

HB21-1071 Ranked Choice Voting in Nonpartisan Elections

House State, Civic, Military and Veterans Affairs Committee,

Dear Colorado Legislators,

I urge you to support HB21-1071 Ranked Choice Voting (RCV) in Nonpartisan Elections. Ranked Choice Voting has, over more than a hundred years of use in the United States, been proven to save money, produce results that better reflect the will of the people, and provide those results in a timelier manner than holding a series of runoff elections.

RCV vote tallies convey more information about voter sentiments than conventional vote tallies, providing our leaders, and prospective leaders with information to help them better serve their constituencies. Voters are no longer forced to choose between the lesser of two evils out of fear of splitting the vote for the candidate they prefer.

Ranked Choice Voting results are more decisive and trustworthy because no candidate can win with less than fifty percent of the vote, and vote tallies are less vulnerable to undetected tampering. RCV worked so well in Portland, Maine that the State of Maine expanded its use to all state and federal primary elections, all general elections for Congress, and 2020's general election for president.

Please follow the examples set by the City of Boulder, Basalt, Carbondale, and Telluride, Colorado, along with 17 municipalities in 11 states, and support Ranked Choice Voting in Colorado.

Thank you for your consideration.

Don Colacino
Erie, Colorado



RCV for Colorado
1536 Wynkoop Street, Suite 908
Denver, CO 80202
www.RCVforColorado.org

2/21/2021

House State, Civic, Military, and Veterans Affairs Committee
Rep. Chris Kennedy, Chair
Rep. Steven Woodrow, Vice Chair
200 East Colfax
Denver, CO 80203

Re: *HB 21-1071, Ranked Choice Voting in Non-Partisan Elections*

Dear Mr. Chair, Mr. Vice Chair, and Esteemed Members of the Committee:

I am writing today in support of HB 21-1071, *Ranked Choice Voting in Non-Partisan Elections*. I am currently a member of the Board of Ranked Choice Voting for Colorado. My support for Ranked Choice Voting (RCV) began 20 years ago. In 2006, I ran for Secretary of State and spoke to people across Colorado about RCV. In 2007, I worked with the late State Senator Ken Gordon (D-Denver) and then State Representative John Kefalas (D-Ft. Collins) on the 2007 Voter Choice Act. From 2007 to 2008 I sat on the Voter Choice Task Force, an interim committee which was co-chaired by then State Representatives John Kefalas and James Kerr (R-Littleton). I assisted in producing the Final Report of the 2007 Voter Choice Task Force, which was distributed to the members of the 2008 General Assembly. I continue to advocate for RCV including speaking at public and private events.

Colorado continues to be at the forefront of the effort to defend access to the ballot and secure our citizens' right to express themselves when voting. Colorado was one of the first states to allow women to vote. By switching to mail-in ballots, Colorado is a leader in voter turnout. Our minor party laws allow those who do not wish to be a Republican or a Democrat to participate in our state's electoral process.

Ranked Choice Voting allows citizens to rank candidates for political office in the order they prefer. With RCV, voters have greater freedom of expression at election time as RCV eliminates "spoilers" and allows more participation by third party and independent candidates. Eliminating "spoilers" empowers citizens to vote for candidates of their dreams and still protect their values. Currently, RCV is used or will be used in cities and counties in 25 states. Maine and Alaska voters have chosen to use RCV state-wide. This year, 30 bills regarding RCV have been introduced in legislatures across America. Support for RCV across the country is bipartisan with outspoken Republicans and Democrats supporting RCV. I have attached copies of op-eds written by U.S. Senator Elizabeth Warren (D-Mass.) and Stan Lockhart, former Chair of the Utah Republican Party.

Statutory municipalities in Colorado are allowed to use Ranked Choice Voting per C.R.S. 1-7-1001, et seq., *The Voter Choice Act*. There are cities in our state that currently use RCV. Other cities are contemplating use of RCV. Interest in RCV is growing in Colorado, and adoption and use will most likely continue in the near future.

Passing HB 21-1071 will give statutory municipalities the tools they need to use RCV in elections. Many cities in our state do not possess the software needed to conduct an RCV election. For example, in 2020,

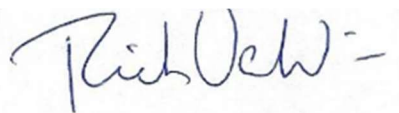
the town of Basalt counted RCV ballots by hand. Most Colorado counties possess voting technology that can be used for RCV elections. This bill will allow cities and counties to work together and removes an unnecessary barrier to the implementation of RCV. Further, by allowing cities and counties to coordinate, cities will save money by not having to purchase software already owned by the counties. Lastly, if this bill becomes law, it removes the possible chilling effect that lack of technology could have on citizens' decision whether to adopt RCV for their city. It's not far-fetched to think that voters would reject a voting method that would benefit their city because of concerns about the cost of technology. Voters will be free to choose or not choose RCV on the merits as concerns about how an RCV election will be run will have been addressed by this bill.

Importantly, this bill charges the Secretary of State with creating rules regarding coordinated elections using RCV and approving the technology used in RCV elections. The importance of the Secretary of State's oversight in the implementation of RCV cannot be stressed enough. This quality control by the Secretary of State's office will prevent cities and counties from buying software and hardware that is not adequate for running elections. This is a real danger as any city that uses inadequate technology may experience unnecessary delays in reporting vote totals and other unanticipated problems. Also, HB 21-1071 builds upon the authority given to the Secretary of State by C.R.S. 1-7-1004 and will ensure that rules regarding RCV elections are consistent and lawful all across Colorado. Cities that adopt RCV will not have to "start from scratch" and dedicate resources in order to promulgate their own rules, and implementation of RCV will not be delayed due to lack of rules.

In conclusion, interest in RCV in Colorado is growing. Now is the time for the legislature to act to support our communities that decide to use RCV to elect local officials. By passing HB 21-1071, the legislature will give our cities the tools they need to run RCV elections.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Rick VanWie". The signature is written in a cursive, slightly slanted style.

Rick VanWie
Board of Directors
RCV for Colorado

OPINION

Ranked-choice voting is a better way to vote

In a large, diverse field of candidates, ranked-choice ballots would guarantee democratic majority rule.

By **Elizabeth Warren and Jamie Raskin** Updated September 18, 2020, 8:15 a.m.



Maine allows for ranked-choice voting in state primary elections and in general elections for federal office. ROBERT F. BUKATY/ASSOCIATED PRESS

Across the country, [nearly 1,000 people are dying each day from COVID-19](#), an infectious disease that should have been under control by now. The economy is being squeezed to its breaking point. The fight for racial justice has reached an inflection point

and demands bold action. And from postal sabotage to old-fashioned voter purges, voting — the very foundation of our democracy and an essential instrument for change — is under siege.

To defend our democracy, we need to fortify it. One way is by strengthening the principle of majority rule while defending and protecting the rights of all individuals, including those in the minority. Massachusetts voters have a chance to do just that in November by approving [ranked-choice voting](#) on Question 2.

Although many people believe that majority rule is a core part of what it means to be a democracy, numerous examples show why this isn't the case in the American system of government. In two of the last five presidential elections, the antiquated Electoral College system has propelled two popular-vote losers (George W. Bush in 2000 and Donald Trump in 2016) to the Oval Office. The Senate is still tied up in knots with the anti-majoritarian filibuster rule. And, in far too many other races, elected officials win not because they actually earn anything near a majority of the votes but because they collect a few more votes than the runners-up. That is how the current plurality system works.

To fix this, communities across the country — from Maine to California, and even here in Amherst and Cambridge — have taken steps to safeguard our democracy by adopting ranked-choice voting.

So how does ranked-choice voting work? Under the current plurality system, each voter is allowed to vote for only one candidate, and the candidate who receives the most votes is elected — period. That works fine when only two candidates are on the ballot. But in a big field of candidates, particularly in a primary, this means that someone with 30, 20, or even 10 percent of the vote could be declared the winner simply because the remaining 70, 80 or 90 percent of the votes are scattered to many different candidates.

Ranked-choice voting allows voters to rank their choices among as many of the candidates as they want, and no candidate is declared the winner until someone receives

more than 50 percent of the votes. The ballots are counted for everyone's first choice. If no one has a majority, the votes for the candidate who finished last are then distributed to voters' second-ranked candidate. If a candidate breaks the 50 percent threshold, the winner is declared. If not, then the votes of the remaining candidate at the bottom are reallocated to those voters' next choice — and so on until someone gets a majority.

By requiring the winner to reach more than 50 percent of the vote, ranked-choice voting ensures the winning candidate is the one with the broadest appeal to the majority of voters. The ability to mobilize the broadest and deepest appeal across the electorate would replace the ability to target a passionate minority constituency, which may be extreme or nonrepresentative from the standpoint of most voters as the key to winning.

Today's elections host some of the largest and most diverse candidate fields — and that's great. But in the current plurality system, large fields split up common voting blocs. So most voters might overwhelmingly prefer to elect identified environmentalists to their town council, and a dozen environmentalists might show up to vie for that spot — but as the green dozen divides up the majority of votes, a single pro-fossil-fuel candidate who stirs up antienvironmental sentiment could win with only a small fraction of total votes cast.

Ranked-choice voting has another remarkable virtue: Everywhere it has been adopted, it has replaced the politics of personal destruction with positive coalition politics. If two like-minded candidates are running against each other in a large field, they are more likely to work for the second and third choices of their opponent's supporters by appealing to what they have in common rather than focusing on divisive issues.

For everyone who worries that they won't know enough about every candidate to rank multiple candidates, they can leave the other options blank. If that voter's choices don't make it into the final round, then that voter is no worse off under RCV than under the current system.

Ranked-choice voting can make our elections more positive and require successful

candidates to build broad coalitions. It can ensure that everyone's vote counts and open the door to elections that more fairly represent the electorate. Most important, ranked-choice voting can make sure that the winning candidates have successfully appealed to the majority of the voters. That's a stronger democracy.

Elizabeth Warren is the senior US senator from Massachusetts. Jamie Raskin is a US representative from Maryland.

GUEST COMMENTARY

Ranked choice voting is a win-win solution for Kansas' crowded primaries

BY STAN LOCKHART *SPECIAL TO THE EAGLE*

MAY 06, 2020 04:32 AM



Stan Lockhart is a former Republican Party chair in Utah. *COURTESY PHOTO*



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03:06

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Babe Ruth called his towering home run as the Yankees swept in the Cubs in the

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It was 1932. I'm proud my Republican Party has won every Senate race in Kansas since.

But this year, Democrats have united around a former state senator Barbara Bollier, whose first quarter [fundraising total of \\$2.4 million](#) set a new Kansas record. Republicans, meanwhile, appear fragmented, with four well-known candidates seeking the nomination to succeed the retiring Pat Roberts.

Last week, Kansas state Republican chairman, Mike Kuckelman, [called on the candidates](#) polling in third and fourth place — state Senate President Susan Wagle and former Johnson County commissioner and Kansas City Chiefs star Dave Lindstrom — to drop out. Party members have since called upon [Kuckelman to resign](#).

There's a better and proven way to bring about party unity and select a nominee who heads into the fall election with genuine majority support: ranked choice voting. RCV would allow candidates to stay in the race without being “spoilers.” Voters, not state party officials, would determine the nominee. And the winner would be the candidate with the broadest and deepest support.

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Kansans are already learning about ranked choice voting because state Democrats adopted it for their 2020 presidential primary, joining [three other states](#). It's as easy as 1, 2, 3: Voters place the candidates in order, stopping when indifferent to their remaining choices. Those rankings act as a voter's backup if their first choice

And it worked for them — the Democrats saw more than three and a half times the number of voters compared to the 2016 presidential primary, with nary a criticism raised in their process.

Here's how it works in a Senate primary. If someone earns more than 50 percent on the first tally, they win, like any other election. But if no one has a majority, RCV functions like an instant runoff: the last candidate is out, and their ballots go to each voter's next choice. The field gets winnowed naturally to identify the majority preferred candidate.

It's the ultimate win-win. RCV allows greater choice. A party can have a full debate, yet winners with majority support. With ranked choice voting, a party chair wouldn't feel tempted to force out candidates because RCV solves the outcome Kuckelman fears: a divided party and controversial plurality winner who becomes less electable after winning with fervent, but only minority support.

RCV helps produce a different kind of election, defined by incentives that reward candidates able to unify a party. Here in Utah, voters love it. This year, Republicans at our state convention used RCV successfully in crowded contests for governor and Congress, with record turnout and widespread satisfaction.

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As a former Republican state party chair, I understand Mike Kuckelman's concerns. Republicans naturally want a nomination process that helps them win a

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run their best race, then have one rise to the top who brings their party together. Ranked choice voting may be the answer.

Stan Lockhart is a former Republican Party chair in Utah and directs Utah Ranked Choice Voting. He lives in Sandy, Utah.

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BY AL HIGDON *SPECIAL TO THE EAGLE*

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RCV for Colorado
1536 Wynkoop Street, Suite 908
Denver, CO 80202
www.RCVforColorado.org

February 22, 2021

House State, Civic, Military, and Veterans Affairs Committee
Rep. Chris Kennedy, Chair
Rep. Steven Woodrow, Vice Chair
200 East Colfax
Denver, CO 80203

Re: HB 21-1071, Ranked Choice Voting in Non-Partisan Elections

Dear Mr. Chair, Mr. Vice Chair, and Esteemed Members of the Committee:

I write you to urge you to support HB21-1071 and to help bring Ranked Choice Voting (RCV) to our local, non-partisan elections. As a resident of Denver, I see RCV as an important step in helping my city modernize our elections. Currently Denver elections do not comply with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) because of the amount of time that it takes to mail ballots to citizens and military members in remote regions of the world. Also, during that month-long window when runoff election campaigns take place, the city of Denver gets flooded with negative campaign ads from the top two candidates and their special interest donors. The fact that tax payers have to foot the bill for an expensive runoff election laden with toxic television and internet ads and that disenfranchises people serving our country makes no sense.

Many states utilize RCV to help their military members have a voice in who represents them. The votes of Colorado military members should not be an afterthought and they deserve to have access to the ballot that they fight to defend. Because this is the House State, Civic, Military, and Veterans Affairs Committee it seems that supporting military and overseas citizens suffrage should be at the forefront of your priorities. This bill will help our counties to gain access to the RCV tabulation modules already available on all of the voting machines in Colorado by having the state purchase the licenses. Hopefully, this bill will eventually help to expand RCV's use in Colorado beyond municipal elections so that nature of politics changes for the positive.

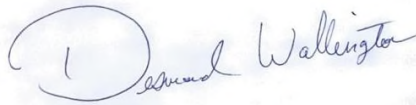
One of the benefits of RCV has had in states and cities that adopted it is that the voting method resulted in more civil elections. Because RCV encourages political candidates to campaign for their opponents' supporters' second and third place rankings, it results in political campaigns that become issue-focused rather than mudslinging. I look forward to seeing local elections in which candidates for mayor or city council focus on the issues rather than digging up sensationalized political dirt on their opponents. This also blunts the impact of special interest

money from influencing our runoff elections for their benefit. RCV will help to put civility back into civics.

Finally, RCV would help Denver to reign in the costs of our runoff elections, which cost the taxpayers close to a million dollar to run. The startup cost of adopting RCV and running RCV would provide a long-term financial benefit of eliminating the runoff elections. This seems like a commonsensical upfront investment to save Denver money in the future.

Ultimately, the reasons to support RCV speak for themselves: saving cities money by eliminating runoff elections, helping to bring cities into compliance with UOCAVA—so that our military are not disenfranchised, reigning in the influence of money in local politics, and bringing civility back into politics. Please support HB21-1071 and help bring meaningful RCV to Colorado.

Sincerely,

A handwritten signature in blue ink that reads "Desmond Wallington". The signature is written in a cursive style with a large, prominent initial "D".

Desmond Wallington, PhD
Board of Directors
RCV for Colorado

HB21-1071 Ranked Choice Voting in Nonpartisan Elections

Mr. Chairman, distinguished Members of the Committee:

My name is Kyle Gschwend. I am employed as a quantitative research analyst in the financial services industry, living and working in Lone Tree.

I urge you to support HB21-1071 Ranked Choice Voting in Nonpartisan Elections. This legislation will expand access to RCV elections for cities across Colorado, for which there are many proven benefits.

It is a truism in political science that no voting method is perfect. However, RCV is the best voting method that may accurately and transparently measure the full spectrum of voter preferences, while retaining the simplicity necessary for widespread adoption. Voters who see merits in candidates across political parties – for whom the current system of plurality voting is especially frustrating – will have the opportunity under RCV to explicitly rank-order their preferred candidates, rather than casting a vote which collapses their views on the candidates to a single datum. This in turn substantially reduces the susceptibility of the electoral system to tactical voting.

RCV also eliminates the need for secondary runoff elections, thereby saving cities money that may be spent on vital municipal projects. Denver's last runoff election unnecessarily cost over \$800,000, Colorado Springs spent \$550,000, and Pueblo wasted \$135,000. RCV is also more fair than secondary runoffs, because the same pool of voters is responsible for electing a winner.

Unlike plurality voting, RCV requires that the winner gain a majority threshold of support from the electorate. Results seen in cities with RCV suggest that the campaigns become more issue-focused as candidates compete for first- and second-choice votes, generally resulting in reduced negative campaigning.

The City of Boulder voted in November 2020 to start electing their mayor using RCV in 2023. Broomfield, Colorado Springs, and Denver are all looking into using RCV for their municipal elections. Passing this legislation will create a unified system for counties to use RCV and will create an audit system to maintain our election security.

While it is true that adopting a new voting system will necessitate upfront costs, relative to the size of the state budget the annual expense is a rounding error. Moreover, the benefits of improved elections substantially outweigh the associated costs of adoption.

Please support this legislation to expand a better election method for Colorado.

Thank you,
Kyle A. Gschwend
Lone Tree, CO



Office of the Clerk & Recorder

1750 33rd Street · Boulder, CO 80301 · www.BoulderCounty.org

Molly Fitzpatrick, Boulder County Clerk & Recorder

February 22, 2021

RE: HB 1071

To: House Committee - State, Civic, Military, and Veterans Affairs

Dear House State, Civic, Military, and Veterans Affairs Committee:

I am writing to express my office's support in advancing HB 1071. While there are still outstanding clarifications and contingencies we need to see incorporated in to offer support in the Senate, we believe the substance of this bill is moving in the right direction for Boulder County and the City of Boulder's purposes.

As the jurisdiction who would likely be responsible for the first implementation of an Instant Runoff Voting (IRV) election in Colorado under the new standards, we appreciate Representative Kennedy's effort to ensure many of our requirements are reflected in this piece of legislation, and we remain committed to ensuring this legislation continues improving as it moves through the process. Our outstanding concerns that we would need to see resolved in the Senate include auditing, contingencies around licensing, and timelines.

Our office approaches this bill from an administrative and technical perspective for Boulder County and all of Colorado. We recognize that there will be substantial impacts to the Secretary of State's office as well as other Colorado counties should their municipalities pursue IRV. For that reason, our office first reviews this bill from the purview of how it will help support fulfilling the outcome of the 2020 ballot question in the City of Boulder.

Additionally, our office also recognizes that this legislation will create the framework on which IRV is based in Colorado, and we remain committed to ensuring our election community proceeds with a great deal of care and intention. Colorado is a national leader in elections, and the framework for IRV elections must ensure that voters can expect the same high standards in IRV as they have come to expect from our plurality elections.

An individual county simply does not have the resources or authority to effectively implement IRV – including voting system certification and establishing conditions of use. This bill mandates that the Secretary of State to do this work; as well as promulgate rules and standards around how these types of elections are run at a larger scale both wholly within a county and with districts that cross county boundaries; and how to incorporate ranked choice voting into our risk-limiting audit system. With this mandate written in the legislation, as this bill moves into the Senate, we need to continue examining the specifics of contingencies, timelines, resources, and costs to ensure our state is set up to be successful.

Thank you for your service,

Molly Fitzpatrick
Boulder County Clerk and Recorder