Virginia Republican political consultant Eric Wilson](#) on the value he has seen for Republicans in nominating candidates with RCV in his state.

(<https://ericjwilson.com/ranked-choice-voting-offers-a-promising-path-for-virginia-elections/>)

Contrast Glenn Youngkin's big win in Virginia in 2021, after winning a clear majority of the vote with RCV, with painful losses in a string of U.S. Senate races in 2022 after non-majority, split-vote winners of Republican primaries. Those defeats hurt our party's chances to stop Joe Biden's radical agenda.

Nominees chosen with majority support in their primaries do better in general elections than those chosen by a minority of voters. We can use that fact to our advantage. Our state and local Republican parties deserve the chance to try RCV to strengthen their nominees.

R Street recently released an [important report on the idea of using RCV in the presidential nominating process](#). As we prepare for another crowded field in 2024, we want a voting rule that will help us pick the strongest consensus candidate among Republican voters and activists – one ready to win in November. It would be wrong to leave tools on the table that can help us win.

Second, RCV is not a new idea nor a liberal idea. Robert's Rules of Order recommends RCV – also known as “preferential voting” – as a viable option for the election of organizational officers (see RONR (12th ed.) 44:11, 45.2; 45:3; 45:62), as do most other parliamentary guides. This explains:

- Why six southern states – Alabama, Arkansas, Georgia, Louisiana, Mississippi, and South Carolina – [have their overseas and military voters cast RCV ballots](#) when holding runoffs to give them a greater chance to have their vote count. (<https://sos.ga.gov/page/military-and-overseas-voting>)
- Why hundreds of private associations use RCV for leadership elections, including the American Chemical Society (the world's largest scientific society), American Psychiatric Association (more than 38,000 members); and American Psychological Association (approximately 150,000 members).
- Why RCV was [used in 2020 by the Indiana Republican Party](#) at its state convention to select its nominee for attorney general in a four-candidate race. (<https://wibc.com/89253/rokita-chosen-as-republican-attorney-general-nominee/>)
- Why Utah Republicans have used RCV at its state convention for major offices, from Governor to Congress, and a 2020 [post-convention survey found over 70 percent of participants](#) liked using RCV. (<https://www.utah.gov/pmn/files/725501.pdf>)
- Why the Republican Party of Virginia in 2020-22 has used RCV to elect its party chair, to nominate five candidates for Congress, and, most impactfully, to nominate [its victorious statewide ticket in 2021 led by Glenn Youngkin for governor in a seven-candidate race](#). (<https://www.virginiamercury.com/2021/05/10/virginia-gop-picks-glenn-youngkin-as-its-nominee-governor-heres-what-we-know-about-him/>)

- Why [Canada's Conservative Party has used RCV](https://cpcassets.conservative.ca/wp-content/uploads/2022/03/09111707/bb6620b6a719d2b.pdf) to pick its national leader in its last three leadership elections. (<https://cpcassets.conservative.ca/wp-content/uploads/2022/03/09111707/bb6620b6a719d2b.pdf>)

Third, there is no single model of RCV, and forms of it are completely consistent with our goals for election integrity. RCV can be used with a sensible limit of five rankings permitted for voters, for example. RCV instead can be implemented in a simple two-round “instant runoff.” RCV can be run such that it is fully “precinct summable” with all data reported locally. Hand tallies can confirm the results, as the Republican Party of Virginia has shown repeatedly.

The Alaska model is very different from using RCV in primaries. That system is based on ending primaries as we know them and allowing more than one Republican to advance to the general election, where RCV is used to allow voters to consider four candidates. That is not what we are discussing.

We respectfully suggest that there be a clear distinction taken into consideration of the difference between the use of RCV in general elections versus in local nonpartisan elections, primaries, and/or the nominating process. RCV in this form isn't some slippery slope proposal that is going to fool Republicans and/or conservatives into using something that will harm their general election chances. We also believe state parties and their respective party activists are more than capable of picking a nominating system that best fits their specific circumstances.

In the spirit of federalism that is so important to our party, we believe cities and parties should have the right to decide if, how and when they might use one voting system over another to elect or nominate their candidates.

We ask that you postpone action on this bill. Thank you for your time and consideration.

Saul Anuzis
Former Chairman of the Michigan Republican Party

Stan Lockhart
Former Chairman of the Utah Republican Party

Senate State & Local Government Committee
March 17th, 2023

Greetings, members of the Committee, I'm Jed Limke and I'm submitting testimony in **strong opposition** to HB 1273.

In 2015, Fargo held a special election for City Commissioner in which six candidates ran and a single winner was elected—with roughly **four out of every five** Fargo voters **NOT** voting for him.

In the next regularly scheduled election in 2016, we elected two city commissioners in a multi-seat election and, in their cases, roughly **seven out of ten voters did NOT vote for the first place finisher**—and it was even *worse* for the runner up.

To address this, I, along with other Fargo citizens, led the charge to collect signatures for and eventually pass an approval voting Home Rule Charter amendment for Fargo, purposefully targeting the general election to get the most Fargoans as possible to weigh-in on the decision... and weigh-in they did.

In response to a simple, direct, **four-sentence initiative** that appeared on the ballot in plain language, **over 30,000 voters approved the measure...** and we've used it for our elections ever since. Voters understood what they had read, understood what they wanted, and overwhelmingly voted "yes" to adopt *approval voting*.

Approval voting gives voters the freedom to say "yes" or "no" to every candidate instead of just one or two. If you only like one, you only have to vote for one. If you like more than one, you can approve them all. If you're worried your favorite doesn't have a chance, you can safely still vote for him or her—plus a couple more, if you'd like. **In the end, the person with the most votes wins, just as they always have.**

With approval voting, voters can always freely support as many or as few candidates as they wish and focus on their own **individual preferences** without worrying about group think or "electability." There's no need to go through several rounds of counting or several rounds of voting to determine the winners, either—it's just simple. So simple, in fact, it's compatible with every piece of election equipment across the state.

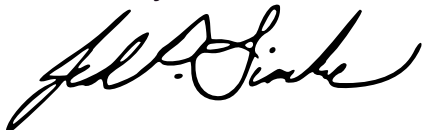
30,092 Fargo citizens understood what they were being asked.

30,092 Fargo citizens voted "yes" on this issue.

30,092 Fargo citizens chose *approval voting*—**overwhelmingly**.

I strongly oppose HB 1273 and humbly urge this committee to make a DO NOT PASS recommendation.

Sincerely,



Doesn't approval voting "dilute the vote?"

Absolutely not. Under approval voting, every voter has the power and privilege of voting for all candidates they support, whether it just one or a few. From the voter's perspective, they get to show full support to every candidate they believe in—our old method absolutely did not allow this—it was diluted in comparison to approval voting.

For example, imagine a three way race for mayor in Bismarck where we have **two red** candidates and **one blue** candidate running. Even if the majority of Bismarck is **red**, with **two red candidates** running for that constituency under the old system—plurality—votes get *diluted* and there's a strong chance that simply by having multiple, engaged candidates that appeal to the same voters, they will inadvertently **split the vote** and hand the victory to the **blue candidate**. Under approval voting, this example goes differently. Voters can vote for any and all the candidates that appeal to them, so in this example, with a majority of Bismarck voters being **red**, the majority will see their votes make a true impact on the outcome and elect a **red candidate** that **reflects their will**.

Candidates should win because they are **popular and earned their support**—not because *other* candidates did or didn't run.

Approval voting is far more representative of the voters and is not a dilution whatsoever.

What about "one person, one-vote?"

One person, one vote pertains to the power a voter holds when voting, not the election method they use, so long as all voters are treated equally. Courts have consistently upheld that alternative election methods do not violate this principle. **Every voter still gets one ballot and, therefore, one vote.**

What's "plurality?" What's "majority?"

A *plurality* is the largest group of unified voters in an electorate. The plurality *may* be a *majority* (i.e. over 50% of the electorate) but not necessary. All majorities are pluralities, but not all pluralities are majorities. In fact, a *majority* may not even exist in an electorate. Imagine rock, paper, and scissors voters. None of the groups represents a majority of the electorate and, therefore, a majority would not exist in that case. *No voting method can guarantee a majority winner where there are more than two candidates*—not plurality, not approval, not RCV.

What is "vote-splitting?"

Vote-splitting is an electoral effect in which the distribution of votes among multiple similar candidates reduces the chance of winning for any of those candidates, increasing the chance of winning for a dissimilar candidate. It is also sometimes referred to as the "spoiler effect." Consider famous races like Clinton v. Bush, Sr. v. Perot in 1992 or Bush, Jr. v. Gore v. Nader in 2000—these are oft-cited examples of *vote-splitting*.

| Fargo MAYOR - 2022 | Votes | % of Voters |
|---------------------------|--------------|--------------------|
| Mahoney | 9,755 | 60.84% |
| Preston | 4,837 | 30.17% |
| Roers Jones | 3,741 | 23.33% |
| Dabar | 2,729 | 17.02% |
| Borgie | 1,353 | 8.44% |
| Fercho | 924 | 5.76% |
| Elliott | 575 | 3.59% |
| Scattered Write-ins | 36 | 0.22% |

* There were 16,033 voters in the 2022 June Election

| Fargo COMMISSIONER - 2022 | Votes | % of Voters |
|----------------------------------|--------------|--------------------|
| Kolpack | 6,439 | 40.16% |
| Piepkorn | 5,845 | 36.46% |
| Carlson | 4,854 | 30.28% |
| Plecity | 4,682 | 29.20% |
| Johnson, A. | 4,006 | 24.99% |
| Benson | 3,720 | 23.20% |
| Alier | 3,268 | 20.38% |
| Shiil | 3,130 | 19.52% |
| Johnson, V. | 2,572 | 16.04% |
| Thompson | 2,484 | 15.49% |
| Krieger | 1,675 | 10.45% |
| Tweeden | 1,178 | 7.35% |
| Marinov | 1,022 | 6.37% |
| Magin | 845 | 5.27% |
| Deery | 702 | 4.38% |
| Scattered Write-ins | 40 | 0.25% |

* There were 16,033 voters in the 2022 June Election

| Fargo COMMISSIONER - 2020 | Votes | % of Voters |
|----------------------------------|---------------|--------------------|
| Strand | 10,393 | 55.27% |
| Preston | 9,893 | 52.61% |
| Grindberg | 9,196 | 48.90% |
| Krystosek | 3,787 | 20.14% |
| Rymph | 3,360 | 17.87% |
| Shaffer | 3,095 | 16.46% |
| Aboah | 2,976 | 15.83% |
| Scattered Write-ins | 155 | 0.82% |

* There were 18,805 voters in the 2020 June Election

| Fargo Approval Voting Initiative - November, 2018 | Votes | % of Voters |
|--|---------------|--------------------|
| YES | 30,092 | 63.52% |
| NO | 17,282 | 36.48% |

Fargo City Measure No. 1 HOME RULE CHARTER AMENDMENT

Shall the Home Rule Charter of the City of Fargo be amended so that 'City officials will be elected so that each voter may vote for all the candidates the voter approves of in each race. Candidates receiving the most votes will be elected until all necessary seats are filled in each race. For each candidate's result in each race, the reported vote percentages are calculated by taking the number of votes for that candidate divided by the total ballots cast.' All as provided in the Notice of Proposed Home Rule Charter Amendment as published in THE FORUM on the 3rd day of September 2018?

SHALL SUCH AMENDMENT BE APPROVED?

YES Means you approve the measure as summarized above.

NO Means you reject the measure as summarized above.

My name is Will Thompson, and I am a resident of Fargo North Dakota,

I am writing in opposition to House Bill 1273 and I ask the Political Subdivisions Committee to grant to this bill a Do Not Pass recommendation.

Approval voting was adopted by the City of Fargo by an overwhelming majority of voters in 2018. Through the powers vested in the city by the State under the Century Code's Home Rule Charter Act and in accordance with the rules of our Home Rule charter, the people of the City of Fargo showed their support for this voting method.

This bill would trample over the sovereignty and self governance of my community, as well as any community in North Dakota that in the future wished to implement voting methods that suit their needs better than the first past the post system. Not only would the freedoms of North Dakotans be curtailed if this bill passes, but they would be curtailed in a way many legislators believe would be unconstitutional. I also believe this to be the case.

The Century Code is very clear on this issue, cities with Home Rule Charters have a right to set policies, practices and laws that apply within their limits, and shall not be abridged by the state. If this bill were to pass, I guarantee a lawsuit would be filed, if not by the City of Fargo, then by individuals whose rights to self governance are being infringed upon (perhaps both). Perhaps the Big-Government supporters of this bill don't care about frivolous spending, but I do, and passing this bill will waste taxpayer money in defense of a bill that has no legality and will certainly be found unconstitutional.

There are many benefits of approval voting, one of which is allowing more interested people involved in the political process. I feel that this bill is a reactionary effort to stop people from getting involved, because the sponsors are scared of what will happen to them if citizens that might better represent North Dakotans aren't systematically discouraged from getting involved and running for public office. This bill feels designed to target voting methods that better express the will of the electorate than a first past the post system. We should be encouraging people to get involved in their government, not barring the doors.

I could write for a while on why approval voting (and other non first past the post) systems) better represent the will of the people, but there is plenty of easily findable research in the topic, and several others in the overwhelming majority of testimonials against this bill have done a good job. Instead I will link a YouTube video that dives into a few voting methods that this bill is targeting.

<https://youtu.be/oFqV2OtJOOg>

In summary, I am in opposition to House Bill 1273 and I ask the Political Subdivisions Committee to grant to this bill a Do Not Pass recommendation because HB 1273 is an unconstitutional infringement on the rights granted by the State to cities with Home Rule

Charters, and will waste taxpayer money by drawing suit in protection of the right of self sovereignty granted by the state.



Senate State and Local Government - HB 1273

Pete Hanebutt, NDFB Public Policy Director

Meghan Estenson, NDFB Legislative Counsel

March 17, 2023

Chairman Roers and members of the committee,

North Dakota Farm Bureau supports HB 1273.

NDFB is a grassroots organization. Our members bring issues to their county Farm Bureaus, then to their district meetings, and finally to the NDFB Annual Meeting to be voted on by fellow Farm Bureau members. These issues are then compiled to make up our member driven Farm Bureau Policy Book. NDFB has many policies regarding elections and our below policy speaks to this bill.

We oppose ranked-choice voting, preferential voting, or ranked-choice balloting. – ID # 2581/23

NDFB respectfully requests a “Do Pass” recommendation on HB 1273.

Fargo

1101 1st Ave. N. | PO Box 2064, Fargo, ND 58107-2064

Phone: 701-298-2200 | 1-800-367-9668

Bismarck

4900 Ottawa St. | PO Box 2793, Bismarck, ND 58502-2793

Phone: 701-224-0330 | 1-800-932-8869

Members of the Senate State and Local Government Committee, thank you for hearing my testimony. My name is Joseph Kennedy. I live in north Fargo, am a voter, serve regularly as an election clerk, and am a math teacher and instructional designer. Last semester, my curriculum included a unit on the mathematics of voting; my institution stresses civic engagement and I taught this unit specifically so students could have a stronger understanding of how different voting methods impact elections. I speak in opposition to HB 1273 specifically because it unduly restricts the will of citizens and it prevents a proven solution to some problems in today's political arena.

I support alternate voting methods, and thus oppose HB 1273 because, first, ranked choice voting and approval voting respect the fundamentally American democratic tradition that the will of the people (majority rule with minority rights) be observed. Each of these methods respects the plurality criterion, that the ultimate winner must receive a plurality of votes, and each of these methods gives more power to each individual citizen to determine how their vote is allocated. Forcing citizens who wish to have this power to make *only* a single choice takes away both the rights of the majority and the minority of citizens.

Second, ranked choice voting and approval voting reduce the likelihood a single-issue candidate will be elected. When I vote for a city commissioner, or school board member, or legislator, I expect them to solve multiple problems, across the breadth of civil society. Under the plurality-only voting mechanism, a candidate who is passionate about just one issue, and knowledgeable *only* about that issue, can be elected. While they may do a fine job on that one issue, and properly represent those who voted for them, they are not able to effectively do the rest of their job. Approval voting in particular makes it much harder for such a single-issue candidate to be elected, as decades of research and evaluation of elections using approval voting have shown.

Finally, and most importantly, these voting methods reduce partisanship and rancor. Like you, I'm tired of baseless accusations, insults, and hostility from the primary to the halls of legislation. Since 1985, we've known both by observation and through mathematical proof that approval voting almost always results in more centrist candidates being elected; in theory a Nash equilibrium can exist and in practice extremist candidates cannot gain the approval of enough voters to be elected. These methods also reduce the "hold your nose and vote for someone" factor, as Alaska's recent elections have shown.

Even as amended, HB 1273 prevents citizens of North Dakota from making an informed choice to have a different voting system, even if they see success in Fargo, or Alaska, or St. Louis, or Minneapolis, or Maine – this law tells North Dakotans they simply don't get to use a system that is democratic, fair, and might lead to greater consensus.

Proponents of this bill have brought up three arguments in favor of taking away voter's rights; I wish to address these as well.

It has been claimed we should not allow approval voting because a candidate can be elected without a majority of the votes. This is a non-unique argument; under the prior system a candidate was often elected without a majority of the votes. In Fargo in 2014: Tim Mahoney was elected with only 28.85% of the vote, and Dave Piepkorn with 20.56% of the vote, in an election with only 7 declared candidates. In 2016, elected were Tony Grindberg (16.09%) and John Strand (14.91%), and in 2018, the winners were Tony Gehrig (receiving 3,998 votes, or 17.97%) and Dave Piepkorn (3,683, or 16.55%). Using approval voting, in 2020, Fargo citizens elected John Strand, who received approval from 24.25% of

those voting (10,393 voters) and Arlette Preston, who was approved by 21.25% of voters. In 2022, Denise Kolpack received at least 31.43% of the vote, and Dave Piepkorn received at least 28.53% - despite 15 declared candidates running. That is almost double the number of voters expressing confidence in these candidates than the winning candidates received in 2018.

Supporters of HB 1273 claim approval voting is unfair or confusing. Jodi Plecity for example, has noted “not one person was for this type of election voting” but that is not my experience as a citizen nor as an election clerk. It might be that all approximately 5,000 Fargoans who voted for her feel this way, but in 2018, more than 30,000 citizens clearly felt approval voting was fair. As to confusing? Before 2020, when a voter in Fargo went to the polls in a primary election, they could vote for ONE gubernatorial candidate from any party, and ONE U.S. representative but only from the SAME party, and then ONE candidate for mayor, but TWO candidates for Commission, and THREE or FOUR School Board candidates, but only ONE judicial candidate for a particular seat. That is certainly more confusing than, “vote for all the people you feel would do a good job.”

Finally, the argument has been made that these methods of voting don't allow “all citizens [to] have an equal vote.” This is simply untrue – last year, every Fargo voter was able to vote in approval of none, one, two, or all 15 of the City Commission candidates if they wished. This appears to be the reason Rep. Koppelman introduced this bill, according to his prior testimony but not once ony does he explain why this method leads to an unequal vote. That's because it does not. When the U.S. Supreme court stated “one person, one vote” in Reynolds vs. Sims, they made it clear that no one person's vote should inherently have more weight than any other person's vote – neither approval voting nor ranked choice voting mean person A's vote means more than person's B.

Voting comes down to a simple question: “Do you think this person would do a good job?” Americans want elected officials to do a good job. Approval voting and ranked choice voting allow voters to express their confidence that a particular person can do that. I respectfully request this committee honor the wishes of voters who just want our citizen-legislators do a good job, and recommend a DO NOT PASS vote on House Bill 1273.

**Do Pass Testimony
of Doug Sharbono, citizen of North Dakota
on HB1273
in the Sixty-eighth Legislative Assembly of North Dakota**

Dear Madam Chair Roers and members of the Senate State and Local Government Committee,

I am writing as a citizen and believe HB1273 is great legislation. This legislation fulfills the concept of "one person, one vote."

Approval voting has been an absolute disaster in Fargo. Fargo citizens were told by the proponents of approval voting that it would solve the problem of the minority number of voters electing the officeholder. Achievement of their goal was a failure. As an example, only 13.86% and 12.58% of the Fargo City voters elected the top two city commission candidates on primary elections 2022. This is pathetic. The 2018 proponents of approval voting did not give us the benefit they promised.

While I was canvassing and assisting campaigning, approval voting was mass confusion amongst the citizens. Many did not have a clue to which candidates the approval voting method applied, and this was the second season of it under Fargo's belt. Despite much instruction, there were many spoiled votes in 2022 due to overvotes on non-city elections on the ballot. Approval voting is a scourge to democracy and needs to be stopped and not allowed to spread. We need a statewide uniform standard, no exception.

Please give HB1273 a Do Pass.

Thank you,

Doug Sharbono
1708 9th St S
Fargo, ND 58103

HB 1273

Rep. Ben Koppelman- Testimony

Madame. Chairman and Members of the Committee,

Thank You for the opportunity to introduce HB1273 to you today.

I introduced this bill with the intent of honoring the time-tested method of voting in our state by ensuring that all of our citizens have an equal vote in our elections.

North Dakota uses a voting method known as **plurality voting**. This method is also used in nearly all the political subdivisions in our state. In fact, this system is the traditional way of voting in the United States for nearly all elections. Under the **plurality voting** system, the top vote getter wins the election, regardless of if they achieve a majority or merely a plurality of the votes. This system is sometimes augmented with primary elections if the desire is to narrow the field and try to ensure the winner is more likely to receive a majority of votes. It can also be augmented by adding a run-off election provision to ensure the winner gets a majority of the votes. The combination of **plurality voting**, and the run-off provision is sometimes known as **majority voting**.

Other systems of voting have been tried in other parts of the country with various outcomes in mind. Probably the most common and controversial alternative is known as **ranked-choice voting**. This method is also sometimes known as instant-runoff voting. The way this system works is that you vote for as many candidates for a given office as you wish by ranking them in priority order, and since this system is often used without being prefaced by a primary election, the field of candidates is often crowded. On the first round of counting votes, every voter's first choice is counted, and if a candidate receives a majority of the votes, then that candidate wins. This system works the same as **plurality voting** if a candidate received a majority in the first round. If a candidate fails to receive a majority in the first round is when it gets interesting. To conduct the second round of counting votes, the candidate who received the lowest number of votes is eliminated from contention, and the ballots cast for that candidate are reassigned to the second ranked choice candidate on each of those voters. If after the second-round votes are tallied there is still not a majority winner, the counting goes on to additional rounds of eliminating candidates and reassigning votes until

a winner is chosen. Thus far, I am not aware of any political subdivisions using **ranked-choice voting** in North Dakota.

Another alternative voting method that had been around for some time, but is rarely used, is known as **approval voting**. This method of voting allows a voter to vote for as many candidates as the voter chooses to without any preference to the desirability of one candidate over another. Since there is no ranking of the voter's preferences on the ballot, each of the selections are given the same weight and counted equally in the election. Like **ranked choice voting**, this system is often not prefaced by a primary election either, and thus often has a crowded field of candidates. Thus, the result is often that the voter's most desirable candidate does not win, but neither does that voter's least desirable choice. In most places where this method has been implemented or considered, which are very few, the **approval voting** method is used to narrow the field to two candidates, and then a run-off election follows.

In North Dakota, I am only aware of one political subdivision that uses this method. In 2018, the City of Fargo amended their home-rule charter to change the voting method to **approval voting** for local elections. The reason proponents offered as a need for the change was the desirability to have candidates have a larger percentage of the vote compared to a candidate that received around 20% of the vote in a previous election. It is worth noting, that the Fargo version of **approval voting** does not include the run-off provision. The first election held in Fargo under this new system was in 2020 when only mail-in voting was allowed. The method was also used in 2022.

The problem with both **ranked choice** voting and **approval voting** is that they both have the potential to dilute the vote of a voter's chosen candidate. The second problem is that these methods don't necessarily narrow the field prior to the final election to offer voters the opportunity to get to know the remaining candidates if their first choice candidate is eliminated. The third problem is that this method has the effect of candidates either encouraging "bullet voting", which is voting for only one candidate even though it is allowed to vote for multiple, or not actually campaigning honestly on their positions for fear that they won't be someone's second or third choice. The result is that the voter ends up electing a less principled or less candid candidate to represent them. I believe the **plurality voting** system best encourages open debate on issues and creates the best forum

for the voter to learn about the candidates. If it is desirable to narrow the field of candidates, a primary can be used as it is now for statewide and some political subdivision elections. If there is a desire to achieve a **majority voting** system, a run-off election can be added to augment the **plurality voting** system.

Please join me in respecting our right to a fair and equitable election by banning alternative systems that dilute the value of one-man-one-vote and the ability of each voter to cast a single vote for a single office.

Madame Chairman and members of the committee, I request that you give this bill a Do-Pass recommendation. I would be happy to attempt to answer any questions that you may have.