

# Voice for Democracy

Newsletter of Californians for Electoral Reform

Fall 2012

## CfER And Allies Repel RCV Repeals

by David Cary

CfER helped to defeat repeals of instant runoff voting (IRV), also known as ranked choice voting (RCV), in both San Francisco and Oakland this summer by keeping repeal measures off of the November ballot in both cities. However in both cases, the victories were very narrowly won. Repeal efforts could be revived unless we help elect more officials who support RCV this November.

What was brazenly introduced on election day last year in San Francisco as a total repeal of RCV, covering eleven supervisors and seven city-wide offices, faced steady opposition from RCV supporters and was eventually pared down to a repeal of RCV just in mayoral contests. RCV would be replaced in mayoral contests by a very low turnout September primary and a contingent November runoff. That revised proposal gained the support of six supervisors as co-authors, including a critical swing vote from appointed Supervisor Olague, just enough to put the repeal on the ballot.

Meanwhile, Board President Chiu introduced an innovative compromise alternative that also applied only to the mayoral contests, would use a November primary and contingent December runoff, but would continue to use RCV in the November primary to either determine the outright winner or decide which two mayoral candidates advance to the December runoff.

CfER, FairVote, and other groups supported Steven Hill in his efforts to reactivate vocal support for RCV. CfER members supported RCV at committee meetings and full Board of Supervisor meetings, called and emailed supervisors, and leafleted in support of RCV in Supervisor Olague's district. Despite these and other intense efforts, Hill could not get Supervisor Olague to oppose the repeal, despite her promises that she would switch and join other progressive supervisors. Facing the likelihood of a repeal measure on the November ballot, we reluctantly decided to support the Chiu compromise as a competing ballot measure and the best way to limit the damage and hopefully preserve some use of RCV in mayoral contests.

However just before the final vote at the Board of Supervisors on June 14, Supervisor Cohen indicated that she would vote to put both measures on the ballot, giving

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## Top Two Fails Promises

by Jim Stauffer

The Spring edition of "Voice for Democracy" included an article opposing the "Top Two" non-partisan election method that was implemented for the June primary election. The outcome of this experiment is now available in the election results... and the proponents of Top Two have some explaining to do, since nothing they predicted appears to have materialized.

To be fair, we also implemented a new redistricting scheme so it can be hard to tell which reform caused (or didn't cause) the election results to come out as they did.

The Secretary of State's "Statement of Vote" was the main source for this article. Below is election data parsed into meaningful categories. This analysis used data from the Congressional (CD), Assembly (AD), and State Senate districts (SD). There were 153 contests consisting of 53 CD, 80 AD, and 20 SD.

Within these districts there were (using the Secretary of State's abbreviations for the political parties, where NPP means "no party preference"):

- 41 districts with only one DEM and one REP candidate. No NPP or minor party candidate made it into the top two finishes. Contrary to the expectations of Top Two proponents, these districts offered less choice to voters.
- 22 districts with only one major party running candidates. Again, this does not provide more voter choice. However, this means an NPP or minor party had a better chance of making it into the top two finishers, which happened in eight districts. Not entering candidates in more of these contests may be a missed opportunity for NPP and minor party candidates. But, then, they would be gaining ballot access only due to the good grace of one major party not running a candidate, which sounds like democracy by unintended consequences.
- 34 districts where the dominant major party ran multiple candidates and the lower major party ran only one. In most of these contests the lone, lower party candidate was among the top two finishers. Given the number of districts in which this occurred, it was obviously a planned strategy to ensure the lower party's presence in the general election. No NPP or minor party candidate made the cut in these districts.

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## President's Letter

by Steve Chessin, President

Success! We successfully blocked IRV/RCV repeal attempts in both San Francisco *and* Oakland, at least for this year. David Cary gives the details on page 1 with a follow-up to his articles in the previous newsletter. (But we must remain vigilant. In an editorial published July 18th, the day after we defeated the San Francisco repeal attempt, the San Francisco Chronicle practically begged the Chamber of Commerce to start a campaign to put a repeal measure on the ballot via the initiative process. Plus, the elections in November could result in our losing our narrow pro-IRV majorities on the San Francisco Board of Supervisors and the Oakland City Council.)

Speaking of the November election, it appears that San Francisco will run the first IRV tally on election night, instead of on Wednesday. That means everyone -- voters, candidates, the press -- will know which elections are close and which ones aren't right away. We're hoping that Alameda County will do the same for the IRV elections in Oakland, Berkeley, and San Leandro.

Also on November 6th, voters in the City of Sacramento will be deciding whether to form an elected Charter Commission, and if so, which 15 of the 54 people running should be on it. Three of those 54 people are CfER members: Board member Paula Lee, long-time Peace and Freedom Party activist C.T. Weber, and Common Cause staffer Derek Cressman. The Commission will draft a new charter for Sacramento, and if any of our members are elected we hope they'll be able to convince their colleagues that Sacramento should use PR to elect its council and IRV for its mayor.

The City of Anaheim will also be examining its charter. Faced with a voting rights lawsuit (*Moreno v. Anaheim*), on August 8th the City Council voted three to two against putting a district elections charter amendment on the ballot, and by that same margin established an eleven-member Citizens Advisory Committee on Elections and Community Involvement. Each council-member will appoint two members, and the City Manager will hold the tie-breaking eleventh seat. Sixty-four people applied for the ten appointed seats, the Council announced their choices on September 25th, and the first meeting of the Committee was held October 18th. A video of the meeting is posted at [www.anaheim.net](http://www.anaheim.net). (The next two meetings are scheduled for 7pm November 8th and 7pm December 13th.) The Committee is explicitly charged with considering cumulative voting, and is allowed to bring in outside speakers; I hope to be one such. The Committee is

supposed to make its recommendations no later than May 31st, 2013.

Finally, I want to report on our June 30th Annual General Meeting. Our keynote speaker was Chair of the Assembly Elections Committee Paul Fong, and we had a great discussion on the prospects for legislative action on our issues. The Wilma Rule Memorial Awards were given to the Santa Clara Charter Review Committee for recommending that the Santa Clara City Council consider changing Santa Clara's elections to a proportional representation system, and to What's Next California? for including a question on proportional representation in its deliberative poll. (While that might seem like a small thing, the result showed that, without much discussion of the topic, almost half of a scientifically-selected sample of Californians support proportional representation, with only about a third opposed. As CfER would never have had the resources to conduct such a poll ourselves, we commended What's Next California? for conducting this research for us.)

We also elected our Board of Directors. The winners, in alphabetical order, were David Cary, Steve Chessin, Ryan Dunning, Dave Kadlec, Paula Lee, Pete Martineau, Casey Peters, Joan Strasser, and Richard Winger. We thanked out-going board member Cat Woods her service. At the leadership retreat the next day, we appointed Joe Nemecek to the Board and elected the following officers: President Steve Chessin, Executive Vice Presidents Paula Lee and Casey Peters, Treasurer Paula Lee, Secretary David Cary, and CFO Ryan Dunning.

We have included in this newsletter a one-page survey; please fill it out and return it to us, as it will help us improve our newsletter, increase our volunteer base, and determine what we will be able to do this cycle. §



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**RCV REPEALS (CONTINUED)**

Chiu's alternative its sixth vote. Upon learning that voters would have an additional choice, repeal supporters withdrew their proposal, apparently expecting that they would lose in November against Chiu's compromise. Lacking any threat to RCV, President Chiu withdrew his countermeasure as well. As a result, there are no RCV repeal measures on the November San Francisco ballot.

The defeat of Oakland's repeal also had some intrigue. While earlier efforts to qualify an initiative repeal measure by gathering signatures fizzled, Oakland's RCV opponents still had the option to ask the City Council to put a repeal measure on the ballot. CfER members worked with Oakland Rising, the Ella Baker Center, Oakland IRV co-chairs Judy Cox and Judy Belcher, and FairVote to strengthen support for RCV. We became fairly confident that a repeal measure sent through the City Council would fail on a 4-4 tie and Mayor Quan would break the tie in our favor, keeping the repeal off of the ballot. Meanwhile, RCV opponents leaked parts of an opinion poll that they commissioned and which suggested that Oakland voters wanted to return to June/November elections. However we eventually learned that other parts of that same poll showed continuing strong support for keeping RCV.

At nearly the last opportunity, council member De La Fuente arranged to put a repeal ballot measure on a city council agenda with just a few days notice, bypassing any

committee or departmental review, even for scheduling the agenda item. With the advice and support from RCV activists, Mayor Quan in a City Hall showdown intervened and insisted that the City Clerk remove the item from the agenda because its stealth introduction, without consent from Mayor Quan or the city administrator, violated the City Council's own rules. Mayor Quan noted rightfully that something so important deserved a full review in preparation for City Council consideration. Mayor Quan prevailed, the item was removed from the agenda, and no further attempts were made to introduce a repeal through the City Council.

So instead of fighting two RCV repeal ballot measures simultaneously this fall, we have kept RCV safe in the SF Bay Area at least through November, thanks to some amazing work by RCV supporters. Both repeal efforts allowed us to remind voters and politicians of the many benefits that RCV has brought to both cities, including greater voter participation by avoiding low turnout elections, reduced influence of big money, reduced election costs, and less negative campaigning.

However changes to the composition of San Francisco's Board of Supervisors or Oakland's City Council this November could embolden special interests to revive repeal efforts next year. So we need to continue nurturing RCV support among voters, grassroots activists, and the candidates who are elected to local office this November. §

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## TOP TWO (CONTINUED)

For the NPP and minor party candidates, there were eight districts where they were among the top two finishers: five were NPP candidates and three were P&F write-ins. Four of the eight districts had only two candidates on the ballot: one DEM and one NPP or minor party. Three of the districts had two candidates from the same major party and the NPP candidate bested one of them. One district (CD 33) had an NPP candidate among the top two finishers competing against 4 DEM, 1 REP, 1 GRN, and 1 LIB.

The main claim of Top Two proponents is that the system will elect more moderate candidates. This was to be accomplished by increased turnout due to more voter choices via the non-partisan nature allowing voters to vote for any candidate. And cross-over voting between the major party registrants was supposed to result in some REPs voting for DEM candidates, and visa-versa.

None of this appears to have been realized. Over the past eight Presidential primary elections (1980 – 2008) we averaged 51% turnout, ranging from 42% to 63%. The 2012 primary election drew only 31% turnout, the lowest in California's history. In regards to non-partisan voting, there is nothing in the above statistics that implies there was less voting along party lines. Indeed, FairVote.com reports that the major parties endorsed 212 candidates in Top Two races and 200 of them won. Furthermore, every incumbent running in the primary won.

There is no election data test to determine if more moderate candidates were elected. The test is to see how those elected in November conduct themselves when in office. But low turnout elections usually consist of the more impassioned voters, not moderates.

Top Two proponents also claimed this would give more opportunity for minor parties. But, out of the 153 contests examined, only 19 had a minor party candidate. Only three of those candidates are advancing to the general election, and those were three last minute write-ins in districts with only one candidate on the ballot. The NPP candidates did a little better with presence in 31 contests, advancing to the general election in five districts. If anything, Top Two has brought us a more exclusively partisan election with a dearth of NPP and minor party candidates in the general election.

There are real problems with the two-round partisan elections we used to have, but Top Two doesn't address them. Vote-splitting and turnout difference between primary and general elections are two major problems.

Limiting voters to one choice among a broader field of candidates only amplifies the vote-splitting problem. There were two predominately DEM districts where the multiple DEM candidates split the votes enough to allow a REP to win a slot in the contest. There are many more districts that were just a few points away from that outcome, also. CD 31 is the worst example. At 41% DEM / 35% REP, the four DEMs split the vote so badly that the two REPs became the top two finishers.

Moderate voters come out for the general election, not so much for the primary. History shows that the general election typically has twice the turnout of the primary. Those motivated to vote in the primary election tend to be more strident in their positions. Top Two does nothing to address this, and it may make it worse by limiting the candidates that go to the general election.

Do you see the opportunity for Instant Runoff Voting? If you like the idea of non-partisan elections, then let's eliminate the primary entirely for partisan races (saving more money) and move it all to the general election with its larger turnout and more moderate voters. Using IRV in the general election would eliminate the vote-splitting problem and provide real choice to voters, and it has the best chance of attaining results that reflect the voters' true desires. §

### Membership Survey

This edition of "Voice for Democracy" includes a survey that gives you an opportunity to provide feedback to CfER.

It also solicits you to get involved in promoting the electoral reforms that CfER advocates.

Please take a few moments to fill out the survey and let us know what you're thinking.



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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](http://www.cfer.org/aboutus)

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