Thank you for this opportunity to testify. My name is Amy Waychoff and I have lived in Montgomery County for 37 years.

The confusing and fundamentally undemocratic voting method known as ranked-choice voting (RCV) was overwhelmingly defeated during the November 5, 2024, general election: In eight out of nine states, RCV lost, despite its proponents heavily outspending its opponents.

I oppose RCV for many reasons:

Ballot Exhaustion. This feature of RCV occurs when ballots are discarded in the second and subsequent rounds. This phenomenon happens, for example, when the voter marks only one or two candidates. A 2014 study concluded that RCV "does not ensure that the winning candidate will have received a majority of *all votes cast,* only a majority of *all valid votes in the final round of tallying.*" For example, Tony Santos, mayor of San Leandro, California, lost his re-election bid in 2010 due to RCV. After the first round, Santos led, but only with 36 percent of the vote. After six rounds, "the winner had 51 percent to Santos' 49 percent of the remaining vote. The winner held a majority over Santos *in the final round* but his share of the **total votes cast** was 46 percent, not a majority."* More recently, in 2019, London Breed became the mayor of San Francisco by winning a majority of the 115,977 final eligible ballots compared to the 254,106 ballots that were originally cast. The time-consuming process took nine rounds, and only 46 percent of the ballots were filled out with enough candidates to make it through all nine rounds.

Fundamentally Undemocratic. Let's say that the candidate you placed in the first spot on your ballot received the lowest amount of overall votes, and was therefore scratched from every ballot. Under RCV, your second choice

candidate is then turned into your top choice. It's as if you are given a second vote. Why should someone who voted for *the most unpopular candidate* in the first round get to influence the final election? Now, let's look at the voter who refuses to vote for more than one candidate, even though there are four candidates to choose from. If his chosen candidate does not survive the first round, he has voted once. But another voter who ranks all four candidates got to vote in every round of the ranked choice runoff, effectively giving him four votes to the other voter's one vote.** This aspect of RCV gives the lie to the Supreme Court's standard of "one person, one vote."

Inaccurate Results. Because of the complicated nature of RCV, the voting system is prone to errors. For example, in a 2022 school board election, officials in a California county admitted two months later that they had certified the wrong person as the winner: "No election official noticed the mistake because of the overly complicated process of RCV vote counting until an outside advocacy group flagged the issue."***

Expensive. According to the Fiscal and Policy Note for the 2023 version of this bill, FY 2024 costs were estimated to be a whopping $2 million in Montgomery County alone: voting machines need to be configured with the proper software to implement RCV, and a large public information campaign must be undertaken because the system is so confusing. It would be more cost effective to hold a separate runoff election if the county wants to make sure the ultimate winner has a majority as opposed to a plurality of the vote. In a traditional runoff, everyone knows who the candidates are and has an equal voice in the outcome.

Low Voter Turnout. It is generally accepted that the higher the voter turnout, the more legitimate the election results. However, RCV is so confusing and convoluted that it would most likely lower turnout.

Incentivizes Back-Room Deals. RCV encourages back-room deals, where two candidates have their supporters promise to vote for the other candidate as their second choice.

Five years ago, the California state legislature voted for RCV, but Governor Gavin Newsom vetoed the bill (SB 212): The Governor explained the reasons for

his veto as follows: "Where it has been implemented, I am concerned that it has often led to voter confusion, and that the promise that ranked choice voting leads to greater democracy is not necessarily fulfilled." Like the Governor, I believe that RCV is fundamentally undemocratic. Therefore, please give HB 1094 an unfavorable report.

*Craig M. Burnett, Vladimir Kogan, "Ballot (and voter) 'exhaustion' under Instant Runoff Voting: An examination of four ranked-choice elections," *Elsevier: Electoral Studies,* Volume 37, March 2015.

**Washington Examiner, "The Ranked Choice Failure," 3 December 2024.

***Hans von Spakovsky, "Ranked-Choice Voting Should Be Ranked Dead Last as an Election Reform," 27 January 2023.