

## PORTLAND CHARTER COMMISSION MINUTES of JANUARY 14, 2010

**Agenda #1.** Chair Plumb called the meeting to order and reviewed agenda; public comment to be after presentations unless someone cannot stay for them.

**Agenda #3.** Public Comment

\*Carl Rostran – William Street

Support runoff voting; allows candidates to be elected by majority and will promote enthusiasm and voter turnout in municipal elections.

**Agenda #3.** Minutes of 12/14/2009 unanimously approved (Valleau, Mermin, Cohen, Smith absent).

**Agenda #4:** Announcements

\*Comm. Plumb –

-Comms. Gooch, Spritz, Cohen and Plumb all met with editorial board of newspaper; very lively 1 hour conversation; gave them report on work to date and work plan.

-Article sent to Commission by ICMA re: The Effective Local Government Manager 3d edition – to be in library.

-Will be planning a dedicated public session for February

\*Comm. Ranaghan –

Technical committee has completed its work and have a grid of recommended changes so will be ready to go in March.

\*Comm. Spritz

Will be taking some photographs to record sessions

**Agenda #5:** Update on budget

\*Comm. Plumb – bottom line is that we anticipate we will be about

\$15,000 short on the budget – bulk is staff time. Met with Manager and showed him budget and he was comfortable it would fit within his contingency. Will be about \$34,000 but was about \$86000 in 1985.

**Agenda #6:** Extension of time for reports

\*Comm Plumb - Will request extension to May 21 for preliminary and July 16 for final reports. Important to get to Council by first meeting in August in order to be in plenty of time for 11/2010 election.

**Motion to extend time deadlines for reports: Cohen/Spritz – passed unanimously 10-0** (Smith, Valleau absent)

**Agenda #7:** Instant Runoff Voting – introduction by Comm. Chipman

- \*Rob Richie of FairVote – presentation (handout)
  - Fairvote has been around since 1992. Work on electoral reforms to have greater respect for every voice. Non-partisan and non-profit group
  - IRV essentially duplicates what would happen if there were a runoff
  - Increasingly called “Rank Choice System” or RCV
  - System for electing a single person; Cambridge uses to elect at large candidates in system called “proportional representation”.
  - Used in Australia and Ireland and in growing number of US cities and in private elections, e.g. Oscars
  - Since 2004 have voted for it 15 times in municipalities and 4 times against implementing it.
  - San Francisco, Minneapolis, Burlington, Aspen and in 2010 will be used in Berkely and Oakland and 2011 in Memphis. Used for overseas voters in Ark, SC and La.
  - How the voting works: Voters rank the candidates; tally all ballots (1<sup>st</sup> choices) – if a majority, count is over. If no majority, drop the lowest place candidate and those ballots have their second choices counted, then add up again to see if there’s a majority winner.
  - Variation: “Top Two” RCV – if no majority winner drop everyone but the top two and then retally the results and whoever has the majority of the ballots wins.
  - What RCV is NOT: Bucklin voting – where all 2d choices are added to all 1<sup>st</sup> choices which means that ballots are counted more than once.
  - Plurality works when only two candidates
    - A – 55%
    - B – 45%
  - Three candidates – now B wins under plurality
    - A – 35%
    - B - 41%
    - C – 24%
  - Review of actual Portland elections
    - 2005 – 2008, have had non-majority winners in each election
  - Experience in San Francisco
    - 2004 – low error rate; only 14% prefer runoffs
    - 2005 – turnout 3 times higher than in old runoffs
  - Burlington Vt – uses for mayor
    - Partisan elections; 5 candidates in 2006; low cost to implement
    - March 2009 – A – 33%; 29% to B – B ended up winning (incumbent)
    - Somewhat higher cost of implementation due to decision to use second ballot paper
    - Controversy over fact that leader in first count did not win; move to repeal RCV in March 2010.

- Cary NC – used it as part of pilot; did a central handcount method. Clerk of elections in Wake County, NC.
  - Did not use it again in 2009
- Minneapolis, MN – 2009
  - Used for mayor and 13 council races and other offices
  - Turnout not high; only 1 defective first choice ballot.
- RCV vs. traditional runoffs
  - Saves money after initial implementation costs
  - Eliminates hassle for voters and administrators
  - Maximizes voter turnout in decisive election (runoffs usually have much lower turnout.)
  - Reduces money in politics
- RCV vs. Plurality Voting
  - Protects majority rule when more than 2 candidates seek single office.
  - Addresses issue of “spoilers”
  - Tends to reduce mud-slinging among candidates pursuing same voters
  - Does add new burdens to election officials
- Implementation Options
  - Two machine option
  - Central handcount option (Cary NC)
  - Central machine count option (NC)
  - Central private vendor option if you need it (Aspen)
- Concerns from Portland City Clerk
  - Machines in Portland are same as in Burlington and Cambridge, but there needs to be a “firmware” swap, and ballot signals which kind of election it is, but not certified for state and federal races.
  - State should request in RFP that machines can do RCV.
  - Cary – machines count as if a plurality and then if no majority winner, then do a central handcount for RCV.
- RCV and Election Criteria
  - Provides voters with real choices; addresses spoiler effect; minimize wasted votes – qualified yes
  - Simple easy for voters to understand and officials to administer – qualified yes
  - Increases voter turnout/participation – qualified yes
  - Does it affect fair representation of those in majority – No impact
  - Positive high quality campaigning – qualified yes
  - Resist voter fraud/manipulation – qualified yes
  - Balanced gender and ethnic representation – no impact
  - Balanced geographic/cultural representation – no impact
- Who opposes RCV
  - Some believe it will lead to touchscreen voting
  - Other alternative system advocates; vibrant academic debate
  - Unhappy partisans in communities considering/using RCV

Some election officials concerned about difficulty and cost of implementation

-RCV in At-large districts

Used in Ireland and all Scottish cities

In Model City charter for years

Used in Cambridge MA since 1941

- \*Telephone call to Jo LaMarche of Burlington Vt – City Clerk when Burlington first used RCV (no longer Clerk). Would like to hear how Burlington event through transition from runoff voting to IRV - RCV
- Burlington voted it in in March of 2005. Charter Change committee discussed rules for how to tabulate IRV beginning in June; City Council approved rules in fall of 2005, first election in March 2006. Burlington decided to rank as many spots as there were candidates. March 2006 had first election with 5 candidates for mayor.
- Burlington is a Refugee Resettlement City with 27 different languages in school system and has 7 voting precincts.
- Education campaign – biggest initial expense; had banner for main arteries in and out of City; Used graphic image of how to rank your choices on every thing sent out; mailing to every resident; bus advertising; media outreach, tv and radio interviews; met with neighborhood groups.
- \*Comm. Spritz
  - Rough estimate of actual implementation costs for machines and software?
- \*Ms. Lamarche –
  - Think it was \$16,000-20,000 and most of that was for education.
  - Hired Election Solutions to help with graphics
  - Burlington & Portland have same machines; windows based version; borrowed the firmware from Cambridge, MA so that was free. Linux based VTS (vote tabulation system); if not a majority, had to upload all of results into another program, Choice Plus Pro (free program, but tweaked at cost of \$2000-3000).
  - Did two colors on ballot – highlighted “rank first choice” in red
  - All of this information is on Burlington website –  
[www.ci.burlington.vt.us](http://www.ci.burlington.vt.us)  
[www.Burlingtonvotes.org](http://www.Burlingtonvotes.org). Also used [www.instantrunoff.org](http://www.instantrunoff.org).
  - Probably doubled \$12-15,000 cost to \$30,000-40,000. Probably 75% on education; 25% on machines/software. Could contact current Clerk to get exact figures.
- \*Comm. Spritz – was RCV in Burlington charter?
- \*Ms. Lamarche – Charter change voted in by voters in March 2005.
- \*Comm. Chipman – What did people in Burlington think about RCV after implementation – anecdotally.
- \*Ms. Lamarche – think people liked it; exit poll by UVM professor; people understood it and appreciated having a choice.
- \*Comm. Plumb – how much time and energy was required of you as clerk and others working for you?

\*Ms. Lamarche – town meeting day is a day off in Burlington; had people from other departments at each ward to answer questions; there were very few questions.

\*Comm. O'Brien – any increase in number of candidates after implementation?

\*Ms. Lamarche – had 5 candidates with incumbent not running; this was not unusual.

\*City Clerk – Linda Cohen

-I was asked to put together synopsis of what it would take to implement RCV

-Currently use Accuvote OS scanning equipment with paper ballot; some races vote for one and some vote for two. Most cities in state use Accuvote.

-We would have to purchase new equipment because the state ballots are also run through this equipment and it cannot be altered in any way.

-Figure in memo of \$105,000 would be for 15 machines (11 polling places)

-Absentee voting in Maine has become huge; 13,000 in 2008; 8,000 in same sex marriage election. All have to be done centrally; very time-consuming. 2008 state prohibited in person on date of election and allowed city to process during day on Monday. Took 2 full days to process absentees.

-Our company – LHS – says the memory card will capture about 1000 images per card and if had 38,000 voters, would need 38 cards. Do recommend that not do RCV on same memory card as plurality, so would use two ballots (increasing printing costs).

-If state gets new machines by Nov. 2010, and that machine does not do RCV, the city could upgrade the current equipment it has (\$125/machine). Would be 1990's technology and equipment that will no longer be top of line equipment. Least expensive option (\$250/memory card, plus \$125/machine, plus education costs).

-Unique circumstance of islands – would bring them all back from islands and then upload in City Hall. Would delay results a bit.

-Machine currently in use is already outdated; have already upgraded it. At some point these machines will no longer be supported.

-Accessible Voting Machines – no longer need ballot read to voter. Programming is done by company that does it for entire state. Only required for state elections, but should be provided for all elections. Have always made it available to voters except in school budget elections.

-Comment from Minneapolis on "vote for two" race – only one of the votes counted. I would recommend that the seats be split if want to do that.

-Would not support bringing back to hand count or run in a central location. We had to hire extra election workers in addition to city workers for absentee balloting.

\*Julie Flynn – Deputy Secretary of State

-Been with State for 15 years; previously worked 6.5 years in City Clerk's office.

-Interrelationship between state and local election technology. Conduct governed by city itself; state has no direct oversight. 21-A governs state and federal elections; 30-A is the municipal election law, unless specified in Charter. Portland charter references 21-A.

-Absentee voting and voter registration in 21-A apply to ALL elections.

-Many cities now piggyback their local election on state election dates, unlike Burlington which has separate voting day (March). Means officials have to deal with state rules/equipment and local election rules/equipment at same election.

-Accessible voting program not designed for RCV, would have to write a separate program for Portland, and their best guess is that it would be \$20,000 to develop that software module.

Would need a separate ballot for RCV for mayor.

-One company has 75% of the market; DoJ is potentially filing anti-trust action. Portland's voting equipment will probably not be supported much longer; likely that RFP will be new equipment. Base software does not have ability to do RCV; and it is a question that will be asked but RCV will not be deciding factor in what to choose.

-If what is chosen does not have RCV, municipality will not be allowed to customize the state machine so Portland will have to either maintain its existing machines, hand count or purchase other equipment.

-Do have 50 ballots to show demo of RCV, based on Cambridge ballot, limited to 5 choices. Can leave with Linda to do it or do at a later date.

Don't know how long it would take.

\*Comm. Plumb – group would like to do it at a later time.

Open for comment by public

\*Dave Marshall – Pine Street

-Can we absorb more costs at this point in time?

-As citizen, would like to be able to vote on whether to have it.

-Numbers are small in comparison to budget but every dollar really counts right now; but democracy has costs.

\*Charles Bragdon – Munjoy South

-Will eliminate spoiler elections

-Lots of confusion still, thinking minority guy will win based on RCV

-Would like to know ongoing costs in communities where it has been done

\*Will Everitt – Vernon Place

-Director of League of Young Voters; nonpartisan, nonprofit

-Support IRV/RCV; offers benefits, rank choice ensures elected mayor would have a mandate.

-IRV helps people vote with their hearts rather than fears by eliminating spoiler effect. Not wasting a vote.

-LYV chooses people to endorse through IRV.

-LYV would help with education on how to use the system.

\*Diane Russell – District 120 Representative

- Rep. Hinck put in bill to mandate RCV for gubernatorial issues; failed because of constitutional concerns.
- Worked for Fairvote until 2007
- Written testimony to e-mail in
- Cary, NC – was there for the pilot project. Afraid that people would not know how to do it. But they did. People like choice and knew how to do it.
- Not that much cost for voter education – think it was \$10-15,000.
- Military and overseas voters – have serious challenges in making certain their votes count. Can rank their candidates early on.
- Two ways to provide majority for mayoral position – through primary and runoff or through RCV. Think RCV encourages ideas throughout campaign season and encourages turnout.

\*Jack Woods – Orange Street

- Logistics and cost are the problems; Charter Commission should focus on merits and let people decide if monetary costs are worth it.
- Step up to the Plate Awards – wrote an on-line IRV system to vote, similar to Burlington ballot. Had not problems; clear and easy to understand. Can e-mail information as well.

\*Katie Round – Congress Street

- Clarify the counting of votes

\*Rob Richie

- RCV describes the ballot
- 5 candidates, 5 different piles of 1<sup>st</sup> choice votes. 1 person 1 vote in any one round. The smallest pile, loses. Look at second choice on the ballot, and then allocate to the 4 piles left.

\*Stephen Scharf – Veranda Street

- Should look at this in a vacuum; ultimate costs shouldn't be determining factor. But do see some cost problems, whether this is done or not.
- Votes that decide next level is who got the fewest votes – their supporters become the changing number of ballots for the next round. People who got less votes control the next round.
- If only vote for 1 person, then how does that affect the outcome of system of RCV. In multi seat race, can “bullet vote”, i.e. only vote for 1 when there are two seats. How does that affect outcome of RCV.

\*Rob Richie

- Stephen Scharf's question – if you only rank vote for 1 person, then you are abstaining from everyone else.

\*Comm. Spritz

- Question for City Clerk – if not worried about costs, what remain of major concerns for the process?

\*City Clerk – if voters want to do it, we'll do it. My concern will be how will we implement it in the easiest way, so can still run efficient elections, given staffing constraints. It will still

come down to staff; have to think about who will be here on overtime basis.

\*Comm. Spritz

-Can others be deputized to assist City staff

\*City Clerk

-Can always use election workers, but they are nominated by parties and appointed by city council. We are exhausting our list of election workers as it is. We already use other city employees tallying absentees.

\*Comm. Ranaghan

-Would like to know who Fairvote is, funding, membership size and makeup.

\*Rob Richie – 501(c)(3), have about 1000 donors over any 3 year period, have Ford Foundation support, Carnegie Corporation, and a Board with some well-known members which you can see on website.

\*Comm. Chipman

Question is about the \$20,000 cost.

\*Julie Flynn – the \$20,000 is cost to upgrade the accessible voting system which city will have to pay for. Retail cost of new digital scanning machines is about \$7500-8000. Whatever is put on those machines will be uniform and will be to run the state elections. If they are IRV capable, fine but otherwise Portland will have to do.

\*Comm. Gooch

Seems like someone must have done accessible IRV machines as more communities go this way.

\*Comm. Chipman

Question to City Clerk – what would be the ongoing staff concerns?

\*City Clerk

– Concern would be staff at time of election; staying until it's over; would have to hire extra election workers for first few elections to help people with absentee voting.

\*Comm. Chipman - To City Clerk - could you outline the cheapest possible way to do this prior to meeting on 28<sup>th</sup>?

\*Comm. Cohen

-Cost is important but if it's the right way to do it, then would like to hear from experts as to leasing machines, and most cost effective way to do it, could city piggyback on the state's bid and pay a little extra for IRV capability.

-If want a majority vote for mayor, then can only do it with primary/runoff or RCV.

\*Comm. Mermin

-Should include cost of running a primary and runoff election if going to look at RCV costs.

-If decide RCV is most effective, why only use it for mayoral election? What implications would that have if all city races were RCV?



- One of challenges is running it at same time as bigger years, might make more sense to move the mayor's election to off year elections.
- \*Comm. Gooch
  - Should try to figure out what makes for best democracy and then figure out logistics when have to.
- \*Comm. Treverrow
  - Are there cities that have done this on a broader scale?
- \*Rob Richie – best example is Minneapolis which uses RCV for all races. It's proportional representation as in Cambridge MA. As long as city elections are held at same time as state and federal elections, then will have plurality voting going on at same time.
- \*Comm. Treverrow
  - 2 different runoff styles – please say why would a municipality choose one rather than another.
- \*Rob Richie – traditional way is to just drop the last candidate. If only go to top two candidates, that is more like a regular runoff, but does not take advantage of the voters ranking of candidates.
  - The top two approach is easier to do and could be fallback approach.
  - The machines could export the data to an Excel file (as in Hendersonville NC) because Excel is seen as a certified system.
  - More places are using this, so vendors will be coming around.
  - I'll do a followup memo and send it.
- \*Comm. Plumb – why have communities chosen to leave RCV?
- \*Rob Richie –
  - In modern era, only direct repeal has been Pierce County, WA. WA had just lost their traditional primary system which was NOT a party primary – had a blanket primary. Then had lost top two system which courts had thrown out. Then passed RCV in 06, upheld by voters in 2007. In 2008, US S.C put back the top two primary system, reversing lower court. So were paying extra money for RCV.
  - Cary NC – used it as a pilot basis in 2007; could have chosen to use it again, and City Council decided not to use it. They weren't sure of the way it would be counted and 07 election had been really close and had it voted by hand; did not want another hand count. Some preferred primaries.
  - Aspen CO – very close election and held advisory vote to get rid of IRV, which won (to get rid of) by 6 votes.
- \*Comm. Spritz
  - Should recommend as a charter change and not leave it to city council.
- \*Rob Richie
  - Should not let it become political calculation by council members.
  - Should be in charter, but could be undone by a later charter amendment.
- \*Comm. Chipman
  - Agree we should consider this for all elections only problem would be with at-large seats.
- \*Comm. Gooch

DRAFT

-Just separate the two at-large seats

\*Chair Plumb

-Not going to get to rest of agenda

-Could circulate the question to everyone and share with everyone as to whether there is support for pursuing clean elections and district/at-large seat changes.

\*Comm. Chipman

-Subcommittee thinks it should not be a charter change; group of voters will be pursuing it as an ordinance.

-Number of districts is worth discussing.

\*Chair Plumb

-Does anyone want to have debate on clean elections?

**Consensus to remove clean elections as a Charter issue.**

\*Comm. Spritz

-Are all the issues to be discussed at public meeting in February or would it focus on just one issue?

\*Comm. Mermin

-Thought it would be an interactive discussion with public on all issues.

\*Chair Plumb

-E-mail Comm. Spritz with thoughts.

Adjourned at 8:25.