



# Testimony on H.363

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*Presented to*

Vermont House Committee on Government Operations &  
Military Affairs

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Chair Birong, Vice Chair Hango, and Members of the Committee:

Thank you for the opportunity to submit written testimony regarding H.363, an act relating to ranked-choice voting for presidential primary elections. My name is Hayden Dublois; I am a Visiting Fellow at FGA Action, a non-profit organization dedicated to advancing commonsense reforms in a variety of policy areas, including election reform. As a former Vermonter myself, I always appreciate the opportunity to weigh in on these discussions on issues of substantial policy importance. For the reasons outlined below, I would request that the committee decline to advance H.363.

If implemented, H.363 would allow municipalities in Vermont to implement ranked-choice voting.<sup>1</sup> Supporters of ranked-choice voting are pushing it across the country. During the 2024 election cycle, proponents outspent opponents \$124 million to \$3.4 million to support ballot initiatives.<sup>2</sup> However, voters in six states rejected ranked-choice voting, including in Arizona, Colorado, Idaho, Montana, Nevada, and Oregon.<sup>3</sup>

In 2023, a record-breaking 74 bills were filed by ranked-choice voting proponents.<sup>4</sup> But lawmakers across the country are also wisely rejecting it. Since 2022, 11 states have banned ranked-choice voting, including Alabama, Florida, Idaho, Kentucky, Louisiana, Mississippi, Missouri, Montana, Oklahoma, South Dakota, and Tennessee.

Maine and Alaska are the only two states to use this system and it was passed by slim margins on ballot initiatives. Localities in 15 states also use ranked-choice voting. Today, I'd like to provide you some examples from the ranked-choice voting track record.

### **Ranked-choice voting requires legitimate ballots to be discarded.**

Americans win when their votes count. But in every election that uses ranked-choice voting, ballots don't count and are literally thrown out. This is the way the system is designed to work—it's a feature, not a bug.

How does this happen? Under a ranked-choice system, voters must vote for **all** the candidates in a race by ranking them on one ballot. When no candidate receives more than 50 percent of the vote in the first round of tabulation, some voters' ballots must be tossed aside to get to a manufactured majority in subsequent rounds of tabulation. So, if a voter selects only one candidate on their ballot, either as their first choice or for all choices, and that candidate is no longer in contention, their ballot is discarded.

This is not a hypothetical. In jurisdictions that have implemented ranked-choice voting, thousands of votes have been cast aside. In Maine's 2018 Second Congressional District, more than 8,000 Mainers had their ballots tossed out.<sup>5</sup> That's almost five percent of the total ballots cast. Alaska has experienced similar results. In their 2022 special election to fill the seat of the late Congressman Don Young, nearly 15,000 votes were thrown out.<sup>6</sup> In New York City's 2021 Democratic mayoral primary, 140,000 ballots were discarded, which was nearly 15 percent of the total ballots cast.<sup>7</sup>

## **Delayed results and counting errors also sow mistrust.**

Ranked-choice voting also guarantees multiple rounds of ballot counting if no candidate receives a majority of the vote. Since this process mandates the central counting of ballots, it frequently delays results, sometimes for days, weeks, or even months.

In a 2022 local race in Alameda County, California, a ranked-choice voting software error was discovered two months after the election was certified.<sup>8</sup> The third-place finisher had actually won.<sup>9</sup> The 2021 New York City Democratic mayoral primary was thrown into chaos because after a week of counting and 11 rounds of tabulations, it was discovered that 135,000 test ballots had been counted by mistake.<sup>10-11</sup> In the end, it took an additional eight rounds of counting and nearly a month to declare a winner in the race.<sup>12</sup>

## **Ranked-choice voting complicates the voting process.**

Voting should be simple, with an easily understandable ballot. However, ranked-choice voting is a complex process, with lengthy and confusing requirements. If you've never seen a ranked-choice voting ballot, I urge you to review the attached example.<sup>13</sup> In that Minneapolis mayoral race, there were 40,495 possible combinations of candidates.<sup>14</sup> Consider the voters in your district, vulnerable voters like the elderly, who would be forced to vote on ballots like that. Voters are also given an ultimatum—either vote for people you dislike and who oppose your principles, or risk having your ballot tossed aside.

Every election should be fair, prompt, and inspire voter confidence. And every vote should count. Any voting system that—by design—throws out valid votes is undemocratic and should not be pursued.

## **For the reasons outlined above, H.363 should not be advanced out of committee.**

Thank you again for the opportunity to submit written testimony on this important matter.

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<sup>1</sup> Vermont General Assembly, "H.363," State of Vermont (2025), <https://legislature.vermont.gov/bill/status/2026/H.363>.

<sup>2</sup> Ballotpedia, "Results for ranked-choice voting (RCV) and electoral system ballot measures, 2024," Ballotpedia (2025), [https://ballotpedia.org/Results\\_for\\_ranked-choice\\_voting\\_\(RCV\)\\_and\\_electoral\\_system\\_ballot\\_measures,\\_2024](https://ballotpedia.org/Results_for_ranked-choice_voting_(RCV)_and_electoral_system_ballot_measures,_2024).

<sup>3</sup> Ibid.

<sup>4</sup> Samuel Wonacott, "Twice as many ranked-choice voting bills introduced in state legislatures this year than in 2022," Ballotpedia News (2023), <https://news.ballotpedia.org/2023/08/08/twice-as-many-ranked-choice-voting-bills-introduced-in-state-legislatures-this-year-than-in-2022/>.

<sup>5</sup> State of Maine, Department of the Secretary of State, Tabulations for Elections held in 2018, <https://www.maine.gov/sos/cec/elec/results/results18.html>.

<sup>6</sup> State of Alaska, 2022 Special General Election RCV Tabulation, August 16, 2022, Official Results,

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<https://www.elections.alaska.gov/results/22SSPG/RcvDetailedReport.pdf>.

<sup>7</sup> Tarren Bragdon and Madeline Malisa, "NYC shows states why ranked-choice voting is a liberal disaster," New York Post (2023),

<https://nypost.com/2023/02/16/nyc-shows-why-ranked-choice-voting-is-a-liberal-disaster/>.

<sup>8</sup> Tarren Bragdon and Madeline Malisa, "Dear states: Don't give in to liberal election demand of ranked choice voting," The

Washington Times (2023), <https://www.washingtontimes.com/news/2023/jan/31/dear-states-dont-give-in-to-liberal-election-deman/>.

<sup>9</sup> Ibid.

<sup>10</sup> Tom Shea, "NYC mayor race: Test ballots wreak havoc, lead to 135k vote 'discrepancy' in ranked-choice results," NBC New York

(2021), <https://www.nbcnewyork.com/news/politics/more-results-expected-tuesday-in-nyc-mayoral-race/3129753/>.

<sup>11</sup> Edmund DeMarche, "NYC mayoral primary in chaos after 135,000 pre-election test ballots counted," Fox News (2021), [https://](https://www.foxnews.com/politics/nyc-mayoral-primary-in-chaos-after-adding-135000-pre-election-test-ballots)

[www.foxnews.com/politics/nyc-mayoral-primary-in-chaos-after-adding-135000-pre-election-test-ballots](https://www.foxnews.com/politics/nyc-mayoral-primary-in-chaos-after-adding-135000-pre-election-test-ballots).

<sup>12</sup> The City, "2021 NYC Democratic primary results," The City (2023), <https://projects.thecity.nyc/nyc-2021-primary-election-results/democratic.html>.

<sup>13</sup> Attached hereto as Exhibit 1.

<sup>14</sup> Curtis Gilbert, "Minneapolis mayoral candidates flip-flop on filing fees," MPR News, The Cities Blog (2013), <https://www.mprnews.org/story/2013/11/04/minneapolis-mayoral-candidates-flip-flop-on-filing-fees>.