

**PORTLAND CHARTER COMMISSION  
MINUTES of JANUARY 28, 2010.**

**Agenda #1:** Chair Plumb called the meeting to order and reviewed the agenda .

**Agenda #2:** Public comment on agenda

Will Everitt – League of Young Voters

- \*Supports IRV and would like it offered in Charter
- \*With primary and general election same people do not necessarily vote in the two elections.
- \*Results are nearly instant; not waiting an additional 5 months after primary
- \*League will help city as much as possible if City moves forward with IRV
- \*Recommending option that weakest fall away so keep as many 1<sup>st</sup> choice candidates as possible

Charles Bragdon

- \*Favor rank choice voting; should not use terminology of instant runoff voting

Stephen Scharf

- \*Do not favor RCV; basically the worst loser decides who wins
- \*If you do adopt it, it should be used it for all the seats
- \*Issue of at-large versus district; happy with present breakdown but if decide to change it, city should go to all district councilors

**Agenda #3:** Minutes of December 14, 2009 approved (9-0) (Smith/Mermin/Spritz absent)

**Agenda #4:** Announcements

Chair Plumb: Comm. Mermin had a conflict and Comm. Smith is recovering from surgery.

\*Comm. Gooch – Council granted extension of time to Commission, so preliminary report is due on May 21 and final on July 16.

\*Chair Plumb - on long term work plan – included possibility of an additional meeting in March and in April to finish up school and mayoral issues. Public Engagement Subcommittee met and wants to have a meeting in February for the public to bring the public up to date and offer informal conversations for collecting public feedback. Later in May, the Committee suggests a deliberative session in small groups, which would be both open to the public and include some invited participants to create a cross-section of people. Comm. Mermin can explain it better and the Commission does not need to decide on the May meetings until later.

\*Comm. Cohen – not fully aware of what is planned but I compare it to a focus group to get feedback; the decision making is still with the Commission. Tool for receiving input.

\*Comm. Valleau – ask City Clerk about whether enough time to get all of this done for the ballot.

\*City Clerk Linda Cohen – just need to have everything ready for the ballot by the first meeting in September.

\*Chair Plumb – plan is to get everything to the Council at first meeting in August.

\*Chair Plumb – Joe Gray would like to meet with Commission February 25 to discuss issue of developing the budget with an elected mayor.

**Agenda #5:** Rank Choice Voting Issue

\*Chair Plumb –

-Do we philosophically agree with RCV?

-If so, is it worth the time and money to implement?

Comm. Ranaghan

-Do not favor RCV; but would oppose doing it only for mayor

-Do not think candidate who gets 49% of vote would be very happy if someone else leapfrogged ahead of them

-FairVote is a very small group; and very small base of municipalities using RCV, and some want to repeal

-Money part is important and we need to have a fiscal note on anything that costs money

-Think it's a confusing system

Comm. Chipman

-Strongly support it; a lot of different private groups use it

-Fairer way of doing things

-Allows voter's vote to count to its full potential

-Do not want us to elect anyone with 35% of the vote

-Over last 6 or 7 years have had elections with winner getting less than 50% of the vote

Comm. O'Brien

-I support it; if do go to elected mayor who can promote development and influence the budget, want that person elected by a majority of the voters

- Think the system is fair because last choice candidate is eliminated and those 2<sup>nd</sup> choice votes then become first choice votes

- Also like that it's voluntary – voter can vote only for 1

Comm. Treverrow

- I support it and support it for all elections

Comm. Gooch

- I support it; it's a more democratic system

Comm. Cohen

- Need to assure we have a majority elected mayor; only two ways to do it, either with 2 elections or IRV/RCV

- Testimony was persuasive that people understood the system

- It will cost money, but not Commission's job to state how it is implemented

- Some of costs are one-time; some are ongoing

- Hope and expectation is that savings will be found elsewhere

- Try it for Mayor and if it works, then it could be extended to other elections

Chair Plumb

- If want the type of mayor with influence we have approved, then need a majority elected mayor.

- Only 2 ways to do it either primary and general election or RCV

- Support the type of RCV as working up from the bottom

- Would like to start with mayor and then see where it goes

Comm. Valleau

- Have not made up mind

- Don't think it's as simple as not having a mandate with less than 50% of the vote; nor that they have a mandate with 60% of the vote.

- For 4 years, mayor only has to convince 4 other council members

- RCV is a synthetic majority

- Finally do not think election technology is on top of this idea

- Running an election is very complex; idea of a central hand count is a terrible idea

- Idea has been around for 20 years, why are so few communities using it?

- If it's in the charter, we'll have it for better or worse; it's a big step

Comm. Davis

- Need to create something that will work well going forward

- See advantage that it helps electorate to consider all of the candidates and to become vested in them
- Not as adversarial an election process
- Striving for broad engagement; sense of buy-in; helps create “vision”; have more choice throughout the process
- Electorate likelier to be happier with outcome; creates more of a collaborative environment than traditional voting.
- Would strengthen “soft” power vision of mayor that we have
- Open as to whether it should be expanded to other offices

#### Comm. Spritz

- Have shifted ground on it over time
- Originally scornful of it and of the list of cities that have adopted it; but those who have adopted it have been more progressive
- Not sure Portland was ready for it
- Now do support RCV; think it will be wide open field when these elections occur, with multiple candidates
- Support it for the mayor position
- Very heartened by offer of League of Young Voters to help make this work
- Assume that if we pass this in November, 2 years is sufficient time to figure out how to do it

#### Comm. Gooch

- Thoughts on why so few municipalities have adopted?
  - People who can make the change already hold power and do not want the change
- Idea that majority is synthetic
  - Last person would not have been on ballot at all if use primary and runoff
- Will know whether people support your agenda with RCV
- If it’s a good idea, then if worth doing, then let’s do it for all

#### Comm. Ranaghan

- What we have now is democratic
- Be very careful about person with 49% of votes losing because of second choices
- If we have the budget savings, then let’s save it
- Let’s not spend ½ million dollars on this
- If do it for one race, then do it for all
- Must put in a fiscal note and make sure the numbers are real

#### Comm. Gooch

- Portland has high turnout for major elections so any way we increase that is good

-Courts that have looked at this has concluded this is “one man one vote”

Comm. Cohen

- Question is will the people of Portland have confidence in person who is elected mayor?
- People want vision to best reflect what the people want
- How do we feel about 31% elected mayor?
- If person is elected with 70% of vote that will better reflect the people of Portland
- Confident we can come up with plan

Comm. Davis

- If talk about costs, think about it as an investment in how we choose our government; it’s a worthwhile investment

Comm. Treverrow

- Potential of RCV for engaging people in the process
- Lets people feel that their views will have representation
- Cannot really talk about today’s costs; they will change

Comm. O’Brien

- Cannot quantify opportunity cost; perception is that Maine State Pier project had no leadership, resulting in political jockeying in selection of firm
- Think they can bring in more economic opportunities for the city
- Want to know that the mayor representing the city has gone through a rigorous process

Comm. Chipman

- A lot of costs are one-time; not a lot of ongoing expense.
- With IRV know how much support a person has going into office
- In terms of expanding it, probably cheaper to do it for every office rather than just for mayor
- Easier to understand if vote same way for all

Chair Plumb

- If going with an elected mayor, then really do have to know that there is at least first and second choice of community, so system matters.
- Feels like an investment we can afford to make

**Motion to approve rank choice voting passes 9-1 (Ranaghan)**

Chair Plumb

- Methodology: Eliminate person on bottom and work up until have a majority; or

Take top 2 vote getters and allocate rest of votes

Issue of whether it is called Instant Runoff Voting or Rank Choice Voting:  
Rep. Diane Russell – Secretary of State has expressed concern about mixed semantics and asked that it be called rank choice voting. At national level moving to RCV terminology as well; just a question of semantics.

Comm. Ranaghan

\*What if have tie among candidates – how are votes reallocated

Comm. Gooch

\*Just reallocate both of their second place votes

Comm. Davis

\*Very unlikely scenario

Chair Plumb

\*Will get an answer to that question

Comm. Chipman

\*That could happen now with current system

Comm. Valleau

\*Where are the rules on RCV?

Comm. Ranaghan

\*We need to craft this so it does not change

**Motion to approve elimination of person with fewest first place votes and re-distribute votes Passes 9-1 (Ranaghan)**

Chair Plumb

\*What elections should this apply to?

City Clerk Linda Cohen

\*We also administer Portland Water District and Casco Bay Island Transit District elections

Comm. Ranaghan

\*We should not dictate this for two separate governmental entities – i.e. PWD and CBITD

Comm. Gooch

\*Should apply to Mayor, Council and School Committee

Comm. Chipman

**Motion to adopt this type of RCV for Mayor, council, school committee**

Discussion:

Comm. O'Brien

\*Think it's important to use this system for Mayor to speak on behalf of City of Portland; not same with School Committee and district Councilors

\*Should Charter commission prescribe for Mayor and then put it as an option for Council for other races?

Comm. Spritz

\*Sounds like we will have two ballots anyway, so long as we do not use it for PWD and CBITD

\*Concerned about implementing for all the races, reason we're considering it at all is to have a Mayor with a mandate

\*Too much to dictate

Comm. Cohen

\*Dilemma of running two ballots would only happen ever 4 years

Comm. Gooch

\*Agree with Comm. Spritz

Chair Plumb

\*Only reason considering this system is because of recommendation to have an elected mayor

\*Plurality voting does permit minority election and maybe that's not all bad

**Motion to amend Comm. Chipman's motion to have RCV be optional for Council to approve for races other than Mayor (O'Brien/Davis)**

Comm. Ranaghan

\*Would open it up to Council manipulation from election to election

Comm. Cohen

\*Could do in Charter but think it would lend itself to manipulation in a given year with just an ordinance change

Comm. Gooch

\*Agree that it's not a great idea to use an option; need to be clear and unequivocal with voters

**Amendment to give Council option of applying RCV to other races fails 10-0**

**Main motion to apply RCV to mayor, council and school committee offices fails 2-8 (Chipman, Treverrow)**

**Motion to use RCV for mayor position only passes 9-1(Ranaghan)**

**Agenda #6** – Issue of ratio of district and at-large councilors

Comm. Ranaghan

- Should also talk about how they are elected, e.g. have “district” councilors that are elected at-large

Comm. O’Brien

- Should also look at the district lines

Comm. Cohen

- Feel strongly about the current system and feel it serves city well
- If go to more districts, government gets more fragmented
- If go to all at-large, then close out possibilities for minority representation
- Favor keeping what we have

Comm. Spritz

- Agree with Comm. Cohen
- Feel that we have a very good system that provides a natural check and balance so that neighborhood representation doesn’t overwhelm city-wide concerns and vice versa
- More districts would lead to balkanization of community
- Do not support looking at this issue

Comm. Ranaghan

- Think it works well now; don’t want much larger council; the districts don’t really represent neighborhoods per se, usually include several neighborhoods

Chair Plumb

- Fought to keep district councilors in 1986, but there are cities which have nearly been destroyed by all district councilors because councilors always voted their district interest

Comm. O’Brien

- What about idea of changing ratio to 6-2-1?

Comm. Cohen



- Issue is whether we want to have discussion of this in the future, hope we don't have to take it up in the future
- All districts look pretty similar in how they're laid out and people in them, even if some are bigger geographically than others
- Current balance works; should not mistake geographic size of district with number of people in it.

Comm. Gooch

- We should leave this issue alone

**Motion that issue of redistricting, number of seats, types of seats be taken off agenda**

Comm. Ranaghan

- Now will have fewer people in which I have no voice if more district councilors
- Bothers me that I don't get to choose more of the council members

Comm. Spritz

- Would support Comm. O'Brien's motion to have 6-2-1

Comm. Cohen

- Ability of a person to weigh in on those who are council and school committee; compare it to the ratio of voting for federal or state officials
- Once you start tipping away from 4 at-large you change what it takes to get a majority

Comm. Davis

- I am happy with what we have; our districts comprise many different people and neighborhoods; have a section of the city they represent

Comm. Treverrow

- Intrigued by Comm. O'Brien's suggestion; feel there is some merit to continuing the discussion

**Motion to take issue of redistricting, number of seats, types of seats be taken off agenda passes 7-3 (Chipman, O'Brien, Treverrow)**

Chair Plumb – next meeting will be on legal immigrant voting

Comm. Treverrow

- Ron Hayduk will present for about 45 minutes
- Beth Stickney – from Immigrant Legal Aid

-Gary Wood and Linda Cohen

Comm. Valleau

-Any legal issue with non-citizen voting?

Chair Plumb –

-We will recirculate Gary Wood's memo on legality

**Discussion of date for separate public discussion meeting in February - set for Tuesday February 23, 2010.**

**Extra meetings scheduled tentatively for March 18 and April 1.**