

To: Senate Government Operations Committee
Re: Clerk feedback/reactions to Ranked Choice Voting (S.32)
Date: February 17, 2023
From: Carol Dawes, Barre City Clerk & VMCTA legislative committee chair
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Following testifying before the Senate Government Operations Committee on January 26, 2023, I reached out to the VT Municipal Clerks & Treasurers listserve to gather thoughts on ranked choice voting (RCV). I shared my testimony with the association's member clerks and asked for their thoughts and feedback. Below are statements provided by 17 clerks around the state, in addition to my testimony. While this overall document is fairly long, I believe the highlighted sections below capture the sense of the comments.

Please feel free to reach out to me for any further discussion, whether formal testimony to the committee, or informal one-on-one conversations.

Thank you,
Carol Dawes

Carol Dawes, Barre City (as testified to Senate GovOps 1/26/23):

I (reluctantly) believe RCV is inevitable, but I have a number of significant concerns (additional details are included in my [written testimony](#) from 1/26/23):

1. **Voter education.**
2. **Development of election processes and procedures. Election worker training.**
3. **Timing.**

Here are the responses from other Vermont clerks:

Tim Arsenault, Vernon

Concerned about smaller towns that rely on volunteer election workers, most of them older, trying to figure out the new system.

Anita Sheldon,

Agree with Clerk Dawes' concerns. **Shouldn't be put into effect for the 2024 presidential primary**

Amber Holland, Readsboro

Concerned as a hand count town – where do they fit into the mix? RCV will make what is already a lengthy process more complicated and frustrating. My election workers can't wrap their heads around "vote for not more than 2" and get the count to come out right. I don't see my elderly crew grasping this one.

Amber Holden, Newark

(from assistant clerk – didn't give name) Concerned as a hand count town with ancient BCA members. If only 2 out of 50 state do RCV, it's clearly not a popular/efficient way to conduct an election

(from Amber) Yes, we have a few senior members on our BCA, who are very experienced and knowledgeable. Every election I feel grateful to work with them and have full confidence that with proper training they are up to whatever task elections may bring.

Lisa O’Neil, Hartford

First, I am opposed to Rank Choice Voting. Although it may be inevitable, I wanted to share my opposition.

Secondly, instituting Rank Choice Voting for the 2024 Presidential Primary sets the process up for disaster on many fronts:

- **Insufficient time for Clerk and Election Worker Training** to establish a clear understanding of the process and impacts at this level; especially while we are conducting our Annual Town & School District Meeting vote by Australian ballot at the same time.
- **Voter education:** In my five years as Clerk, it has become clear the majority of voters barely understand the Presidential Primary, as well as other Primaries, to begin with (as is, voters are perplexed, frustrated, resistant and offended when they are told they must choose a ballot by Party for the Presidential Primary; I think the State needs to offer additional education about Presidential Primaries).
- **Not ample time at the State level for preparation & education roll out.** I cannot imagine VEMS being programmed & sufficiently tested to handle this drastic change by 2024 OR for the State to roll out training for Clerks or public messaging for the voters. Vermont has a large # of frustrated voters as evidenced from the 2020 election cycle forward. Many are suspicious of the process overall (on both sides of the political aisle).
- **I am not convinced the funds they are setting aside is sufficient to cover the actual cost of this significant change.**
- If the legislature intends to move in this direction, despite opposition from those who preside over the elections, the legislation should not take effect until the 2030 Presidential Primary to help ensure a well-thought-out, smooth transition. It would also allow for more time to consult with other jurisdictions about what worked well and what didn't. We do not need to be among the first to implement this change.

Kim Pedley, Northfield

Thanked for sharing the information. Offered no feedback

Stacy Jewell, St. Johnsbury

My biggest concern is my BCA, they can't even count write ins for an August election. They will never figure this out.

Hilary Francis, Brattleboro

I have also voiced the concern of the timeline with Secretary of State Sarah Copeland Hanzas, as well as with some of my local legislators.

In addition to there being NO TIME for voter, clerk and poll worker education, that particular election will cause additional confusion. Many of the towns also hold an Australian ballot town meeting day at the same time as the Pres. Primary, and those ballots will not be voted on using RCV. Do we need 2 different tabulators in that case - 1 for PP and 1 for TMD? What is the cost of that?

How confused will voters be using 2 different methods of voting at the same time?

Absentee voting has significantly picked up. Clerks will not be present in people's homes to walk them through this process. Will mistakes on ballots simply not count, or will they be defective for some reason? Will they be able to be fixed by the voter who didn't understand? How much time are we going to spend on the phone walking voters through this process when there is no time for education?

There are also no elections between the time this legislation passes and the '24 PP. I would think we would want to allow for at least 1 election to happen between the passing of the bill and the implementation of it, so we can pass out information to voters at the polls and with their absentee ballots to educate them of the upcoming change.

I will be joining the meeting w/ the ME and AK clerks to talk about RCV. I have a ton of questions about how we handle write-ins.

- How do these get added to the tallies of the ballots that were tabulated through the tabulator?
- If there are 5 candidates in a race, and someone votes for a write-in, do they then get rank 6 candidates? Does that give them an extra vote?

And questions about education. Who, what, when, where, how?

(second response) If we move forward with this, I could see wanting to adopt it at the local level as well so there's consistency and less confusion down the road (eventually). I see on page 11 of the RCVRC - What Ranked Choice Voting Is document, it says that ballots can have up to 10 rankings using the grid format. My concern is that with Representative Town Meeting in Brattleboro, or Justice of the Peace elections, we often times have "vote for not more than 15" races. We need to have a system that can accommodate all elections if we're moving in this direction.

The amount of inconsistency from election to election is extremely frustrating for clerks and voters (we only mail ballots for General elections, but not State Primary elections, and it depends on your town for local elections). If we throw in more inconsistencies it's going to be a mess.

I agree with others that I'm on board with RCV conceptually (in fact, I worked to get this passed when I was living in Maine), but I didn't see the logistical side of things. The timeline is too short, and the inconsistencies and confusion is too great. If we're going to do this, we need to slow down and DO IT RIGHT!

Flo-Ann Dango, Ascutney

Agree completely (with Hillary Francis's comments above)

Pauline O'Brien, Westminster

I have the same concerns as you and also mirror the comments about older volunteers; we have some well into their 80's.

Kathleen Neathawk, Bellows Falls

I feel the same as everyone else, some of my BCA can't get the totals right

Clyde Jenne, assistant clerk, Hartland (former clerk)

What is so wrong for the citizens to make up their minds and vote for just one candidate? Clerks shouldn't have to negotiate a mine field every election cycle.

Cassandra Barbeau, Bennington

We live in a time where everyone gets a trophy. There can be a first winner, second winner, third...

John Odum, Montpelier

I came around to being nervously in favor of this. For me, it was a question of what we should do versus what we actually can do, and the “can do” part has made me very uncomfortable, particularly any need at any level for any kind of hand count. Just thinking about that gives me a chill lol.

What made me creep over to the pro side is just knowing that Maine clerks have been doing this for a while, so they’ve presumably dealt with all these problems and found solutions. I think there’ll be a need for some kind of mentoring with them or something.

Elizabeth Reighley, Montgomery

Major concerns here as well as a hand count town, my volunteers are great, don't get me wrong, but we seriously still have to do so much hand holding just during regular election cycles between "vote for not more than two" tallying and explaining the presidential primary process every four years among other election related information that STILL confuses folks despite how much outreach I try to do/provide. I try to go above and beyond by posting extra Election notices, information, FAQ sheets and it still isn't enough! Given ALL the confusion that has gone on over Elections these past few years between Covid craziness and changes with vote-by-mail etc.. I really question the point in suddenly changing the system for this rcv style that is only implemented in two states. What is the impetus for this change? Will hand count towns have to switch over to using tabulators because of this? This is really frustrating to hear more election changes being suggested when there are still kinks in the current process that need to be worked out and quite frankly many voters need more education on how voting works in general as it stands today.

Patty Kenyon, Middletown Springs

In general, I would probably be a supporter of RCV, but as a clerk, and after experiencing the first ever state mail-in ballot scenario, my concerns are not just about the ability to manage the process. We had so many surly voters, who did not read the information provided to them, and who seemed to be living under rocks. These folks did not only not know/understand what was happening, they thought that it wasn't legit. I can't even imagine the level of doubt and mistrust that would swirl around a huge change like this.

Maybe down the road the public would be ready for something like this, but now is not the time. We need at least 3 or 4 elections for statewide mail-in balloting to be digested before any other major changes take place. There is no amount of “education” that can teach those who are not listening, and we have a LOT of people who have tuned out all types of news outlets.

The last election experience was not good, and we were completely prepared and on top of things... it wasn't the process that was broken, unfortunately, it was the people who don't trust the process that I think would turn this into a complete mess.

Carol Devlin, Bolton

[Carol Dawes'] statement was well-thought out, concise and an excellent start to asking some really important questions. In going through the documents I did not see anything that convinced me that Vermont needs or should make this change at this time. I have attached a document that I've been working on to send to my representatives:

RANKED CHOICE VOTING

I'd like to start with a quick summary of my opinion that ranked choice voting (RCV) is not necessary and would cause more harm than good at this stage.

- Do voters want RCV and understand the pros and cons?

- Town clerks and the SoS need to focus on existing changes to the process (e.g., mail in voting), making the system work more smoothly and educating voters about the current process before adding yet another change.
- I strongly believe the money necessary to implement RCV could better spent elsewhere (e.g., a new statewide elections database, childcare, education, infrastructure, housing).
- **Voter education is an issue in general.** Devote that money to civics classes and voter awareness of the importance of learning about the candidates, their stance on the issues and the election process.
- I am also a proponent of the K.I.S.S. principle. Why make elections and ballots more complicated than they already are?

My specific concerns are concentrated in six areas: the necessity (or lack thereof?) of ranked choice voting, the impact on voters, the impact on town clerks, the impact on the Secretary of State's office, the impact on election workers and the timeline.

1. **Does Vermont need ranked choice voting?** Before changing to RCV I think the legislature should have a clearer understanding of whether RCV is actually needed here. How often has there been a problem in Vermont presidential primaries that would have been solved by RCV? Only two states currently have RCV. Is this something Vermont needs to take the lead on, or would it be more prudent to let other states discover the flaws in the system and explore solutions?

2. Potential impact on voters

- Confusion
 - Voters already have problems voting “not more than” races resulting in undercounts, overcounts, a lack of knowledge about candidates and lots of write-ins.
 - The sample ballot looks confusing and is not intuitive for those who will be new to the system.
 - Instructions – if voters do not read the simple directions currently on ballots, they won't read this and will fill out the ballot as they think makes sense (e.g., they really want candidate A to win so they fill in 1st, 2nd, 3rd, and 4th options for that candidate).
 - Using RCV at the same time as town meeting would mean an election with two different styles of ballots and therefore is almost guaranteed to result in CHAOS, confusion, and frustration for everyone involved.
- Increase likelihood of voter pushback and suspicion.
 - There is already a lack of trust in the electoral system, especially of anything new.
 - Constant changes and a lack of a stable election system increases that suspicion.
 - Inconsistencies across types of elections also increase suspicion.
 - Some ballots are mailed; some ballots are not.
 - Some towns have a floor vote for town meeting; others do not.
 - Some towns have ranked voting; others do not.

- For state primaries voters receive all the ballots; for presidential primaries voters receive only one.
- The changes and inconsistencies combine to increase accusations of fraud and error.

3. Impact on Town Clerks

- Town clerks are already experiencing burn out and stress due to Covid, several new developments with elections, uncertainty around town meeting, local issues, and problems with other state databases.
- RCV is already causing additional confusion and stress.
- There have already been too many changes in too short a time (2020 to present).
- It would be nice to have two elections in a row done the same way. [Note: Part of this in Bolton is we started using the tabulator in August 2022. This has been a huge change that has added to the need to educate our voters and work on gaining trust for a new system.]
- There has been talk that a new statewide database (replacing VEMS) will be coming soon. A new election process at the same time as a new database will almost certainly overwhelm clerks and substantially increase the amount of time that clerks must devote to training and elections. This would occur at the already demanding time of developing a budget and writing a town report.
- Clerks will have to find the time and information to train election volunteers and BCA members when they already have too many demands on their time.

4. Impact on the Secretary of State's Office

- Like the clerks, the SoS will have to deal with a major election change while adjusting to a new database.
- SoS will need time to figure out what questions need to be researched to develop procedures (e.g., how to handle RCS in hand count towns, reporting, impact on election results). The detailed work in developing procedures is exceptionally complex.
- SoS will need time and resources to develop an education plan for voters.
- SoS will need time and resources to develop an education plan for town clerks.
- SoS will need time and resources to develop an education plan for the media and candidates, including to expect delays in report.

5. Impact on Election Workers

- The time commitment increases in order attend training before election day.
- More explanation of ballots will become necessary when confused voters don't understand what they should be doing. This will potentially make it harder for volunteers to determine what crosses the line between explaining the process to suggesting how to vote. Will extra volunteers be needed to answer questions (or risk bottlenecks as the ballot is repeatedly explained)?
- There is a significant potential for increased frustration with the process and with voters not understanding answers and asking the same questions over and over.
- Election workers already have problems with the counting process, especially with counting the "not more than" races (the higher the number the greater the

- confusion) and write-ins. RCV has the potential to increase the complexity and confusion of counting exponentially.
- There is some concern among town clerks that volunteers will decide not to step forward because of the increased complexity. There is already a lot of information for election workers to retain/explain.
 - Many towns are already struggling with a shortage of election workers that will only get worse as an already senior group of volunteers ages.

6. Timeline – Goal should be 2028, not 2024.

- I doubt if it is possible for both the SoS and the clerks to be ready to roll out RCV for the 2024 presidential primary.
- There will not be enough time to develop procedures and educate clerks, election workers/volunteers and the electorate about the new system.
- Waiting would mean that other states could figure out how to deal with the inevitable problems with the process and education.

In closing, to understand fully the complexity and stresses of election day, legislators should 1) meet with the town clerks in the towns they represent to learn the process and issues in their towns and 2) volunteer on election day (work the early morning or closing shift and help with counting--staying to the bitter end).