

Testimony Against SB0383

Honorable Senators

Please enter an unfavorable report against SB0383.

I am against:

- Authorizing the State Board of Elections, beginning with the 2028 statewide primary election, to use ranked-choice voting to conduct a contest for the nomination by a political party of a candidate for the office of President of the United States;
- requiring the State Board to adopt regulations for the review, certification, and decertification of election-supporting technology and
- periodically reviewing and evaluating election-supporting technology.

Rather than rush to adopt the newest voting fad of ranked choice voting (RCV), I urge you to wait until more studies are done to see if it is as effective as its proponents claim. This bill, if approved, would only provide a shell for the State Board of Elections (SBOE) to determine the ballot format and tabulating procedures.

In the Counties where one major party dominates, I am concerned that the major minority party and the other much smaller political parties could be placed at a disadvantage, especially if the SBOE decides to eliminate the primaries and just hold a general election of all the candidates.

This bill totally leaves it up to the SBOE to decide and does not provide a desired RCV process based on any lessons learned from other jurisdictions using RCV as to the most effective tabulating process.

Should the election be based on (1) total first place votes with elimination of the one coming in last until a majority is achieved or (2) a combined score where the lowest or highest total wins (depending on how points are assigned)?

The first tabulation process is more complicated. If no candidate has a majority of the first place votes, the candidate with the least first place votes is eliminated and his/her voters' second choices are allocated to the remaining candidates. If a majority is still not achieved, the new last place candidate is eliminated and his/her voters' second place choices are allocated to the remaining candidates. This iterative process continues until a candidate achieves a majority. This process would be difficult to program and in a political climate where many are unsure how valid the current, less complicated system accurately tabulates votes, this new system could result in numerous legal challenges.

If based on total score, should the candidate get 1 point for first, 2 for second and so on, such that the one with overall lowest score wins the election? One advantage would be that only one tabulation is needed in this type of RCV unless there is a tie.

To make a first or second place designation more important, should weighting be involved? For example, I believe the vote for baseball's most valuable player involves 5 points for first, 3 for second and 1 for third with the highest score getting the award. In this scenario, the highest score wins, unless there is a tie.

Testimony Against SB0383

Some flaws in the RCV process to consider are:

- An incomplete ballot (not ranking every candidate) leads to the ballot being rejected. Currently, we sometimes have a list of candidates that begins on one page and continues to the next. If voters are not careful they may not notice the continuation and not rank all candidates, resulting in their ballot not being counted.
- If finding the candidate with the largest consensus is the goal, then the tabulation process of eliminating someone with the least first place votes, may eliminate the candidate with the most second place votes but with hardly any third or fourth place votes. Under the point system, this eliminated person might win, but with the least first place elimination method this person loses.
- How does RCV handle write-in votes? For example, President Biden was not on the 2024 primary ballot in New Hampshire, yet he won via write-in votes.

Others have testified that by being an unaffiliated voter, they cannot vote until the general election. Often by that time, their candidate of choice has either dropped out or has been defeated.

One supposed advantage of RCV is that there is no primary because all the candidates are competing at the same time and no one is excluded from the election because of a party restriction. However, by not having a primary, then the RCV election would default to a general election, which by Federal law must occur in November. This may still work for a Senate or House election, but may cause difficulties in the nationwide election of the President. By November, the same situation that those who testified complained about could still occur. All but 1 of the candidates from the two major parties will have conceded and dropped out by the National conventions in August (There would still be candidates from the minor parties available).

Will those candidates who have formally conceded by August be allowed to be candidates in Maryland's general election? If so, if a candidate who has conceded should actually win in Maryland, would that candidate be allowed to receive Maryland's 10 Electoral College votes?

I have uploaded 3 PDF articles with my testimony for your consideration. One shows that ranked choice voting (RCV) has not met its purported advantages. The other two list the pros and cons of RCV

Please vote against HB0383, as I believe it needs further study before being adopted.

Alan Lang
45 Marys Mount Road
Harwood, MD 20776
Legislative District 30B
410-336-9745
Alanlang1@verizon.net

Testimony Against SB0383

February 19, 2025