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

In OPPOSITION to SB 63

March 25, 2025
Ohio Senate General Government Committee

Chair Roegner and Members of the Committee,

I write in support of the use of forms of ranked choice voting (RCV) for applicable elections and in opposition to legislation which would prevent cities in Ohio from exercising that option. 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.

That experience is why **I urge you to oppose SB 63,** which bans RCV from being used in any state elections in Ohio and withholds state funds from any city or county that uses RCV in their local elections. A few other states are considering legislation to prohibit all forms of RCV with no differentiation in how RCV can be used. It would be a mistake for Ohio to follow their example. RCV is a beneficial option for a variety of reasons, and legislatures should avoid proactive prohibitions that reduce future options.

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.

Recommendations

Our use of RCV 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 avoid prohibiting RCV prematurely.

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[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

As such, I encourage you to keep the door open for cities in Ohio to use RCV in local elections by **opposing SB 63**.

Thank you for your consideration,

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