

SB325 Majority Vote Requirement (Sen. Joe Balyeat)

EXHIBIT #5
DATE 2-23-11
SB 325

Madam Chair, members of the broad-minded State Admin committee, for the record I'm Sen. Joe Balyeat, representing SD34 in Gallatin & Broadwater Counties. I'm the former State Chairman of Montanans for Better Government; and that position is germane to the bill I bring you today – SB 325. The basic tenet of democracy is – “Majority Rules”. Yet, in Montana, unless we pass this bill, often majority doesn't rule. This bill would change MT election law to require a runoff election if no candidate gets a majority of the vote in a given race. You'll note from one of the articles I passed out that many, if not most, southern states utilize this majority vote system, as well as other states across the country.

In 2007, for the first time ever, we had a third party represented in MT's legislature. I assure you– it won't be the last. I'm sponsoring SB325 because I believe it is a creative solution to the problems caused by the increasing presence of third parties on MT's political landscape. I also believe this change would lead to higher voter turnout, higher voter enthusiasm, and higher respect for elected officials of all parties.

Presently in MT, third parties are consigned to nothing more than the role of spoiler – the best they can ever hope to do is spoil the election for one of the major party candidates. For instance, a Green Party or New Party candidate might steal just enough votes away to hand a normally Democrat seat to a Republican, or a Constitution Party candidate might steal just enough votes to hand a normally Republican district to a Democrat. By my count, that's exactly what happened about 17 times in elections between 01 and 07.

The consequence of this situation isn't good for anybody – 1) It isn't good for the people of the district because they end up being represented by a legislator who didn't even get 50% of the vote. 2) Its not good for the major party which normally represents the district, because they've lost a seat to the other party which, but for MT's convoluted election law, that party would've retained in it's column. 3) Its not good for the legislator who won either; because he's constantly hamstrung by the fact that he “only represents less than half the people in his district”, despite the fact that he may have gotten more than 50% in a head-to-head race. 4) Because the third party candidate doesn't end up representing the district anyway, its not good for third parties in MT either; because third parties are then forever consigned to a negative stigma – the spoiler role. That when you cast a third party vote you're not just doing a neutral thing – throwing your vote away, but you may even be doing a negative thing – spoiling the results of a particular legislative or statewide race.

SB325 simply requires a runoff election between the top two finishers. That runoff could either be a subsequent election at a later date, or it could be done as “Instant Runoff Voting”, where voters only go to the polls once, but indicate both their first choice and second choice votes.

The Sec of State will oppose this bill and provide you with the most complex Instant Runoff ballot she could possibly find, with 11 candidates for 1 office, 8 candidates for another, etc., and somehow try to make you believe that's representative of an Instant Runoff Voting ballot. Of course, that's ridiculous to compare with our situation here in MT.... where you only have two candidates most of the time, and on rare occasion 3. The fact is, the Sec. of State has her own reasons for opposing this bill, doesn't want to let the voters vote on it, and will do everything within her power to make sure that doesn't happen. Unfortunately, it's the Sec. of State's office that got to prepare the fiscal note. There are numerous errors in the fiscal note. 1) first sentence is wrong. SB325 fiscal note should only reflect the cost of this language appearing on the fall, 2012 ballot... nothing more. 2) Last sentence of 1st paragraph is wrong – only if statewide. And only if the next legislature chose not to provide funding for runoff elections. 3) Scenario #1 is faulty – Even if it were a statewide runoff election, it wouldn't cost the same as a full general election, because it'd only be 1 race. 4) last sentence on back page is wrong. Of course, it may not pass...

Since this bill is a constitutional amendment which must be first voted on by the people, the bill doesn't say how majority vote would be implemented. If the people vote YES, the next legislature would decide whether there would be a runoff election at a later date, or an instant head-to-head runoff, where people who voted for the third place candidate, also (at the same election) voted for their second choice, which was subsequently used to count the head-to-head race between the Democrat and the Republican candidates.

I would contend that the only possible way that you, as Democrat incumbents, could possibly lose your seats is if you had Greens or New Party candidates file against you and spoil your race. And the same applies to Republicans. So one way you could look at this bill is incumbency insurance.

Since this bill is a constitutional amendment, our passage will simply allow the voters of Montana to make the final decision. I'm asking you to please vote for it and give MT voters that opportunity, and give us all the chance for an honest and thorough debate on the proposal.