



Fighting for transparent, secure, and accountable elections all voters can trust.

Statement of Hon. Kenneth T. Cuccinelli, II

Chairman, Election Transparency Initiative

House Committee on Elections

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Chair Proctor and Vice Chair Waggoner, Ranking Member Haskins, and Members of the committee, thank you for affording me the opportunity to discuss Election Integrity and the Legislature's responsibility to implement such measures in Kansas.

I am Ken Cuccinelli and I am the Chairman of the Election Transparency Initiative, where we work every day to help improve the transparency, security, accessibility and accountability of elections in every state, so that every American—regardless of color, creed or party affiliation—has confidence in the outcome of every election. I previously served as the Attorney General of Virginia, the Acting Deputy Secretary of the Department of Homeland Security, a member of the Virginia State Senate, and a private attorney and litigator.

Top of mind for today's hearing is a bill we at ETI support, Senate Bill 6, to prohibit any elections in your state from being decided by the confusing, complex, and costly system of 'Ranked-Choice Voting' (also known as 'Instant-Runoff Voting' and 'preferential voting').

RCV is a scheme that has made voting more difficult, reduced transparency, and put confidence and certainty at risk when implemented in public elections, with horror stories in Alaska, California, Colorado, Maine, New York, Utah, Virginia and elsewhere. The result is an epidemic of disenfranchised voters whose ballots no longer are counted fairly and equally.

Make no mistake, RCV is intended to dramatically push our politics to the Left, to elevate Left-leaning politicians, and to weaken political parties in order to empower the Left-wing megadonors who are financing a nationwide campaign to promote this dangerous system.

RCV requires a voter to rank each candidate on the basis of 'least bad' by assigning a numerical designation to the candidate the voter favors most to the candidate the voter favors least. If no candidate receives more than 50 percent of first-choice votes in the first round of voting, the last-place finisher is eliminated, and each ballot cast for that candidate is reallocated to the voter's second-choice candidate. This process continues until one candidate receives a majority of votes.

What happens when a voter does not rank every candidate, and his choices are eliminated? The ballot is deemed 'exhausted' and is [thrown out](#).

For example, Alaska Democrat Mary Peltola won the state's 2022 at-large congressional seat even though nearly 60 percent of voters cast their ballots for a Republican. According to one [analysis](#) by the Foundation for Government Accountability, this race also saw nearly 15,000 votes discarded due to 'ballot exhaustion,' of which more than 11,000 were from voters who voted for only one Republican candidate and no one else.

In a 2018 Maine congressional race, then-incumbent GOP Rep. Bruce Poliquin lost to Democrat Jared Golden despite Poliquin [winning the most votes](#) in the first round of voting. According to the FGA analysis, more than 8,000 ballots were deemed 'exhausted' and thrown out.

Often so many ballots are discarded due to 'ballot exhaustion' that candidates need only win a majority of the remaining votes—not a majority of all votes cast. Thus, as designed RCV manufactures a majority winner by routinely throwing out thousands of duly cast ballots, and here the most radical elements of the Democrat party stand to benefit most.

"While both major political parties have a history of promoting RCV, it's primarily Democrats who are pushing states and localities to adopt the practice for future elections," [The Federalist](#) reported. While 74 pro-RCV bills were introduced in state legislatures in 2023, as noted by FGA, 57 were sponsored exclusively by Democrats with just eight percent of the total bills receiving bipartisan support. Conversely, 16 of the 17 bills opposing RCV were introduced by Republicans.

The reason Democrats and their allies are intensely pursuing RCV, according to FGA, is that it "is a scheme of the Left to disenfranchise voters and elect more Democrats." *The Federalist* writes that "Democrats use the complexities associated with RCV to diminish confidence in elections among U.S. voters"—ultimately to cement their power by deceptively maneuvering their radicals into elected office by defeating regularly elected lawmakers through backhanded means.

In a 2023 Colorado mayoral race, "[t]he city of Boulder, a bastion of progressive politics, hub for Democratic socialism and ivory tower of liberal ideology, almost elected a former Republican as mayor," [Axios](#) reported. But "then ranked choice voting came into play."

RCV consolidated the second-place votes from a Democratic Socialists of America-backed third-place challenger behind the incumbent liberal Democrat, who acknowledged that without ranked choice voting, he may no longer be mayor. "Certainly ranked choice is very different from a plurality winner" system, he said.

"Ranked choice voting really made a difference and changed the outcome of our mayor's election," insisted the third-place finisher. "What ranked choice voting allowed us to get was someone who is a more center-left candidate."

It is unsurprising that RCV's proponents would wish to suppress opposition given RCV's poor track record.

A 2023 [report published](#) by University of Minnesota's Hubert H. Humphrey School of Public Affairs found that a careful review of RCV "fails to support four of the advocates' promises for improvements over today's system." Additionally, evidence shows "no difference in turnout in

cities using RCV compared to those using the current system. They report errors, confusion, and lower turnout due to the greater complexity of RCV and its process of ranking candidates and tabulating multiple rounds of voting.”

In April 2023, the Alaska Supreme Court [ruled](#) that an independent candidate for U.S. House was improperly removed from the state’s confusing special election ballot in 2022. The candidate withdrew from the race after finishing third among 48 candidates in the ranked-choice special primary election that year. The Democrat candidate, who finished fourth, went on to win both the ranked-choice special election in August and the ranked-choice regular general election in November, which under the law should have been a four-person field.

RCV is being advanced by the radical Left, yet the practice is even [opposed](#) by Left-leaning organizations such as the National Association for the Advancement of Colored People which recognize its existential threat to voters.

“Ranked choice voting is not beneficial to minorities. It’s voter suppression,” said Hazel Dukes, president of the NAACP New York State chapter. “I hope that the courts see that ranked choice voting is not right for democracy.”

The Democrat stronghold of Arlington, Virginia [hit brakes](#) on RCV in July 2023 after being the first municipality in the state to use it during the June primary. “...[T]he County Board opted not to implement ranked-choice voting in its general elections for board seats in November, pointing to confusion about the process,” it was reported.

With regard to Virginia, I would like to touch on the inaccurate claim put forward by RCV proponents that Governor Glenn Youngkin would not have sealed his nomination over the Republican gubernatorial field had it not been for the party’s use of a multi-round, ranked tabulation system at their 2021 convention. As an activist in that contest, I know firsthand that this system did not change the outcome for governor, lieutenant governor, or attorney general. In fact, Youngkin won every round of balloting and would have won under a plurality rule nevertheless, but the ranking of candidates did induce confusion for both voters and candidates that ultimately required more time and teams of experts supervising the process to sort out the results.

Although I do not support RCV use at any level of public or political party elections, the prerogative of parties as private entities does not equate to that of public elections for federal, state, and local elections which must be transparent, accountable, and deliver clear results at all costs. There is a fundamental difference between relatively small, intra-party elections and public elections involving millions of statewide voters. Republican committees representing some of Virginia’s most populous counties have passed resolutions officially opposing RCV use, including in [Fairfax](#) and [Loudoun](#) counties.

But let us also consider the Democrat Party in Washington, D.C., which [rejected](#) RCV implementation in 2023 asserting that it would disenfranchise voters and end partisan primaries “that could undermine the rights of registered Democrats to choose their nominees for public office.”

“We firmly believe that every voter, regardless of party affiliation or independent status, should have the right to freely choose their preferred candidate,” the party’s statement said.

"The current electoral system in the District ensures that no one is disenfranchised, providing ample choices for voters to engage with the political process and participate in the general election," officials added.

In fact, D.C. Democrats subsequently [sued to keep](#) RCV off the ballot, arguing that the measure violates the U.S. Constitution and the Home Rule charter, discriminates against minority voters, and "has caused and will cause ongoing harm to Plaintiffs and other residents..."

"Allowing 80,000 non-affiliated voters to participate in partisan elections would undermine the intent of the Charter and dilute the votes of party members who seek to nominate party candidates to stand in subsequent general elections," the suit reads.

I would emphasize that in a 2023 resolution the Republican National Committee [formally rejected](#) RCV implementation "and similar schemes that increase election distrust, and voter suppression and disenfranchisement, eliminate the historic political party system, and put elections in the hands of expensive election schemes that cost taxpayers and depend exclusively on confusing technology and unelected bureaucrats to manage it."

The RNC added that it "calls on Congress, state legislatures, and voters to oppose ranked choice voting in every locality and level of government and return elections to easier systems that have worked for centuries for fair and transparent elections."

Now more than ever we need to protect the right to vote in free and fair elections voters can trust, but the disastrous RCV scheme does precisely the opposite.

RCV is an Election Integrity wrecking ball, is never workable and *should always be prohibited*. A growing movement of states have already acted to ban the practice, and I urge you to carefully assess this information as you continue consideration of SB 6.

I am available to answer any questions regarding these important issues at your convenience. Provided here is a comprehensive list of RCV [horror stories](#). Please visit [StopRCV.com](#) to learn more or view our [fact sheet](#).

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