

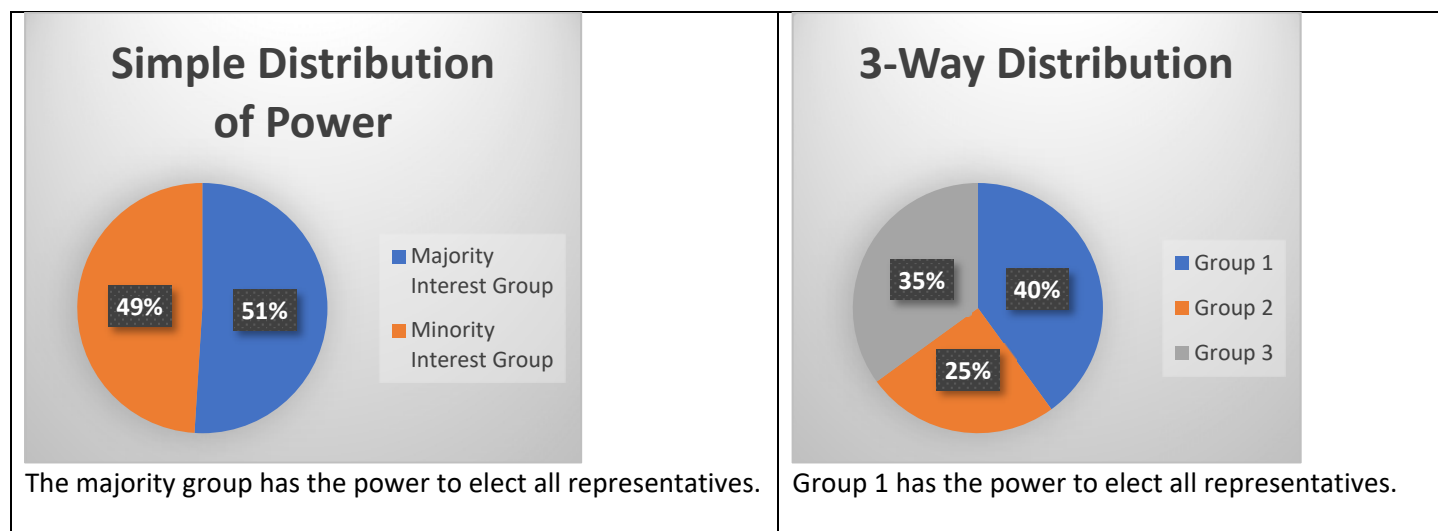
Ft. Bragg Elections Committee Feb 22

Sharing (Power) If You're Not at the Table, You're on the Menu

State and Federal Voting Rights Acts (VRA) are intended to remove obstacles for protected minority groups to obtain a fair share of power. It's often a blunt instrument and may have unintended consequences. It doesn't guarantee additional power, it just removes obstacles placed, intentionally or otherwise, by those currently in power.

Plurality At-Large Elections

The VRA considers Plurality At-Large Elections (used by Ft. Bragg and many other jurisdictions) an obstacle to power. Minority groups sometimes elect one of their own, but it's more by accident than by design. Voters like having a say about all elected representatives, and representatives are accountable to the entire jurisdiction, but there may be unintended consequences.



The above simplified charts assume that each group runs enough candidates to fill all available seats, that each group votes only for its own, and there are no vote splits among like-minded candidates. In the "Simple Distribution" chart, what if there are six candidates from the Majority Group running for three seats, and three candidates from the Minority Group? The six Majority Group candidates could split the vote, each getting less than 40%. The three candidates from the Minority Group each get 49% of the vote. Now the Minority Group is in charge. In the "3-Way" example, what if there are multiple candidates from Groups 1 (40%) and 3 (35%), and three candidates from Group 2 (25%)?

District Elections

The VRA blunt instrument considers District Elections to be VRA-compliant. District Elections require that the jurisdiction be divided, and there are potential legal issues with how the lines are drawn. The VRA prohibits using race or ethnicity as the primary means of creating districts. This can be frustrating when trying to create

a safe minority district but prohibits a majority from gerrymandering districts in a way that deliberately dilutes the power of a protected minority group. If a minority is evenly distributed throughout the jurisdiction, district divisions might (legally) dilute their power.

There are other potential unintended (but legal) consequences. Some people like the idea of having “their own” representative, others like having a say about all representatives. Candidates like having a smaller area when campaigning. Representatives may be inclined to favor the interests of their own constituents over the interests of the jurisdiction as a whole. Those who get what they want will like this, while those who don’t get what they want won’t like it. Complaints to representatives outside their district may be ignored. Much depends on how voters and their elected representatives view sharing. In small jurisdictions, it could be difficult to find good, willing candidates from within each district.

There are more potential unintended (but legal) consequences within districts. Again, it comes down to sharing.



The 40% minority in each of the five districts constitutes 40% of the jurisdiction’s voters. That’s twice the 20% of voters in each district. If the 40% minority could pool their power, they might elect their own representative.

Limited Voting

Limited Voting is a potential remedy under the VRA, but not recognized for general-law cities by the CA Elections Code. Charter cities could choose this option. With Limited Voting, everyone gets one vote regardless of the number of open seats. A 26% minority has the power to elect one of their own with 3 open seats, as the other 74% must split their votes among multiple candidates. If the minority vote splits among

multiple candidates, this power is diluted so some strategizing may be required. Limited Voting can be done with existing voting equipment.

Cumulative Voting

Cumulative Voting is another potential remedy under the VRA. It's not recognized for general-law cities by the CA Elections Code, but charter cities may choose it. Two CA general law cities, Santa Clarita and Mission Viejo, adopted Cumulative Voting as a negotiated settlement to a VRA action. In Cumulative Voting, like Plurality At-Large, voters get a number of votes equal to the number of open seats but may distribute those votes in any way among the candidates, including casting all votes for one candidate. As with Limited Voting, with three open seats, a 26% minority has the power to elect one of their own as the other 74% must split their votes among multiple candidates. Also, like limited voting, all minority voters must all cast all their votes for one candidate. This may require some strategizing if there are multiple minority candidates.

Cumulative Voting can probably be supported by existing voting equipment with a few minor adjustments. Each candidate's name would appear on the ballot multiple times, twice for two open seats, three times for three open seats (Candidate 1a, Candidate 1b, Candidate 2a, Candidate 2b, etc). The county would provide certified totals for each line (Candidate 1a, Candidate 1b, Candidate 2a, etc). The city clerk would manually add the line totals (Candidate 1a + Candidate 1b, Candidate 2a+Candidate 2b, etc) and certify the final winners.

Ranked-Choice Voting

Like Limited Voting and Cumulative Voting, Ranked-Choice Voting (RCV) is a possible remedy for VRA issues, not recognized for general-law cities by the CA Elections Code, but may be adopted by charter cities. SB212 was recently introduced in the CA Senate and if passed, would allow general-law cities to adopt RCV. It will likely be amended as it moves through the various committees, senate and assembly. RCV provides true proportional representation by design regardless of the number of candidates, keeps at-large voting, and eliminates the need for voters to strategize out of fear of unintended consequences from vote splits or other concerns.

Voters rank candidates in order of preference, much like they might prioritize a to-list or list of colleges to apply to. RCV also allows voters to have one or more "backup" candidates if their first choice loses, much like they might make backup plans for other important situations.

Ft. Bragg would have to do hand counts as existing county equipment does not support RCV. The experience of other cities hand-counting RCV ballots suggests the count would take less than a day. The city would probably have certified results before the county does.

Resources

For more about RCV and other voting reforms, visit

- cfer.org (Californians for Electoral Reform website)
- fairvote.org (FairVote website)

- rankedchoicevoting.org (tools for election administrators and cost estimates)
- fairelections.org (I like the humor page)
- voteyourhopes.org (fair disclosure: this is my website with a Mendocino County emphasis and a discussion forum)

One Reform to Save America RCV has often been a partisan issue with republicans usually opposed, and others usually in favor. This article by conservative columnist David Brooks is a refreshing exception. He writes: *The way to do that [Save America] is through multimember districts and ranked-choice voting.* Read the complete article at https://www.nytimes.com/2018/05/31/opinion/voting-reform-partisanship-congress.html?rref=collection%2Fsectioncollection%2Fopinion&action=click&contentCollection=opinion®ion=stream&module=stream_unit&version=search&contentPlacement=1&pgtype=sectionfront

The Best Way to Fix Gerrymandering Is to Make It Useless by Lee Drutman. Mr. Drutman is a senior fellow at New America. He writes: *The only way to make most districts truly competitive in today's regionally polarized politics is to expand them. For example, a single-member district in Manhattan is a cakewalk for a Democratic incumbent. But a five-member district in Manhattan — which would combine that borough and parts of others — could yield a New York City Republican, and maybe a Michael Bloomberg-style independent, because such candidates could win a seat with 20 percent of the vote instead of 50.* Read the complete article at <https://www.nytimes.com/2018/06/19/opinion/gerrymandering-districts-multimember.html>

Ranked Choice Voting — Progress and Not Looking Back By [David Campos](#), Chair, San Francisco Democratic Party, for an overview of how RCV is working in Bay Area cities. Read the complete article at <https://medium.com/@davidcamposesq/ranked-choice-voting-progress-and-not-looking-back-db00261b07a0>

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