



## Wyoming Lawmakers Move Forward With Ranked Choice Voting

Leo Wolfson

October 18, 2022

Wyoming may be slowly moving toward ranked choice elections.

The Corporations, Elections and Political Subdivisions Committee has approved a draft bill allowing municipalities to try out ranked choice elections for nonpartisan races through a pilot test program.

Ranked choice voting, also known as an instant runoff election, gives voters the option to rank candidates in order of preference: first, second, third and beyond. Votes that do not help voters' top choices win count for their next choice.

If a candidate wins 50% or more of first-preference votes, he or she is declared the winner. If no candidate wins a majority of first-preference votes, the candidate with the fewest first-preference votes is eliminated. First-preference votes cast for the failed candidate are eliminated, lifting the second-preference choices indicated on those ballots. A new tally is conducted to determine whether any candidate has won a majority of the adjusted votes. The process is repeated until a candidate wins an outright majority.

Proponents of ranked choice say it decreases partisan politics and allows voters to consider a slate of candidates they like rather than a single option. Ranked choice is used in Alaska and Maine, while Utah is testing a pilot program.

Wyoming's test would be for nonpartisan municipal elections that run concurrently with primary and general elections, and the few municipalities that run elections in May. Municipalities will have the option to try out the pilot but are not required to participate.

David Fraser, executive director of the Wyoming Association of Municipalities, said although he doesn't know of any towns or cities that have expressed a desire to participate in ranked choice, he estimates a handful would.

### Opposition

The draft bill received stiff opposition from some leading members of the Wyoming Republican Party, but still passed with an 8-5 vote during the committee's Friday meeting.

State Rep. Chuck Gray, R-Casper, largely expected to be the next secretary of state in Wyoming, told Cowboy State Daily he isn't a fan of the practice.

“I’m opposed to rank choice voting,” he said. “Voters don’t like ranked choice voting and that’s why some choose not to vote at all in states that have it.”

Sen. Charles Scott, R-Casper, spoke against the bill. Scott said he was “intrigued” by ranked choice voting a few years ago, but after watching it used in a few states he no longer views it as a successful voting mechanism for highly contested elections.

“Enough people either understand it and choose not to rank more than one candidate or get confused and end up not using the ranking system,” he said.

He said ranked choice can result in situations where a winning candidate gets less than a majority of the vote.

“There’s an old English expression that says that something is too clever by a half,” he said. “I suspect that applies to these ranked choice voting systems.”

### **Conflicting Studies**

According to public policy firm New America, in 2004, San Francisco implemented single-winner RCV for the first time and reported high levels of understanding of RCV. Researchers found 86% of polling place voters surveyed said they understood RCV “fairly well” or “perfectly well.”

A different 2016 study from the Cato Institute performed on San Francisco elections from 1995 to 2011 revealed a strong relationship between declining voter turnout and the adoption of RCV. During odd or off-cycle election years, RCV jurisdictions have an 8% average lower voter turnout than non-RCV jurisdictions.

### **Ranked Choice Costs More**

The cost of running a ranked choice election would cost each county about \$12,000 more per election, including new training. In the first year of use, RCVs would cost the state more than \$329,000 more than usual. After the first year, the cost would drop to a \$230,000 increase for each subsequent election. Part of the costs would include buying new election equipment to manage the new voting mechanism.

“That’s a lot of money to spend on a pilot program that potentially doesn’t go forward,” said Kai Schon, state elections director.

Municipalities would have to pay the additional costs incurred in running the pilot program, which would begin in 2024.

“We should be securing elections by banning ballot drop boxes and instituting other election integrity measures,” Gray said.

Rep. Shelly Duncan, R-Lingle, advocated for the bill and said people make ranked choice-type decisions every day of their lives when deciding what gas stations to fill up at and grocery stores to buy food from.

“It’s not as confusing as it seems,” she said.

Jim Roscoe, I-Wilson, agreed with Duncan, saying he has faith in the voters' intelligence.

### **Purpose For Parties**

Kathy Russell, executive director of the Wyoming Republican Party, said she has received communications from many people who oppose the use of ranked choice voting in Wyoming. She criticized arguments made during the meeting that ranked choice would give minority voters a voice and improve civility.

Rep. Jim Blackburn, R-Cheyenne, said the public is concerned about what happens after "we do this little test."

Russell said pilot programs are always intended to expand.

Rep. Marshall Burt, L-Green River, said the bill is limited to nonpartisan municipal elections, but Russell speculated the intent of the project is to later expand into partisan elections.

She is opposed to the elimination of political parties, which she said are a critical part of the coalition system. She said eliminating parties would reduce American politics to "fiefdoms."

"That means you have to get to know every single candidate running," she said. "How do you get to know every single one of those candidates? I advocate for the political party system because it is the first coalition."

Burt disagreed and said ranked choice "allows for a greater voice of the people." His Libertarian party uses a ranked choice voting system to elect candidates at its state convention that moves on to the general election.

"When you run a nonpartisan, then you can have more people ... to actually have a greater voice of one, being able to run an election, win an election, and then the voice of people are actually being heard," he said. "This isn't for partisan politics."

### **Change Needed**

Matthew Link, a representative of the League of Women Voters, said his organization supports any form of alternative voting method to the current status quo. In 1972, the Wyoming Constitution gave municipalities the right to do whatever election mechanism they please, but the Supreme Court later made that privilege more vague.

Link expressed concern the bill would actually limit municipalities in the way they choose their local officials.

### **Open Primaries Nixed**

During the meeting, legislators also rejected a draft bill that would have instituted open primaries in the state, based on the system Alaska uses. This discussion drew an even more contentious discussion.

An open primary removes individual party primaries with all political candidates from every party running on the same ballot. The top vote-getters move on to the general election. In Alaska,

the top four candidates from the open primary elections advance to the general election, where ranked choice voting takes place.

Supporters of the bill said it would create a more diverse candidate field and better facilitate the desires of the voters. Detractors said it would greatly hinder the political parties.

“The clear intent of this bill, I believe, is to remove the power of the Republican Party, it looks like, but it would definitely kill the Democratic Party for good,” Russell said. “This is kind of mob rule for a lack of a better word.”