

December 14, 2021

TO: Members of the Senate Committee on Elections, Election Process Reform and Ethics

FR: Senator Dale Kooyenga

RE: Support for SB 250 – Top-Five Primaries and Instant Runoff Voting for the Offices of

U.S. Senator and U.S. Representative to Congress

Thank you for holding a hearing on Senate Bill 250. This bill is designed to encourage collaboration and problem-solving in Washington, D.C. by changing the incentives that elected officials have under the current electoral system.

Many Americans believe that Washington is broken. Eighty-two percent of Americans are dissatisfied with Congress, according to a December 2020 Gallup poll. This gridlock comes at a time of growing international threats, out-of-control spending and debt, and numerous other challenges. Despite these challenges, many in Washington seem compelled to appeal to the furthest fringes of their bases out of fear of a primary challenge.

This bill proposes to change the election method for federal elections in Wisconsin (U.S. Senate and U.S. Representative to Congress) to Final-Five Voting, the combination of a single-ballot, top-five primary and instant runoff general elections. The goal is to improve the incentives elected officials operate under and bring accountability back to Washington through two changes:

- Primary: Replace party primaries with single ballot, open primaries that allow for a wider range of candidates and ideas by allowing the top five finishers in the open primary to all compete in the general election.
- General: Instant runoff elections, enabled by ranked choice voting ballots, replace voting for only a single candidate. This empowers voters, if they choose, to rank the top-five candidates in order of preference and the candidate with the widest appeal to the greatest number of voters wins.

Final-Five Voting does not require politicians to abandon their ideological views. It doesn't even seek to change the people currently in office. However, it does change the incentives that politicians respond to and therefore encourages legislating in a manner that reflects the wishes and interests of a larger share of the electorate.

I believe that competition results in better outcomes because it creates more choices. As in free market economics, this principle also applies to politics. I also believe in fulfilling our Constitutional responsibility as elected officials to work toward a "more perfect union." Our nation's Founders gave the responsibility for running elections to the states. We have an opportunity to embrace the responsibility they placed in us and demonstrate how each state is a laboratory of democracy.

Thank you for hearing SB 250. I respectfully ask for your support.



# TONY KURTZ-

STATE REPRESENTATIVE • 50th ASSEMBLY DISTRICT

### 2021 Senate Bill 250

Relating to: top-five primaries and instant runoff voting for the offices of U.S. senator and U.S. representative in Congress.

Dec 14th, 2021

Senate Committee on Elections, Election Process Reform and Ethics

Thank you, Chairperson Bernier, for holding a public hearing on Senate Bill 250 (SB 250) today, and thank you to the members of the committee for taking my testimony.

This bill proposes to update the election method for federal elections in Wisconsin to Final-Five Voting, a system intended to incentivize Congress to bring increased accountability to Washington.

The Final-Five Voting method makes two changes to how we vote in federal elections. The first change is in the primary election, where all candidates will run on a single ballot in an open primary. The second change is in the general election, where voters will use a ranked choice ballot. With this method, the candidate with the widest appeal to the greatest number of voters wins.

Most of us elected at both the state and federal level want to get things done. Most of our constituents also want us to get things done, and they're incredibly frustrated that Congress is not. When my colleagues and I decided to serve in this capacity, we all did so for our own reasons but love of country is paramount. Many of us also served our country in the armed forces, where we weren't on the red team or the blue team. We were on the American team. We need more of that in our politics and elected service in DC. Final-Five Voting will not solve all our nation's challenges, but it will make the incentives line up a bit more to serve on the side of our American team. That is worth fighting for.

I believe this bill will allow our federal elected officials to better represent Wisconsinites in Washington. It encourages politicians to reach across the aisle to solve issues together, and puts the pressure on elected representatives to deliver results as promised. I encourage you to give this bill your fair and full attention today.

Thank you again for the opportunity to present my testimony on SB 250.



# JEFF SMITH WISCONSIN STATE SENATOR – 31ST DISTRICT



# Testimony in Support of Senate Bill 250 Senate Committee on Elections, Election Process Reform and Ethics December 14, 2021

Good Morning Chairwoman Bernier and Members of the Committee,

Thank you for the opportunity to testify on Senate Bill 250 alongside my Republican and Democratic colleagues. I am honored to co-author this legislation to establish a Final-Five voting process in Wisconsin. We believe this type of reform is needed to make government more effective, encourage more civil and constructive campaigns and promote a discourse of diverse ideas.

Americans are skeptical about our political system and see the process as broken. Having been elected to the Wisconsin State Senate eight years after leaving the Assembly in 2010, I personally see how politics have changed. Americans recognize this dysfunction and they have grown frustrated by it. The vast majority of Americans are dissatisfied with Congress and their inability to get anything done; in fact, only 21% of Americans approve of their performance, according to the recent October Gallup poll.

I hear this frustration when I'm listening to the people of western Wisconsin during my regular "Stop N Talks." Unsurprisingly, the most disgruntled constituents stop. They see lawmakers with little appetite for bipartisan compromise; they don't feel like their elected leaders are looking out for their best interests. Regardless of my constituents' political persuasion, I can talk to them about Final-Five Voting.

In short, the Final-Five Voting model for U.S. Senate and Congressional elections is a combination of top-5 primaries and ranked-choice voting in the general election. Using the top-five primary and ranked choice general election is a proven method that encourages participation by both voters and candidates. With change like this, candidates must be more responsive to voters from the start. In addition, those who are elected must still work hard with their colleagues to produce results for their constituents.

Wisconsinites like Final-Five Voting because it provides more choice and more voice in elections. Final-Five Voting ensures elected officials are held accountable. Too often, we've heard from Wisconsinites who feel disconnected from their leaders; this leads them to become disengaged from the political process altogether. As elected officials, we should be encouraging our constituents' engagement in the issues and political process as a whole. We can get started through Final-Five Voting.

Thank you again for your time and interest in Final-Five Voting. I know Representative Riemer now would like to provide testimony in support of Senate Bill 250.



# DANIEL RIEMER

7th DISTRICT

### WISCONSIN STATE ASSEMBLY

To: Senate Committee on Elections, Elections Process Reform and Ethics

From: State Representative Daniel Riemer

Date: December 14, 2021

Subject: Testimony on Senate Bill 250 (Assembly Bill 244)—Relating to: top-five primaries and

instant runoff voting for the offices of U.S. senator and U.S. representative in Congress.

Thank you Chair Bernier and committee members for permitting me to testify on legislation that would significantly reform the way Congressional elections are held in Wisconsin.

Like most of the people we represent, the authors believe that deep partisan divides and political rancor have poisoned our national dialogue, even on issues that initially seem above politics. Not surprisingly, Congress consistently polls unfavorably among Americans. Due largely to lack of action on some of America's most important challenges, Congress has lost the trust of the American people. But the dysfunction in our nation's capital will not miraculously fix itself. We in state government share responsibility for cleaning up the mess in national government, because as elected state leaders, we have the power to do something about it.

That is why we humbly ask you to consider Senate Bill 250 (Assembly Bill 244). If passed, congressional elections in Wisconsin will work differently in two critical ways. First, voters will no longer vote in a Republican primary or a Democratic primary; instead voters will cast their ballots in one, nonpartisan primary. The five candidates that receive the most votes will advance from the primary to the general election. Second, in the general election, voters will be able to rank these "final five" candidates in order of preference using ranked-choice voting.

These new election rules provide candidates for Congress a strong incentive to reach out to voters beyond the partisan primaries in which they currently run. That means asking voters of another party to consider voting for them, something the current election rules create little to no incentive to do. This new approach will change the nature of our elections, and in turn, create a new era of collaboration and results in Congress. Final-Five Voting does not require politicians or voters to abandon their views or their parties (we'll proudly remain members of ours), but it does encourage reaching across the aisle to solve big problems in a consensus-focused, bipartisan fashion. Members of Congress, having been elected by and held accountable a broader part of the electorate, will feel more supported in seeking out common ground and making the difficult compromises required to solve the nation's most serious challenges.

America works best when we all come together to work on the problems facing our country. We need to find innovative ways to remove the obstacles to collaborative leadership. Final-Five Voting gives voters a way to undo the gridlock in Congress and hold members of Congress more accountable. We hope Wisconsin will be a leader in advancing bipartisan election reform. Thank you for considering this legislation, we hope you will support it.

### SB 250 FFV Testimony - Bill Berrien

Good Morning/Afternoon. Thank you for the opportunity to testify today.

As a Navy Veteran who served for 9 years as an officer in the Navy's SEAL Teams and now an owner and leader of a manufacturing company in Wisconsin, I'm proud to be a part of both Veterans for Political Innovation and Democracy Found Action.

We feel the weight of our generational responsibility to urgently address the paralyzing dysfunction and polarization we witness each day in Washington, DC – through Final Five Voting.

This polarization and dysfunction are neither normal, nor cyclical, and we have to take a systems-level view at how we fix it. The Economist Intelligence Unit ranks the U.S. 25th among countries as a 'Flawed Democracy' on par with Portugal, Estonia, and Italy and behind countries we would consider our peers.

Interestingly, 49% of veterans self-identify as independent or unaffiliated voters. We believe neither veterans nor the general public are well served by the binary race-to-the-bottom nature of our current political construct.

Innovating and looking to improve my precision parts manufacturing company is what I look to accomplish every day for that business to be more competitive and grow. Similarly, in the political and election world, we need to innovate and strive to create more competition and accountability. Our goal is a competitive American democracy and less toxic political process where everyday citizens are incentivized and excited to participate. Reinvigorating competition into our politics and changing the incentives for candidates and elected officials is how we fix this.

Final Five Voting provides that innovation and path to return power back into the hands of voters: "More voice, more choice, more accountability"

Thank you for learning more about this critical mission we are so honored to be fighting for.



# Final-Five Voting: Data on Experience/Implementation To-Date (Related to RCV)

Much of the pushback regarding Final-Five Voting focuses on the second part, an instant runoff general election (also known as Ranked-Choice Voting (RCV)). The critique argues that a ranked-choice ballot is too complicated to explain and too complicated for voters to use. Skeptics do not believe voters will be willing and able to learn about and rank all candidates. Evidence from RCV elections across the United States and around the world show that this is not true.

Even without the benefits of limiting the number of candidates through the Top-Five Primary, as we propose for Wisconsin, instant runoffs have been used successfully in:

- Statewide primaries and congressional general elections in Maine;
- Local elections in both major cities and small towns in fourteen states (incl. Minnesota, Michigan, Utah, Colorado, and New Mexico);
- Overseas and military voter elections in seven states, to ensure full participation in congressional runoff elections (Alabama, Arkansas, Georgia, Louisiana, Mississippi, and South Carolina); and
- Thousands of public and private academic and civic institutions, including by Republican and Democratic state parties in several states (incl. runoffs in WI) for caucuses and officer elections.
- Internationally, it is used by every voter in six countries and in local elections in many more.

Professors Andrea Benjamin (University of Oklahoma) and Barry Burden (University of Wisconsin-Madison) recently published a report summarizing the academic literature regarding impacts of Final-Five Voting on Communities of Color. It finds they have, "little to fear," from Final-Five.<sup>1</sup>

In general, research shows that voters like, understand, and use ranking to demonstrate their preferences when they vote using a ranked-choice ballot.

#### **Voter Satisfaction**

- Voters are more satisfied when they get to rank candidates, since they can express the full range of their political voice.<sup>2</sup>
- A majority of all respondents prefer RCV to the old system of elections, according to exit polls across municipalities where RCV is in use.
  - o In Utah, 81% said the method is either very or somewhat easy and 90% said the instructions on the ballot were somewhat or very clear. When compared to standard election participants, 65% said they were very satisfied, with 64% of ranked choice election participants responding likewise.<sup>3</sup>
  - In NYC, 95% of voters found their ballot simple to complete, and 78% of New Yorkers said they understood RCV extremely or very well.<sup>1</sup>
  - In Maine, more than 74% of people in an exit poll said that ranking choices was either somewhat or very easy. 60.9 % favored either keeping or expanding the use of RCV. That included the 53.4% who want ranked-choice voting expanded to more elections including the governor's race.<sup>4</sup>

- After the June 2018 primary elections, 90% of Maine votes reported that their RCV experience was either "excellent or good." This was the first time most Maine voters had used RCV.<sup>5</sup>
- $\circ$  Strong majorities (87 95%) of respondents across multiple cities noted they understand RCV well or fairly well and majorities (69 84%) reported knowing how to rank candidates before coming to vote.<sup>6</sup>
- o In Minneapolis, where voters have used RCV since 2009, 92% of residents said they found RCV to be "simple." <sup>7</sup>
- A majority of most demographic groups supported RCV in 11 California cities surveyed.<sup>8</sup>
- In Utah's 2019 elections, candidates also expressed satisfaction with RCV; 87.5% of candidates had a positive impression of RCV with no candidates having a negative impression.<sup>9</sup>

#### **Voter Use**

- When given the option, voters prefer to rank candidates rather than merely one candidate, experience has shown. In the vast majority of RCV races contested by more than three candidates, a significant majority of candidates rank at least two candidates.<sup>10</sup> For example:
  - A majority of voters in Payson and Vineyard (two Utah cities that use RCV) fully ranked their ballots in 2019, demonstrating the ease and utility of an RCV ballot.<sup>11</sup>
  - o In 2014, three-quarters (74%) of Oakland voters ranked three different mayoral candidates (the maximum allowed). Another 11% of voters ranked two.
  - o In the 11 Alameda County RCV races that had three or more candidates in 2014, 63% of voters ranked three candidates, and 76% ranked at least two.
  - o In the five-way contest for San Francisco's 10th Supervisor District with a strong incumbent, only a third of voters ranked just one candidate.
- Voter error is not more likely in RCV elections, according to research studying 26 cities.
- In Maine's first RCV election, less than 0.2 percent of ballots were spoiled by voter errors. 13
- Research by Caroline Tolbert at the University of Iowa and Todd Donovan at the University of Western Washington State shows:<sup>14</sup>
  - In the 24 RCV contests held in the Bay Area in November 2014, overvoting was uncommon.
     Over 99% of voters cast a valid ballot in each race, including in the 16-candidate, highly competitive contest for mayor in Oakland.
  - o In the 2013 mayoral race in Minneapolis, which was contested by 35 candidates, only 0.5% of all ballots cast contained errors, such as an overvote (when an elector casts more votes in a contest than is allowed, resulting in a spoiled vote a ballot which is not counted in the final tally) or skipped ranking. 90% of these errors were correctable 15, resulting in a valid ballot rate of 99.94%. Voters had three available choices and 78% of voters ranked all three of their available choices in the mayoral race. 16

Wisconsin's proposal, narrowing to the Top-Five candidates in a single-ballot primary, combined with instant runoffs in the general election (Final-Five Voting) for federal races enables healthy competition in higher turnout elections with greater voter engagement and information.

Alaska voters approved an open, Top-Four Primary and Instant Runoff General Election via ballot initiative in 2020. They will first use this system in 2022, giving us the opportunity to learn from implementation of essentially the same policy as is being proposed for Wisconsin.



Tuesday, December 14, 2021

Wisconsin State Senate Committee on Elections, Election Process Reform and Ethics via Committee Clerk Duerkop Wisconsin State Capitol
2 East Main Street
Madison, WI 53703

RE: Final-Five Voting, SB 250

Thank you for hearing Senate Bill 250, related to Final-Five Voting (top-five primaries and instant runoff voting) for the offices of U.S. Senator and U.S. Representative in Congress.

Wisconsinites know there's a problem: According to the August 2021 Marquette Law School Poll, 84 percent of respondents said Washington is broken. Final-Five Voting is designed to help fix it: Final-Five Voting is not designed to necessarily change who wins, but rather to change what the winners have the freedom to do, are incented to do. Final-Five Voting accomplishes this in part by ensuring that Senators and Representatives are chosen in the November general elections, when most Wisconsinites participate.

As a cross-section of Wisconsin business and community leaders, our interests are diverse and our ideologies fall across the political spectrum. Despite those differences, we all agree that this legislation will help restore accountability to our politics and we are committed to doing what we can to support its passage.

Leadership by elected officials in Madison to enact Final-Five Voting for Wisconsin's Congressional Delegation would go a long way towards revitalizing the promise of our republic. Please accept this statement in support of SB 250 on our behalf.

Signed,

David Anderson and Laura Petrie Anderson Lena and Rich Eng

Greg and Carol Anderegg Nick Fallucca

Bill Berrien Leah Fiasca

Gary Bluemel Drs. Kathryn Quadracci Flores and Raja Flores

John Burke Katherine Gehl

Hector Colon Joanne Grunau

Laura and Kyle Crum Kelly Grebe

Michael Drescher Megan Hakes



Katie Heil Cory Nettles

Joe Heim Matt Neumann

Hank Herzing Angelo Ninivaggi

Jim Imhoff Andy Nunemaker

Mary and Eric Isbister Rick Parks

Jeff Joerres Adam Peck

Linda and Mike Katz Anoop Prakash

Henry and Susan Knueppel Austin and Heather Ramirez

John Lauber Gus and Becky Ramirez

Don and Mary Jo Layden Lee Rasch

David and Madeleine Lubar Former Congressman Reid Ribble

Vincent Lyles Dr. Ajay and Katie Sahajpal

Greg and Linda Marcus Rick Searer

Tom Milbourn Dennis Slater

Kevin Moran Julie Tolan and Mark Wiesman

Leana Nakielski Lynde Uihlein

Will Nasgovitz Sarah and Steve Zimmerman

https://law.marquette.edu/poll/wp-

content/uploads/2021/10/MLSP66Toplines.html#Q19B: US gov%E2%80%99t working or broken

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



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

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

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

### 1. In the Primary Election:

	What is your favorite Wisconsin		
professional sports franchise?  Fill in the oval next to your choice, like this   :			
0	Beloit Snappers		
0	Forward Madison		
0	Green Bay Blizzard		
	Green Bay Packers		
0	Milwaukee Admirals		
0	Milwaukee Brewers Milwaukee Party		
0	Milwaukee Bucks		
0	Milwaukee Wave		
0	Wisconsin Herd Oahkosh Party		
0	Wisconsin Timber Rattiers		

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

Voters select their favorite candidate.

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

What is your favorite Wisconsin professional sports franchise?	Toronous Sho chouse Sho chouse Sho chouse She chouse		
Admirals Milwaukee Party	0000		
Brewers Milwaukee Party			
Bucks Milwaukee Party			
Forward Madison Party	00000		
Packers GB Party			

## 2. In the General Election:

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

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

If no one has a majority, technology enables instant runoff voting. The last-place candidate is eliminated and anyone who voted for that candidate can have their second choice counted instead. The votes are counted again, and the process continues until one candidate gets over 50%.

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

# Leadership

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

Board and Advisory Council:

Drs. Kathryn Quadracci Flores & Raja Flores Becky & Gus Ramirez Mary Jo & Don Layden Madeleine & David Lubar Linda & Greg Marcus

Andy Nunemaker

More supporters noted on www.democracyfound.org

Sue & Bud Selig Lynde Uihlein Sarah & Steve Zimmerman

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

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

- Andy Nunemaker

<sup>&</sup>lt;sup>1</sup> Benjamin and Burden (2021) 'Consequences of Final-Five Voting on Communities of Color', 22 Oct. Available at: <a href="https://elections.wisc.edu/consequences-of-final-five-voting-for-communities-of-color/">https://elections.wisc.edu/consequences-of-final-five-voting-for-communities-of-color/</a>

<sup>&</sup>lt;sup>2</sup> Common Cause New York (2021) New York City Voters Embrace Ranked Choice Voting (RCV): Preliminary results from largest Ranked Choice Voting exit poll and election in US history. Available at: <a href="http://readme.readmedia.com/RANK-THE-VOTE-NYC-RELEASES-EDISON-RESEARCH-EXIT-POLL-ON-THE-ELECTION/17989282">http://readme.readmedia.com/RANK-THE-VOTE-NYC-RELEASES-EDISON-RESEARCH-EXIT-POLL-ON-THE-ELECTION/17989282</a> (Accessed: 7 July 2021).

<sup>&</sup>lt;sup>3</sup> https://www.deseret.com/utah/2021/11/15/22783224/did-utahns-like-ranked-choice-voting-a-new-poll-has-answers-elections-2021-local-politics-election (Accessed: 2 December 2021).

<sup>&</sup>lt;sup>4</sup> Shepherd, M. (2018) 'What exit polling reveals about Maine's experience with ranked choice voting', *Bangor Daily News*, 13 November. Available at: https://bangordailynews.com/2018/11/12/news/exit-polling-finds-narrow-majority-of-mainers-back-expansion-of-ranked-choice-voting%E2%80%8B/

<sup>&</sup>lt;sup>5</sup> FairVote (2018) 'Maine voter survey shows RCV was easy to use', *FairVote Voices & Choices*, 15 June. Available at: <a href="https://www.fairvote.org/maine-voter-survey-shows-rcv-was-easy-to-use">https://www.fairvote.org/maine-voter-survey-shows-rcv-was-easy-to-use</a>

<sup>&</sup>lt;sup>6</sup> https://fairvote.app.box.com/v/ExitPollsSummary

<sup>&</sup>lt;sup>7</sup> "The 2017 Municipal Election: An Analysis & Recommendations," Minneapolis City Council Standing Committee on Elections and Rules, May 9, 2018, https://lims.minneapolismn.gov/Download/RCA/4684/2017%20Municipal%20Election%20Report.pdf.

<sup>8</sup> https://www.fairvote.org/data on rcv#research rcvvotersupport

<sup>9</sup> https://www.utah.gov/pmn/files/706149.pdf

<sup>10</sup> https://www.fairvote.org/data on rcv#research rcvsocialchoice

<sup>&</sup>lt;sup>11</sup> Fairvote (2019) Utah Voters Rank Their Choices. The 2019 municipal elections in Payson and Vineyard. Available at: https://infogram.com/utah-voters-use-rcv-1hzj4o9kmrv74pw?live

<sup>12</sup> https://fairvote.app.box.com/v/kimball-anthony-full-study

<sup>&</sup>lt;sup>13</sup> Woodard, C. (2018) 'Maine's pioneering ranked-choice election likely to catch on nationally', *Press Herald*, 18 November. Available at: <a href="https://www.pressherald.com/2018/11/18/maines-pioneering-ranked-choice-election-likely-to-catch-on-nationally/">https://www.pressherald.com/2018/11/18/maines-pioneering-ranked-choice-election-likely-to-catch-on-nationally/</a>

<sup>14</sup> https://www.fairvote.org/data on rcv#research rcvvoterturnout

<sup>15</sup> https://lims.minneapolismn.gov/Download/RCA/4684/2017%20Municipal%20Election%20Report.pdf

<sup>&</sup>quot;The City of Minneapolis was obligated to develop policy guidance to address these RCV specific ballot errors to satisfy the statutory requirement. As part of its first use of RCV in 2009, the City created a Voter Error Accounting Chart which met this need. The Voter Error Accounting Chart provided consistent treatment of ballots with RCV-specific errors, a process sometimes referred to as "normalizing" a ballot. It is important to emphasize that normalized ballots are not disqualified or excluded from being included in the tabulation of election results. In each and every instance where a ballot error is discovered, that ballot is normalized according to the policy guidelines dictated by the ordinance and then tabulated."

<sup>&</sup>lt;sup>16</sup> https://www.fairvotemn.org/news/rcv-numbers-2013-key-minneapolis-election-findings