

Testimony from:
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Clerk & Auditor for Utah County, 2019 - 2023

In SUPPORT of Draft Bill 25-0242 (The Elections Omnibus Bill)

February 28, 2025
Vermont House Committee on Government Operations and Military Affairs

Chair Birong and Members of the Committee,

I write in support of the use of forms of ranked choice voting (RCV) for applicable elections and in support of state legislation that gives more voters the opportunity to use it. I would like to share my experience as an election administrator in implementing RCV in Utah, and why the number of Utah cities choosing to use RCV increased from two in 2019 to 12 in 2023. I also want to share my experience assisting with the administration of the 2024 U.S. Virgin Islands Republican presidential caucus, which successfully used RCV as well.

That experience is why **I ask you to support Draft Bill 25-0242 (the Elections Omnibus Bill), specifically the provisions which would adopt RCV for Vermont's 2028 presidential primaries.** RCV is a beneficial option for a variety of reasons, and legislatures should seriously consider allowing for its broader use within their states.

Utah Experience

In 2019, I was brand new to election administration in my executive role in the Utah County Clerk's office. During that year, after a transition in elected leadership and due to staff vacancies, our elections administration staff turned over by about 50%. Additionally, we adopted an entirely new election system (migrating from high levels of in-person voting and polling place balloting using the Dominion system to a vote-by-mail system using ES&S equipment and software), which necessitated training and reworking of all our standard operating procedures. In the midst of all this change, we also agreed to be the first county in the state to administer RCV for various municipal elections. We were warned by various clerks and election officials that this was risky and that administering RCV elections was fraught with complexity that might confuse voters and create operational challenges.

Fortunately, these risks and challenges never materialized and our administration of these elections was as smooth as any other. Let me share some key considerations and lessons we learned after administering these elections:

Voters understand ranked choice ballots

One concern we heard was that a RCV ballot was inherently more confusing for voters. We tested ballot use by various groups in the community, including some groups with our oldest voters. We learned that the ballot was inherently intuitive despite voters never being exposed to RCV before. We also logged all incoming phone calls from voters during the election period and categorized calls to track voter questions and concerns. What we found was that very few (less than 2%) of all phone calls with questions or concerns were related to RCV specifically.

Additionally, after the 2019 election, we surveyed voters who had voted using RCV to gather data about their experience. 84% of survey respondents reported that the ballot was "easy to

use” and 83% reported that they wanted to continue using RCV or even expand its use to other elections.¹ This was compelling feedback that ran counter to the criticisms and apprehension we had heard about administering RCV elections.

After my tenure as Utah County’s Clerk and Auditor, the Herbert Institute at Utah Valley University released a report in October 2024 analyzing Utah’s RCV pilot program.² The report found that in 2023, 94% of voters in RCV cities were satisfied with RCV, and 82% said RCV was easy to use. The report also found that 60% of all Utah voters wanted to keep RCV or expand it to more elections in the state.

Ballot design was simple

Another concern we heard was that the design of the ballots was more complex, leading to difficulty in administering an election. What we found was that the ballot design, while different, was not significantly more complex to design, program, or administer. We used our existing (ES&S) systems to design and program our ballots and election management system. We had mixed types of election races on a ballot (RCV races and plurality races) and scanned and tabulated ballots on existing equipment with no need for any type of segregation or differences in our processes.

Election Administration was smooth

Some have expressed concern that administering an RCV election is more complex than traditional elections. In our experience, this was not true. Nearly every step and part of the process was identical or very similar for an RCV race. We used all our existing certified equipment and systems. The only differences were a slightly different ballot design, an increase in adjudication & ballot review to confirm undervotes (for ballots that did not rank all candidates), and two additional steps at the end related to exporting results, running the instant runoff (IRV) process, and reporting results in a visual chart.

Expansion

As a result of this positive experience, the number of Utah cities where the city council voted to use RCV rose from two in 2019 to 12 in 2023. The positive experience has been repeated in two more elections since its first use, which explains why the Sutherland Institute is among organizations supporting the use of RCV in Utah cities.

Use of RCV in Presidential Primaries

RCV is particularly useful in partisan nominating contests as there are often crowded fields of candidates vying for their party's nomination. Candidates and party officials have long lamented how primaries tend to divide parties ahead of general elections when parties rely on unity to help them win. RCV helps reframe nominating contests in more collaborative ways since voters are not being asked to pick only one candidate and presumably oppose all others. Instead, party faithful can express their ordered preferences in more authentic ways. This is precisely why political parties in Utah have long used RCV in their partisan nominating contests starting as early as 1998 when the Utah Republican Party began using RCV ballots at their candidate

¹ Utah officials praise ranked-choice voting in Thursday forum. KSL.com. (2020).

<https://www.ksl.com/article/50003470/utah-officials-praise-ranked-choice-voting-in-thursday-forum>

² An Evaluation of the Ranked Choice Voting Pilot in Utah. Alan, P., John, K., Michael, E., and Addison, S. (2024). https://www.uvu.edu/herbertinstitute/docs/web_final_an_evaluation_of_the_rcv_pilot_in_utah.pdf

nominating conventions.³ Before becoming an election administrator, I was an official in the Utah Republican Party and participated in and administered RCV elections for party nominating contests. This innovation is one that many party activists enjoyed and favored as it gave them more choices and often reduced bitter divisions in the party between potential nominees. This would be particularly helpful in Presidential Primaries with crowded fields of candidates, many of which are more similar to each other than different.

2024 U.S. Virgin Islands Republican presidential caucus

On February 8, 2024, the U.S. Virgin Islands Republican Party used RCV in its presidential caucus. Given my experience administering RCV elections, the Republican Party in the U.S. Virgin Islands appointed me their election director and I oversaw the administration of the vote, including developing an implementation and execution plan, acquiring secure voting equipment, and training poll workers. I can confirm that the vote went smoothly, and that RCV allowed Republicans in the Virgin Islands to express their consensus for a nominee. With a crowded GOP field of candidates, the RCV vote aided the party in consolidating delegate allocations for their top preference thus avoiding the effect of so-called “wasted votes” for candidates with low levels of support or who were imminently likely to drop out of the race. This helped the party in their ultimate nomination and support of President Trump who won the caucus.

Recommendations

The use of RCV in both Utah and the U.S. Virgin Islands was successful and we received a lot of positive feedback from voters who used it. I would recommend states pilot the use of RCV, particularly in municipal elections and presidential primaries. One advantage is that overseas voters can be sure their vote for a particular candidate won't be lost or wasted in the event their chosen candidate drops out of a race prior to election day. Additionally, RCV helps avoid mere plurality victories in multi-candidate races by ensuring a majority through an instant runoff. For these reasons, states should consider exploring how they could use RCV to improve their elections.

As such, I encourage you to take the opportunity to use RCV in Vermont's 2028 presidential primaries by **including those provisions in the Elections Omnibus Bill**.

Thank you for your consideration,

Josh Daniels

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³ A notable example of RCV in Utah was the nomination of Jon Huntsman Jr. for Governor in 2004. See the RCV results here: <https://rcvis.com/v/utah-republican-convention-nomination-for-governor-1>