

Voice for Democracy

Newsletter of Californians for Electoral Reform

Spring 2012

Huge Victory for CfER

DANGER SIGNS REMAIN

By Jim Lindsay

CfER and our allies have won a huge victory in San Francisco, as an attempt to repeal IRV has been defeated. However there may still be repeal attempts, via petitioning, in Oakland or San Francisco.

Two supervisors in San Francisco have been pushing to repeal IRV – known in San Francisco and Oakland as Ranked Choice Voting (RCV). This has been a goal of some in the business community, the Chronicle, the Bay Citizen, and of political consultants in San Francisco. These groups do not like IRV because it reduces the effect of big money and makes it harder to game elections. In part, they also don't like it because they have trouble with change from a system that has worked so well for them for so long.

We saw this repeal attempt coming. Led by Steven Hill and others, we ran a public relations campaign, lobbied, got support from important groups, attended meetings and spoke for IRV and against proposals to repeal it.

In February, a motion was finally made by Supervisor Sean Elsbrand to repeal IRV and replace it with a September primary and November runoff. It was killed on a 7-4 vote. This was a huge victory for our movement. We know that opponents will try to repeal electoral reform – we have to be vigilant and vigorously defend IRV and PR when it is attacked, because when it is repealed it is twice as hard to bring it back as it was to get it in.

Danger signs remain. As the newsletter deadline looms, there are rumors of a possible petition drive in Oakland, and grumblings from the losers in San Francisco that they may try the initiative route. If either of these actually happen, we will have an enormously important campaign to fight this November. Stay tuned!



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RCV Repeal Starts in Oakland

By David Cary

Oakland became the next target of efforts to repeal ranked choice voting just one week after CfER helped defeat a repeal effort at the San Francisco Board of Supervisors. The first step in Oakland was the filing of an initiative petition to repeal ranked choice voting. The petition calls for a city charter amendment that replaces ranked choice voting with a June primary followed by a November runoff, if the June primary didn't produce a winner.

CfER members have already started working with other supporters of ranked choice voting to organize opposition to this petition. One of the first goals is to make sure the Oakland City Attorney writes an accurate and fair title and summary for the petition before it is circulated for signatures. The petition was submitted by an associate of campaign consultant Tramutola Advisors that worked on Don Perata's losing mayoral campaign in 2010. The petition filing made a variety of false and misleading claims, including that the amendment would guarantee that winning candidates would have majority support.

In order to defeat this repeal attempt, CfER members should prepare to reactivate the individual and community involvement that adopted ranked choice voting in Oakland in 2006, brought Oakland its first ranked choice voting elections in 2010, and successfully resisted calls for repeal in early 2011.

The repeal of ranked choice voting would reverse the voter choice and empowerment that Oakland experienced in 2010. The repeal amendment would restrict voters to expressing only one preference on the ballot, greatly increasing the number of exhausted votes. It would also allow candidates to win in June if a candidate gets more than 50% of the June vote. But June turnout is much lower than in November. Over the last twenty years, turnout for Oakland June primaries in even numbered years has on average been only 63% of November turnout. So this repeal of ranked choice voting would often allow a 32% "majority" winner in June.

To put the repeal question on the ballot, ranked choice voting opponents will have to gather valid signatures of 15% of Oakland registered voters, about we 29,000 valid signatures. November (**continued on page 5**)



President's Letter

By Steve Chessin

We wanted this newsletter to be about the effort to defend instant runoff voting in San Francisco. However, all of the people who we asked to write articles are too busy defending IRV in San Francisco! Since San Francisco calls IRV ranked choice voting, or RCV, I will use that nomenclature for the rest of this letter. Below, I explain some of the history of what happened.

Last November, on election day, Supervisors Mark Farrell and Sean Elsbernd introduced a charter amendment that would repeal RCV and return San Francisco to December runoff elections. On December 13th, on what would have been “runoff election day”, Supervisors David Campos and John Avalos introduced a counter-amendment, that would do three things: consolidate the two odd-year elections into one year, direct the Elections Department to give extra attention to the neighborhoods with the lowest turnout, and put the City on record as wanting more rankings in any future election equipment. Also on December 13th, Supervisor Scott Wiener introduced a separate charter amendment that would just consolidate the two odd-year elections into one year. All three amendments were referred to the Rules Committee.

The Rules Committee, consisting of Supervisor Jane Kim (chair) and Supervisors Campos and Farrell, held a hearing on all three amendments on January 26th. The Wiener stand-alone amendment was recommended for approval with little controversy. The other two amendments were heard together. Supervisor Farrell amended his proposal to a September primary and a November runoff, where it would take a sixty-five percent (65%) vote to be elected outright in September; less than that and the top two go to a runoff. Twenty-five people spoke against the repeal and in favor of keeping RCV, three spoke in support of the repeal, and two spoke in favor of approval voting. The speakers in favor of RCV included CfER members Barbara Blong, Rufus Browning, David Cary, Judy Cox, Gautam Dutta, Steven Hill, Chris Jerdonek, Dave Kadlecsek, John Palmer, Richard Winger, and myself. There were also speakers in favor of RCV representing the Asian Law Caucus, Sierra Club, Common Cause, League of Pissed-Off Voters, Service Employees International Union (SEIU), and the San Francisco Green Party.

Because Supervisor Farrell had amended his proposal, it had to have another hearing and was continued to February 2nd. Supervisor Campos had his proposal

continued as well so they could be voted on together.

There was a smaller turnout for the second hearing. Eight people spoke in favor of keeping IRV, and three spoke in favor of repealing it. The speakers in favor included CfER members David Cary, Steven Hill, Chris Jerdonek, Dave Kadlecsek, and myself. There were also representatives from the Senior Action Network and SEIU.

At the end of the hearing the committee voted to forward both proposals to the full Board of Supervisors without recommendation (you can go to sanfrancisco.granicus.com/ViewPublisher.php?view_id=13 and watch the video of the hearings).

As Jim Lindsay reports in his article, in a huge victory, the repeal attempt was defeated by the full Board by a 7-4 vote.

Defending RCV/IRV in San Francisco, and in Oakland, is extremely important. If it is repealed here, it will provide encouragement to the anti-IRV forces across the country.

In other news, the Santa Clara Charter Review Committee, formed because of a threatened voting rights lawsuit, recommended to the City Council that they study proportional representation with a view to implementing it for the 2014 elections. The city of Escondido in San Diego County has just been sued (*Gomez v Escondido*); I have contacted both sides and suggested (**continued on page 5**)



Inside this Issue

Huge Victory for CfER, Danger Signs Remain
Page 1

RCV Repeal Starts in Oakland
Page 1

President's Letter
Page 2

The Bay Citizen's Relentless Campaign Against Ranked Choice Voting
Page 3

Local Chapters and Contacts
Page 5



The Bay Citizen's Relentless Campaign Against Ranked Choice Voting

This is excerpted with permission of the author from an article published in BeyondChron.org. See the following link for the full article.

http://www.beyondchron.org/articles/The_Bay_Citizen_s_Relentless_Campaign_Against_Ranked_Choice_Voting_9818.html

By Chris Jerdonek

The *Bay Citizen*, the media outlet launched in 2010 amid much hoopla to fill a media hole in the Bay Area following the near-collapse of the San Francisco Chronicle and the near-comatose condition of the San Francisco Examiner, has struggled to find its niche. It bills itself as a “nonprofit, nonpartisan” enterprise “dedicated to fact-based, independent reporting” – clearly aiming to be different than the corporate media. Yet the roster of financial Daddy Warbucks who are bankrolling the *Bay Citizen* reads like a Who’s Who of Bay Area billionaires: the late Warren Hellman, Donald Fisher, Evelyn & Walter Haas, Peter Haas, Richard Blum (husband of U.S. Senator Dianne Feinstein), Douglas Shorenstein and many others.

For those hoping that a “nonprofit” media outlet like the *Bay Citizen* might avoid the corporate media’s usual entanglements and expose some of the local roots of the Wall Street banksters who turned the financial system into their personal casino backed by taxpayer money, don’t hold your breath. Among the *Bay Citizen*’s list of corporate founders and funders are Wells Fargo, Goldman Sachs and Bank of America. Rather than being an alternative to the corporate media, its “Masters of the Universe” funder base renders it more like the heavily corporate donor-influenced Public Broadcasting System and National Public Radio.

This is important background material when one considers the *Bay Citizen*’s horrendously one-sided coverage of ranked choice voting (RCV) in San Francisco and Oakland. Ranked choice voting has become a favorite target of the San Francisco Chamber of Commerce, the San Francisco Chronicle, Willie Brown and other slices of the City’s elite, many of them tied, either politically or socially, to many of the board members, founders and funders of the *Bay Citizen*. Warren Hellman, who launched the *Bay Citizen* with a startup grant of \$5 million, was on the board of the Chamber of Commerce until his death in December 2011. He also was co-chair of the Committee on Jobs in the early 2000’s when it spent buckets of cash trying to defeat RCV on the 2002 ballot and delaying its implementation in 2003 so as to retain

December runoff for the mayoral race that year (outgoing mayor Willie Brown feared that RCV might hurt the campaign of his handpicked successor, Gavin Newsom).

Consider: The *Bay Citizen* has published nine articles about RCV in recent months, and seven of them are best described as tabloid-style hit pieces employing the usual tricks of the trade: cherry-picked data, unbalanced news sources and commission by omission. Since the *Bay Citizen* has a publishing arrangement with the New York Times (it produces a two-page insert covering local news for the Times’ Bay area print editions which are delivered to 61,000 subscribers on Fridays and Sundays, with some of its articles also appearing on the Times website) its reach is broader than its own small readership. Interestingly, the *Bay Citizen*’s (and by extension New York Times’) biased coverage is in sharp contrast to the more balanced coverage of RCV in such publications as the Wall Street Journal, Economist and Bloomberg News. Indeed, the *Bay Citizen*’s reportage mimics that of longtime RCV opponent the *San Francisco Chronicle*.

Most alarmingly, the bias is not simply one of journalistic sloppiness or happenstance. Recently discovered emails and Twitter posts reveal direct evidence of premeditated bias among the *Bay Citizen*’s top editors, as well as evidence of collaboration between its reporters and anti-RCV activists. Editor in chief Steve Fainaru, in analyzing the 2010 mayoral election in Oakland which saw grassroots candidate Jean Quan come from behind to beat longtime state power broker Senator Don Perata, labeled RCV an “inscrutable” system – an adjective long-deployed as an anti-Asian, “yellow peril” slur. His managing editor, Jeanne Carstensen, on October 31 wrote in a blog post about the impending San Francisco mayoral election – not even waiting to see how the election turned out -- that ranked choice voting is “a true nightmare for many voters.”

If the anti-RCV bias of the *Bay Citizen* was quarantined to a couple of snarky editors, then the damage would be minimal. Even more disturbing is the ongoing cozy relationship between the *Bay Citizen* and anti-RCV activists. One of these is Terry Reilly from San Jose, CA. Reilly is an ardent campaigner who has brazenly cherry-picked facts in his efforts to oppose RCV. Reilly’s anti-RCV spins, sent out to a group of anti-RCV activists around the country, repeatedly appear in the *Bay Citizen* as “news.” On November 7, 2011 Reilly sent out a mass email to his cadre bragging how the *Bay Citizen* coverage of RCV was closely echoing **(continued on page 4)**



The Bay Citizen's Relentless Campaign (continued from page 3)

Reilly's harsh critiques. Shortly before a recent round of the Bay Citizen's attacks on RCV, Reilly boasted that "we should look for more interesting developments to come at www.BayCitizen.org." It was clear he had inside information about the publishing schedule as well as editorial priorities of the Bay Citizen.

As another example, columnist Shane Shifflett's piece cited Professor Cook/Latterman research to portray many San Francisco voters as not understanding RCV because they had only selected a single ranking on their ballot (though ranking candidates is completely voluntary, and numerous studies have shown that voters often select a single candidate out of choice, not confusion). Shifflett's clever wording made it appear that Professor Cook also shared his view. Shifflett's article appeared on the Bay Citizen website, yet before it had appeared in the Bay area New York Times version Shifflett received the following email from Professor Cook (bold letters added for emphasis):

*"Shane, I have to say ... I thought the point was that the 9% figure [of voters selecting only a single ranking] was in and of itself significant, but that it **was not indicative of lack of understanding necessarily**. It could be that voters in those neighborhoods had clear choices, that campaigns targeted neighborhoods a certain way, that Department of elections did or didn't do outreach there, etc. I think David [Latterman] and I share the perspective that suggested that there are many explanations for why we would find this, but that there needs to be a lot more research to answer the "why" question. I'm **disappointed that this seems to suggest that we are saying there is a clear implication from our research...**"*

The Chamber of Commerce and its allies in 2009 strategized about how to take down RCV during a meeting of downtown business leaders hosted by Steve Falk, Chamber of Commerce CEO (and past publisher of the San Francisco Chronicle). The subject of the meeting was a repeal of RCV. They also did polling to see if they could repeal district elections and public financing, which also are used in San Francisco elections. They lined up funding from the California Apartment Association and other special interests to pay high-priced lawyers at Nielsen Merksamer, the biggest lobbying firm in California, for a lawsuit against RCV. They combined the lawsuit with a bogus opinion poll commissioned by the Chamber. The lawsuit was unanimously rejected by two federal courts, but they were not trying to win in the courtroom but rather in the court of public opinion by constantly attacking RCV.

All of it was dutifully reported on the front pages and in the editorials of the San Francisco Chronicle.

Bay Citizen writers continue to treat RCV as exotic and untested, despite its history in eleven separate Bay Area elections (not only in San Francisco but also Oakland, Berkeley and San Leandro) involving nearly 50 races. Ranked choice voting also has been used in other US cities as well as in national elections around the world (for national elections in Australia, Ireland, the United Kingdom, Scotland, Northern Ireland and India, and for local races in Portland, Maine, St. Paul and Minneapolis, Minnesota and elsewhere). Recommended by Robert's Rules of Order, it is used by hundreds of private organizations for electing officers, and by the Academy Awards to select the Oscar winner for Best Picture. The International Olympic Committee used a form of RCV to choose its 2012 host city for the XXX Olympiad (and it turned out to be a key factor in London's getting the nod). The Hugo and Campbell Science Fiction Awards use RCV to select the best works of science fiction literature, and the American Political Science Association uses it to elect its president (and that group knows a thing or two about elections).

No question, the Bay Citizen has buckets of money from its billionaire and corporate backers, as well as an imprimatur of credibility from the New York Times. But if it's going to use those resources to produce news coverage that reflects the very worst of tabloid journalism, then little will have been gained by its arrival on the local scene. The San Francisco Chronicle has lost half of its readership since 2004, in part due to its failure to either connect with the community or to provide a trusted and reliable news source. Now the New York Times' own credibility has taken a minor hit in the Bay Area. Not even the Bay Citizen's billionaire backers will be able to save it if its reporting becomes viewed as steeped in Rupert Murdoch-type bias. If its coverage of ranked choice voting is any indicator of its quality, the Bay Citizen will have a short shelf life.

Chris Jerdonek is a doctor of mathematics and a software developer at a San Francisco-based company.



Repeal in Oakland (continued from page 1)

is the earliest the repeal question could be put on the ballot. So Oakland is at least assured that the 2012 municipal races will still be decided in November with ranked choice voting.

President's Letter (continued from page 2)

they consider a proportional or semi-proportional remedy.

CfER Board member Casey Peters and his wife Marilyn attended a Redistricting and Voter Protection Conference in Los Angeles, and did their best to educate the attendees that proportional representation was a better answer than independently-drawn single-member districts; they distributed a flyer Casey made for the conference.

LATE BREAKING NEWS

Just before press time yet another repeal measure was introduced in San Francisco by Supervisor Farrell. This one would leave RCV in place for the Board of Supervisors but have the city-wide offices, including Mayor, elected using two-round runoff. CfER and others are fighting this second attempt to roll back RCV in San Francisco.

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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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Temp-Return Service Requested

