

Voice for Democracy

Newsletter of Californians for Electoral Reform

Fall 2011

President's Letter

YOUR HELP IS NEEDED

By Steve Chessin

This may be your last Voice of Democracy newsletter. No, we're not going out of business, and no, we're not changing the name of the newsletter.

We have about 130 dues paying members, and more than three times as many people on our list who have let their membership lapse.

Because the only tangible thing you get from us is this newsletter, and because we went a whole year some years ago without sending one, I was reluctant to cut people off until we got back to a regular schedule. Now that we have, we're going to be dropping people from our mailing list whose membership has lapsed. But before we drop people, we will be contacting them to give them one last chance to renew.

There may be an indication on the mailing label or the newsletter itself if your membership has lapsed. (As I write this the process has not yet been worked out.) If so, you can go to cfer.org/join and renew your membership and not wait for us to contact you.

Speaking of the newsletter, we have a new publisher. Bob Richard, after many years of taking the submitted articles, turning them into a newsletter, printing all the copies, applying mailing labels and postage, and trucking them to the post office, has decided to retire from this particular task. I want to thank you for his tireless efforts. CfER Board member Richard Winger, who edits and publishes Ballot Access News, has agreed to take on the publishing duties for us. Jim Lindsay will continue as editor, soliciting and collecting the submissions.

CfER Board member Casey Peters and his wife Marilyn staffed our table at the California Republican Party convention in Los Angeles in September. As the article on the What's Next California deliberative poll

indicates, the support for IRV and PR is weakest amongst Republicans, so that is where we must focus our educational efforts. Casey and Marilyn did a great job there, including identifying five Republican activists who seemed enthusiastic to learn more about IRV and PR and may become CfER members.

The Lawyers Committee for Civil Rights sent a letter to the Santa Clara City Council warning that it might be in violation of the California Voting Rights Act, as Santa Clara elects its City Council members in at-large elections using a "numbered seat" system. (To my knowledge, the only other city in California that uses numbered seats is Sunnyvale). The Council responded by appointing a Charter Review Committee to study alternative methods of electing the Council and return a recommendation. While a switch to district elections is the most common remedy to CVRA violations, it isn't clear that one can draw a so-called "majority-minority" district for either the Latino or Asian-American populations in Santa Clara, as they may not be geographically clustered enough to do so. I have been educating the CRC, as well as other community groups, on PR and cumulative voting, so they know that those alternatives are available. The presentation I gave to the Santa Clara Citizens' Advisory Committee was recorded, and can be viewed at blip.tv/stevechessin/PR-talk-5576943 (the number is the most important part of that URL).

Finally, there are two court cases seeking to block the implementation of the top-two primary, one in the state court and one in federal court. The California Court of Appeals denied the request for a preliminary injunction against the implementation of the top-two primary. The federal case is currently being briefed in the Ninth Circuit Court of Appeals; we should know its outcome by the next newsletter. There is also a lawsuit pending in the Ninth Circuit against Washington state's top-two primary.

Steve Chessin has served as President of CfER since 2001 and was Co-President from 1999-2001.



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San Francisco IRV Under Attack

By Jim Lindsay

One week after the November election, Supervisor Sean Elsbernd plans to introduce a measure to end IRV. This was announced in a bitter and dishonest column in the SF Examiner of October 12, 2011.

This is a serious threat. We are going to pull out all the stops to defend IRV, which has been great for San Francisco. Please consider what you can do to help – we will be asking for a bit of your time, your money, and your expertise and ideas.

Halfway to a National Popular Vote for President

By Paula Lee

Governor Jerry Brown recently signed the National Popular Vote Plan bill and made California the eighth state, plus D.C., to join the National Popular Vote compact. The National Popular Vote bill will guarantee the Presidency to the candidate who receives the most popular votes in the entire nation. The bill preserves the Electoral College, while ensuring that *every* vote (every voter) in *every* state will matter when electing the President of the United States. California joined Hawaii, Illinois, Maryland, Massachusetts, New Jersey, Vermont, Washington and D.C., all of which have passed the legislation. Once states representing a majority of electoral votes (270) have passed the bill, it will go into effect. California with its 55 electoral votes brings the total to 132 electoral votes, 49% of the 270 needed for implementation.

Our current system using the winner-take-all rule awards all of a state's electoral votes to the candidate who receives the most votes in the state instead of the most votes in the country. Presidential candidates don't pay attention to issues of concern to voters in states where they are comfortably ahead or hopelessly behind. These are the "solid red" and "solid blue" states. In 2008, candidates concentrated two-thirds of their campaign events and money in just six closely divided "battleground" states! They spent 98% of their time, money, and effort in just 15 states. Pundits are already saying that only 8 to 15 states will matter in the 2012 election.

California, as a "blue state" is a mere spectator in

presidential elections. The candidates come to California only to raise money.

The winner-take-all rule is not in the Constitution. The founding fathers gave states a built-in mechanism for changing the way they award their electoral votes. Article II, section 1, of the Constitution gives the states the exclusive and plenary control over the manner of awarding their electoral votes. A constitutional amendment is not needed for the National Popular Vote Plan.

The California bill, AB 459, was the third attempt. It had passed the California legislature twice and was vetoed by former Governor Arnold Schwarzenegger twice. The bill has been endorsed by the New York Times, Boston Globe, Chicago Sun-Times, Minneapolis Star-Tribune, Los Angeles Times, Miami Herald, Hartford Courant, Sacramento Bee, and many more.

The League of Women Voters of the United States adopted a position in support of the National Popular Vote plan at its 2010 convention. More information including endorsements, editorials and the comprehensive book *Every Vote Equal* is available at nationalpopularvote.org.

Fairvote Update

By Rob Richie, Executive Director, FairVote

Fairvote (fairvote.org) is working nationally to make the case for proportional representation and win reform for alternatives to winner-take-all-democracy. Using the latest census, we're creating proportional voting maps for every state's congressional delegation that show even modest openings in winner-take-all can result in putting every voter in a district electing representatives from more than one party and dramatically expand opportunities for fair representation. Fairvote is also working for the National Popular Vote Plan for presidential elections.

While still a winner-take-all system, ranked choice voting (i.e., instant runoff voting) ensures that the candidate who wins an election wins with the majority of the vote. Voters will use ranked choice voting in 2011 for Mayor in San Francisco, Portland (Maine), and Telluride (Colorado); for President in Ireland; and for other city races in St. Paul (Minnesota) and Takoma Park (Maryland). Keep in touch with the latest at fairvote.org.

State Lawmakers Receive Primer on Ranked Choice Voting

By Gautam Dutta, Esq.

Last summer, a funny thing happened on the way to political reform: state lawmakers actually took the time to learn more about Ranked Choice Voting (RCV). During a hearing before the California Assembly Elections Committee, lawmakers heard from both sides - and *many* more from *our* side. The hearing not only gave a shot in the arm to CfER and other RCV supporters, but opened an important dialogue that will help RCV gain greater support across the state.

What happened? On August 23, the Assembly Elections Committee held a hearing on RCV. During that hearing, the Committee took testimony from CfER President Steve Chessin, former San Leandro Mayor Tony Santos (an RCV supporter-turned-opponent), Deputy Secretary of State Ronda Paschal, and the San Francisco and Alameda County Elections Directors. In addition, the Committee took testimony from several audience

members. Thanks in large part to CfER's activism, RCV's friends outnumbered RCV's foes by a decisive margin of *three to one*. (Full disclosure: I also testified in support of RCV, wearing my hat as Executive Director of the Asian American Action Fund).

Why did this Sacramento hearing matter? The Elections Committee hearing marked a critical turning point for RCV, for it could pave the way for more cities and counties to adopt RCV. To begin with, the fact that a hearing was even held marked a clear victory for RCV. This year, the Legislature did not propose any RCV-related legislation – which would normally mean that no hearings would be scheduled on RCV.

However, Sacramento perked up to RCV after Jean Quan scored an upset victory over former State Seantor Don Perata in Oakland's *first* mayoral election to use RCV. Lawmakers were curious about a system in which competing candidates **(continued on page four)**

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Make checks payable to "Californians for Electoral Reform" or "CfER" and mail to CfER, P.O. Box 128, Sacramento, CA 95812, or visit <http://www.cfer.org/join>.



Lawmakers Receive Primer on Ranked Choice Voting (continued from page 3)

can (gasp!) collaborate and even build coalitions. In recent years, Sacramento has not always been kind to RCV, largely because some campaign consultants and other opponents have engaged in a whisper campaign. By engaging in a public discussion, we made great strides in telling top state leaders about many of RCV's virtues, including: (1) saving millions in tax dollars by eliminating costly, low-turnout runoff elections. (2) doing away with the harmful "spoiler effect" that penalizes communities for fielding like-minded candidates, and (3) encouraging candidates to run more positive, issue-based campaigns.

Where do we go from here? Last summer's hearing has opened the door for CfER and other reformers to do away with one of RCV's worst enemies: the state law that bans unchartered ("general law") cities and counties from adopting RCV. Due to that ill advised ban, cities like Davis cannot adopt RCV *even though their voters have voted in favor of it*. In 2007, the Legislature passed a bill (AB 1294) that would have eliminated this RCV ban, only to see then-Governor Schwarzenegger veto it. Two years later, the Assembly passed a similar bill (AB 1121), only to see it sink in the Senate.

During the upcoming 2012 session, we will have an Assembly Elections Chair (Paul Fong) who strongly supports IRV. On the heels of RCV's historic hearing, we must waste no time in partnering with lawmakers like him. By working together, we can make RCV a reality not just in the Bay Area, but *throughout* the Golden State.

A Yale and Georgetown-trained attorney, Gautam Dutta has served as New America Foundation's Deputy Director for Political Reform, as an Enforcement Attorney with the S.E.C., and as a Litigation Associate at a top Los Angeles law firm. Mr. Dutta practices business and election law and can be reached at dutta@businessandelectionlaw.com or at (415) 236-2048. For more information, visit his website at businessandelectionlaw.com

Governor Brown Signs On-Line Voter Registration Bill

On October 7, Governor Jerry Brown signed SB 397, the bill that allows voters to register to vote on-line. CfER had supported this bill and had spoken out for it at a press conference in San Francisco on September 28.

Study Shows Strong Support for Proportional Representation

By Steve Chessin

According to a deliberative poll conducted by What's Next California (nextca.org), a clear majority of a scientifically-selected random sample of California's voters prefers IRV to plurality elections. In addition, almost half want to see the legislature elected using proportional representation, whereas only a third were opposed.

In the deliberative poll, a scientifically selected random sample of California registered voters spent the weekend of June 24-26 in Torrance, CA, to discuss and debate various issues facing the state, as well as potential solutions to those issues. They had access to experts with a range of views on those issues. The participants' viewpoints were surveyed at both the start and the end of the weekend.

Two of the questions asked (out of about 95) are of particular interest to CfER. They were:

(2l) On a 0 to 10 scale, where 0 is "extremely undesirable," 10 is "extremely desirable," and 5 is exactly in the middle, how desirable or undesirable would you say is electing more than one representative from each assembly and senate district with the winners receiving seats proportional to votes?

(2p) On a 0 to 10 scale, where 0 is "extremely undesirable," 10 is "extremely desirable," and 5 is exactly in the middle, how desirable or undesirable would you say is allowing voters to rank the candidates in order of preference, so that the winner can be decided without a second election?

For the first question, do California voters support PR, the mean answer on arrival was 5.28; that is, slightly desirable. The mean answer on departure was 5.37; the increase is not statistically significant.

Of the folks who selected a "0-10" answer, 33.8% (before)/34.6% (after) said that PR was undesirable, 18.2%/16.6% said it was neither desirable nor undesirable, and 48.0%/48.9% said it was desirable. Of all the folks, 14.8%/6.6% either said "don't know" or did not answer.

(continued on page five)



Proportional Representation (continued from page 4)

For the second question, do California voters support IRV, the mean answer on arrival was 6.15; that is, slightly desirable. The mean answer on departure was 5.83; the decrease is somewhat statistically significant. Even so, support is still there.

Of the folks who selected a “0-10” answer, 26.2%/30.1% said that IRV was undesirable, 12.7%/12.5% said it was neither, and 61.0%/57.6% said it was desirable. Of all the folks, 8.3%/4.6% either said “don’t know” or did not answer the question.

So, according to a scientifically selected sample of

California voters, a clear majority support IRV, with less than a third opposed to it!

Partisan support for IRV is across the board, although weaker amongst Republicans; Republicans rate it 43% desirable, 22% in the middle, and 35% undesirable; Democrats are 63%/10%/27%, independents are 62%/8%/30%, and other are 61%/6%/33%.

The only region of the state opposed was Central/Fresno.

Complete results are available at nextca.org/results. The next newsletter will include more results on P.R.

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About CfER . . .

Californians for Electoral Reform (CfER) is a statewide citizens' group promoting election reforms that ensure that our government fairly represents the voters. We are a nonpartisan, nonprofit organization with members from across the political spectrum. Since our founding in May of 1993, our numbers have grown from about two dozen to hundreds of members participating in local chapters across California.

OUR ELECTORAL SYSTEM IS IMPORTANT

The method by which we vote has dramatic consequences, and nearly one third of the state's electorate consistently goes without a representative that speaks for them in Sacramento. The choice of electoral system can determine whether there will be "spoilers" or vote-splitting effects, majority sweeps of representation on city councils, or pervasive negative campaigning. The choice of electoral system determines whether minority perspectives or racial and ethnic minority groups receive fair representation or get shut out of the process entirely.

CfER IS THE LEADING ADVOCACY GROUP FOR THESE REFORMS IN CALIFORNIA

CfER works for legislation that would allow cities and counties to adopt voting methods that allow people to rank their preferences when they vote. CfER also works with activists in its local chapters to enact fair election methods in cities and counties across the state.

For more information visit www.cfer.org/aboutus

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