



Sen. Kari Dziedzic, Chair
Sen. Nicole Mitchell, Vice Chair
State and Local Government and Veterans Committee
Minnesota State Senate

April 15, 2024

Testimony of Campaign Legal Center in Support of SF 3868

On behalf of Campaign Legal Center (“CLC”), we are pleased to offer this testimony in support of SF 3868, which would allow local governments across Minnesota to adopt ranked choice voting for use in local elections.

CLC is a nonpartisan, nonprofit organization dedicated to advancing democracy through law. Through its extensive work on redistricting and voting rights, CLC seeks to ensure that every United States resident receives fair representation at the federal, state, and local levels. As such, CLC has supported the adoption of reforms that promote equitable representation, including state-level voting rights acts and ranked choice voting.

CLC strongly supports SF 3868 and urges the Minnesota Legislature to adopt it. SF 3868 gives local governments across the state access to a widely used and sensible election reform—one that gives voters a greater voice in their communities, reduces negative campaigning, and helps ensure both majority rule and fair minority representation. SF 3868 also ensures consistent and responsible administration of ranked choice voting as interest in this meaningful reform continues to grow in local governments across the state.

I. The Civic Benefits of Ranked Choice Voting

Ranked choice voting (“RCV”) makes a simple yet powerful change to how voters vote. Instead of selecting just one candidate in each race, RCV gives voters the power to rank candidates in order of preference: first choice, second choice, and so on.

In an election to select a single winner, the candidate with the majority of first-choice rankings wins. If no candidate wins a majority of first-choice rankings, then an “instant runoff” occurs: the candidate who received the fewest first-choice preferences is eliminated, and voters who chose the now-eliminated candidate have their ballots added to the totals of their next choice candidate. This process repeats until one candidate receives a majority of the votes and is declared the winner.¹

Importantly, the steps required for RCV tabulation are carried out by election administrators, using voting systems and equipment specifically designed to run RCV elections. For voters, the process is as simple as ranking their preferred candidates.

Studies show that RCV has a number of beneficial effects.² For example, RCV’s tabulation process ensures that no vote is wasted and every ballot counts: in any election requiring an instant runoff, if a voter’s first choice cannot win, then their vote still counts for their next choice among viable candidates. In this way, RCV frees voters to fully express their electoral preferences without the pressure to vote strategically or worry that their vote won’t matter.

RCV also reduces negative campaigning and rewards candidates who run civil campaigns.³ Traditional plurality voting, in contrast, incentivizes candidates to use negative tactics to ensure that they are the voters’ only choice and that other candidate(s) are not. RCV rewards candidates who take a more positive approach by balancing their efforts to get first-choice rankings without alienating other candidates’ supporters who might list them as second or third

¹ In races for multi-winner seats (e.g., city councils or county commissions) and multi-winner primaries, votes are tallied in a similar fashion, except that each of the winners must receive a threshold percentage of votes that varies based on the number of seats, rather than winning a simple majority (50%+1). See *Proportional Ranked Choice Voting*, FairVote (last visited Apr. 12, 2024), <https://fairvote.org/our-reforms/proportional-ranked-choice-voting>.

² See generally, e.g., Alexandra Copper & Ruth Greenwood, *The Civic Benefits of Ranked Choice Voting: Eight Ways Adopting Ranked Choice Voting Can Improve Voting and Elections*, Campaign Legal Center (Aug. 17, 2018), <https://campaignlegal.org/sites/default/files/2018-08/CLC%20Issue%20Brief%20RCV%20PDF.pdf>.

³ See *id.* at 1-3 (collecting sources).

choice.⁴ RCV's ability to encourage more civil campaigns⁵ can, in turn, reduce political polarization.⁶

RCV likewise promotes majoritarian outcomes *and* ensures fair minority representation. In races for single-winner offices (like mayors and county auditors), RCV requires that the winning candidate get support from a majority of the electorate, ensuring the winner has broad community approval.⁷ In races for seats on a multi-member governing board (like city councils, school boards, and county commissions), multi-winner RCV gives minority communities a fair shot at electing representatives of their choice commensurate to their share of the electorate—unlike traditional plurality voting systems, which can shut out candidates preferred by minority voters.⁸

In any type of election, RCV encourages a greater number of candidates with more diverse views and backgrounds to run and have a chance to be elected.⁹ Because RCV mitigates the so-called “spoiler effect,” more candidates can run without fear of splitting votes with another likeminded candidate. Candidates from historically underrepresented communities with similar platforms, for example, need not worry about competing for voters and may, instead, all run for office and work together to ensure representation for the group. In this way, RCV's structure benefits minority candidates, including candidates of color and women, as numerous studies have confirmed.¹⁰

⁴ *Id.* at 2.

⁵ The capacity of RCV to foster civility is well documented. *See id.*; *see also, e.g.*, Sarah John & Andrew Douglas, *Candidate Civility and Voter Engagement in Seven Cities with Ranked Choice Voting*, NATIONAL CIVIL REVIEW 25, 26 (2017); Todd Donovan, Caroline Tolbert & Kellen Gracey, *Campaign Civility Under Preferential and Plurality Voting*, 42 ELECTORAL STUDIES 157, 159-60 (2016); Caroline Tolbert, *Experiments in Election Reform: Voter Perceptions of Campaigns Under Preferential and Plurality Voting*, Presented at Conference on Electoral Systems Reform, Stanford University, at 11-13 (Mar. 15-16, 2014); Todd Donovan, *Candidate Perceptions of Campaigns under Preferential and Plurality Voting*, Paper prepared for the workshop on Electoral Systems, Electoral Reform, and Implications for Democratic Performance, Stanford University, at 10 (Mar. 14-15, 2014); Robert Richie, *Instant Runoff Voting: What Mexico (and Others) Could Learn*, 3.3 ELECTION LAW JOURNAL 501, 504 (2004); Steven Hill & Robert Richie, *Success for Instant Runoff Voting in San Francisco*, NATIONAL CIVIC REVIEW 65, 66 (Spring 2005); Haley Smith, *Ranked Choice Voting and Participation: Impacts on Deliberative Engagement*, FairVote Civility Report #7, at 4 (Jun. 2016).

⁶ Copper & Greenwood, *supra* note 2 at 6-7.

⁷ This form of RCV is also known as instant-runoff voting. *See id.* at 4-5.

⁸ This form of RCV is known as single transferable vote. *See* Gerdus Benadè, et al., *Ranked Choice Voting and Minority Representation* (Feb. 2, 2021), <https://mggg.org/uploads/STV-POC.pdf>.

⁹ Copper & Greenwood, *supra* note 2 at 5-6 (citing studies).

¹⁰ *See, e.g.*, Cynthia R. Terrell, Courtney Lamendola & Maura Reilly, *Election Reform and Women's Representation: Ranked Choice Voting in the US*, 9 POLITICS AND GOVERNANCE 332-34, <https://www.cogitatiopress.com/politicsandgovernance/article/view/3924/2154> (2021); Deb Otis & Nora Dell, *Ranked Choice Voting Elections Benefit Candidates and Voters of Color*,

Recognizing these many benefits, more than fifty jurisdictions across the country—including 2 states, 3 counties, and 45 cities—have adopted RCV for use in some or all elections.¹¹ In total, approximately 13 million Americans across 24 states¹²—including almost a million Minnesotans¹³—rely on RCV to cast their ballot and express their voice in American democracy. And the appetite for RCV continues to grow, as at least 5 states besides Minnesota introduced legislation this year alone to allow for use of RCV at the local level.¹⁴

Moreover, experience proves that voters who use RCV both understand it and have confidence in its results. Surveys conducted in jurisdictions that use RCV—including in Minnesota—consistently show that the vast majority of voters find RCV ballots easy to understand,¹⁵ and are satisfied with RCV and want to continue using it.¹⁶ Evidence even shows that use of RCV can increase voter participation,¹⁷ with increased turnout particularly pronounced among young voters.¹⁸

In short, the benefits of RCV to democracy are numerous.

II. SF 3868 Extends the Benefits of RCV to All Local Governments and Ensures Sound Administration of RCV Elections

SF 3868 would expand the availability of RCV to many more local governments beyond those already permitted to use RCV. Currently, Minnesota law gives only some local governments under certain circumstances such authority: only charter cities with odd-year elections—which account for less than 1% of

FairVote (2021), https://fairvote.org/report/report_rcv_benefits_candidates_and_voters_of_color/; Cynthia R. Terrell et al., *In Ranked Choice Elections, Women WIN: RCV in the United States: A Decade in Review*, RepresentWomen (July 2020), <https://representwomen.app.box.com/s/9m839giwkro4wuhej2ponaytk98xqznz>.

¹¹ See *Ranked Choice Voting Information: Where Is Ranked Choice Voting Used?*, FairVote, <https://fairvote.org/our-reforms/ranked-choice-voting-information/> (last visited Apr. 12, 2024).

¹² *Id.*

¹³ Five Minnesota cities—including three of the state’s five largest cities—already use RCV in local elections: Minneapolis, St. Paul, Bloomington, Minnetonka, and St. Louis Park. *Where RCV is Used*, FairVote Minnesota, <https://fairvotemn.org/progress/> (last visited Apr. 12, 2024).

¹⁴ See *Ranked Choice Voting Legislation*, FairVote, <https://fairvote.org/ranked-choice-voting-legislation/> (last visited Apr. 12, 2024).

¹⁵ See, e.g., Copper & Greenwood, *supra* note 2, at 10-11 (collecting sources); see also, e.g., Deb Otis, *Exit Surveys: Voters Love Ranked Choice Voting*, FairVote (Nov. 16, 2023), <https://fairvote.org/report/exit-surveys-report-2023/>.

¹⁶ See, e.g., Copper & Greenwood, *supra* note 2, at 10-11 (collecting sources); Otis, *Exit Surveys*, *supra* note 15.

¹⁷ See, e.g., Copper & Greenwood, *supra* note 2, at 9-10 (collecting sources).

¹⁸ See, e.g., Courtney L. Juelich & Joseph A. Coll, *Ranked Choice Voting and Youth Voter Turnout: The Roles of Campaign Civility and Candidate Contact*, 9 *POLITICS AND GOVERNANCE* 319, 329 (2021).

localities—can adopt and use RCV.¹⁹ SF 3868 would expand access to all Minnesotans, authorizing all cities (regardless of charter status), counties, and school districts across the state to adopt RCV for use in local elections, if they so choose. SF 3868 thus would put power in the hands of Minnesotans to decide whether RCV is right for their community.

In addition to expanding the availability of RCV, SF 3868 also provides clear and consistent rules for implementing ranked choice elections, preventing haphazard implementation as more jurisdictions choose to adopt the reform. The bill establishes rules for ballot design in RCV elections, procedures for tabulating votes in both single-winner and multi-winner contests, and requirements for the reporting and, if necessary, recount of RCV election results.

SF 3868 also provides the Secretary of State authority to establish additional standards as needed for RCV elections, further ensuring uniform implementation of RCV in localities across Minnesota. Finally, the bill ensures that voting systems and vote tabulation software compatible with RCV will be certified for use by local election administrators, eliminating a perceived impediment to RCV election administration.

SF 3868 thus would not only extend the choice of RCV to more local governments, but also ensure that RCV is administered consistently as more local governments continue to adopt it. For these reasons and to benefit local democracy in Minnesota, we strongly support SF 3868 and urge you to enact it.

Respectfully submitted,

/s/ Alexandra Copper

Alexandra Copper, Legal Counsel
Kevin Hancock, Director of Strategic
Litigation
CAMPAIGN LEGAL CENTER
1101 14th St. NW, Suite 400
Washington, DC 20005

¹⁹ See, e.g., *Where RCV is Used*, FairVote Minnesota, *supra* note 13.