

Voice for Democracy

Newsletter of Californians for Electoral Reform

Spring 2011

The 2010 Election In San Francisco and Oakland

By Steven Hill

Elections using ranked choice voting (RCV, also known as instant runoff voting or IRV) in both San Francisco and Oakland contain important lessons for the upcoming SF mayoral election. Rather than rely on traditional endorsements and funding advantages, winning candidates need to get out in the community, meet people, and build coalitions.

Jean Quan became the first Asian American woman elected mayor of a major city by coming from behind to beat the favorite, former state Senate president and powerbroker Don Perata. Perata outspent her five to one, but Quan countered by attending far more community meetings, forums, and house parties. She would knock on the door of a voter with an opponent's yard sign and say, "I know I'm not your first choice, but please make me your second or third choice."

She also reached out to her progressive opponents, especially Rebecca Kaplan, saying, "In case I don't win, I think Rebecca should be your second choice." As a result, Quan received three times more runoff rankings from the supporters of Kaplan, who finished third, than Perata did. That propelled Quan to victory.

Perata, meanwhile, used the traditional front-runner strategy of spending more money. His campaign never figured out that he needed to seek the second and third rankings from the supporters of other candidates by finding common ground.

A similar story also played out in SF's Supervisorial Districts 2 and 10. In those races, victors also won by coming from behind and picking up more second and third rankings from other candidates' supporters.

In D10, some people seem to think that winner Malia Cohen wasn't a strong candidate because she wasn't one of the top-two finishers in first rankings. But this reflects a misunderstanding of this race's dynamics. In the final results, Cohen finished third in first rankings (not fourth, as the early results showed), yet she was only five votes behind Tony Kelly for second place and only 53 votes behind Lynette Sweet in first place.

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President's Letter

By Steve Chessin

Wow! One of my favorite sayings is "You know you're having an effect when your opposition organizes against you." (I don't know when or from whom I first heard it.) We are certainly seeing that after the November elections.

From CfER's point of view, the IRV elections in Oakland, Berkeley, San Leandro, and San Francisco were very successful. Of course, some of the losers of those elections, as well as their supporters, blame IRV for their losses, and that is fueling a backlash.

Most of the noise is around elections where the leader in the first round ended up losing, especially if the election was close. While there is little controversy when this happens in a two-round runoff election, apparently that this can happen in IRV (which replaced two-round runoff in all four jurisdictions) was a surprise to some candidates. Rather than blaming their own campaigns, they are blaming IRV.

Take the San Leandro mayor's race. In the first round, incumbent Mayor Tony Santos held a very slim lead (35.5% to 35.2%) over Steve Cassidy. As other candidates were eliminated, that lead slowly diminished, until, in the final round, Cassidy ended up beating Santos, 50.6% to 49.4%. Mayor Santos, who was a strong supporter of IRV for San Leandro until he lost, is now vociferously telling anyone and everyone who will listen (including a newspaper in Hawaii!) that IRV is awful. (He neglects to say that he ran a lackluster campaign, apparently assuming that because he was the incumbent he'd be easily re-elected.)

San Francisco Supervisorial District 2 election was similar. In the first round, Janet Reilly held a slim lead (41.1% to 40.3%) over Mark Farrell. But when all the other candidates were eliminated, Farrell pulled slightly ahead, 50.6% to 49.4%. Some of Reilly's supporters are blaming her loss on IRV, believing that she would have won had there been a (separate, expensive, and low-turnout) runoff election between the two of them, when negative campaigning would have been very effective.

By contrast, in the Oakland mayor's race, Don Perata held what seemed like a (Continued on page 3)



The 2010 Election: Statewide Results

By Michael Latner

There is science, logic, reason; there is thought verified by experience. And then there is California. - Edward Abbey

Once again, Californians defied conventional wisdom in the 2010 election cycle. Nationally, an angry, anti-incumbent electorate produced the largest transfer of Congressional seats from one party to another in a generation. Opposition Republicans took control of the House and made considerable gains in the Senate, leaving us with the divided government that has been the norm since WWII. Moreover, the GOP took control or will now share control (Oregon) of 19 new state legislative chambers, showing that voter resentment ran deep into state politics. 2010 was truly an electoral upheaval.

Except in California. True, the (re)election of Democrat Jerry Brown is a somewhat exciting and unusual change from outgoing Republican Arnold Schwarzenegger. The result, however, is a virtual one-party state, with the Democratic Party retaining control of all top executive offices, a majority of Congressional seats and dominance in both chambers of the state legislature. In short, the 2010 election cycle in California looked less like revolution and more like resignation.

Before the election, Democrats held 34 of our 53 Congressional seats. After the election, Democrats held 34 of our 53 Congressional seats. Not unlike previous electoral cycles, we see virtually no serious competition between parties, even in a volatile electoral environment. No seats changed parties in the State Senate, and only one did (from Republican to Democratic) in the Assembly.

As a result, we can expect little change in the partisan environment from last year. The Democratic party controls just under a 2/3 supermajority, which is what they need to completely control legislative business on taxation. With most of the same players in 2011, the state legislature remains, as it was last session, a party duopoly that is among the most polarized in the nation.

While party representation in the 2010 election cycle is nearly unchanged from party representation in 2008, there were some notable changes in political participation. Predictably, voter turnout was lower without a presidential contest at the top of the ballot. As a result, the electorate was less diverse, more affluent, and more partisan than in 2008. When elections are less competitive and consequential, citizens are less likely to show up.

In the end, while public opinion polls show that Californians are increasingly dissatisfied with the system,

the result of electoral polls suggests that the system is quite intact. What can be done? This November, voters extended the authority of the redistricting commission created by Proposition 11 to cover Congressional districts, and the next election cycle will allow us to experiment with the “top-two” primary system. Are either of these reforms going to make our elections more competitive? Not likely. The geographic concentration of partisanship in California results in concentrated partisan single-member districts, and that is not likely to change regardless of who draws the lines. Attempts to gerrymander competition into single-member districts would likely result in the underrepresentation of minority groups protected under the Voting Rights Act of 1965. Similarly, the attempt to give moderates a better shot at victory through the “top-two” process is an uphill battle in districts where partisans have a built-in advantage. Primaries typically have lower, more partisan turnout regardless of the voting formula, so in some sense the primary is the problem. Alternative voting formulas like RCV (which could do away with primaries), and alternative electoral systems like multi-district Proportional Representation, are reforms that more directly attack what ails California. Until Californians are ready to embrace more substantive institutional change, we will be stuck with an electoral system that is insensitive to an evolving, sometimes volatile, electorate.

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substantial lead (33.7% to 24.5%) in the first round over ultimate winner Jean Quan. Perata maintained this lead as candidates were eliminated until the final round, when third-place finisher Rebecca Kaplan was eliminated. Kaplan and Quan had cross-endorsed each other, telling their supporters to rank the other one second. When Kaplan was eliminated, about three times as many of her votes transferred to Quan than to Perata, resulting in a slim Quan victory (51.0% to 49.0%).

In addition, when Quan went door-to-door, she asked voters displaying a lawn or window sign for one of her opponents to consider ranking her second or third, taking full advantage of IRV. Perata, on the other hand, did not do this, claiming that he "did not understand" how IRV worked. (Given that his allies on the Oakland City Council tried unsuccessfully to delay the implementation of IRV, I think he did understand it, and understood that it would not help him.)

The San Francisco District 10 election is an example of one that would have been messy under any system. There were 21 candidates on the ballot, plus space for write-ins. Just one percent separated the five leaders of the first round (12.1% for the leader, 11.1% for the fifth-place candidate). When the dust settled, the woman who had been third in the first round ended up winning. (She was another candidate who had asked supporters of other candidates to rank her second or third.)

Another factor fueling the backlash is the large number of exhausted ballots, often exceeding the margin of victory. This is due to the equipment limitation of only being able to handle three rankings. There is equipment that can handle more rankings -- the equipment used in Cambridge, Massachusetts, can handle up to 30 rankings -- but no vendor is taking that equipment through the California certification process. The San Francisco Voting Systems Task Force is supposed to be making recommendations on new equipment, but so far they have not addressed this issue.

With the backlash from the losers and other IRV opponents, we are concerned that there may be attempts to repeal IRV in Oakland, San Leandro, or San Francisco. (In Berkeley, none of the elections provoked controversy.) We have formed an "IRV defenders" group to monitor the situation in those cities, so we can respond rapidly should there be such a move. (Let me know if you want to help.)

Last time I promised an update on the lawsuit against the implementation of Proposition 14. As I repor-

ted, we lost in the lower court. We tried to fast-track our appeal but were turned down. We are now appealing in the normal fashion. The other side has not yet filed their answer to our appeal. I expect to have more news in the next newsletter.

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

San Francisco and Oakland

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So Cohen was as much a front-runner as either Kelly or Sweet in an extremely extremely close race with 22 candidates. She prevailed by picking up more second and third rankings from other candidates' supporters, resulting in an African American candidate winning this traditionally black district.

Note that if D10 had used San Francisco's old December runoff, the voter turnout would have plummeted from the high of a November gubernatorial race, and the winner would have won with a handful of votes. The RCV system worked to pick the candidate preferred by the most voters in a single November election.

In D2, fiscal conservative Mark Farrell beat the progressive's choice, Janet Reilly. But this district is not a progressive one, and that's supposed to be one of the benefits of district elections (which was a progressive reform), i.e. each district is able to elect its own representative who conforms to the majority of the district instead of what Big Money interests want. Unfortunately, that also means a progressive candidate probably won't win a nonprogressive district. Farrell built an effort that attracted more second and third rankings from other candidates' supporters, allowing him to come from a point behind to win a close race.

That's the way you win with RCV. With no clear frontrunner, the candidate who can draw significant numbers of second and third rankings is most likely to win. In our overly adversarial, winner-take-all society, the incentives of RCV to find common ground and build coalitions with ranked ballots is a relief for most voters. Mayoral candidates should take note.

*Steven Hill is author of **10 Steps to Repair American Democracy** (www.10Steps.net), **Europe's Promise** (www.EuropesPromise.org) and other books, op-eds, and articles. Visit his website at www.Steven-Hill.com.*



Progress Toward Statewide Victories

By Rob Richie

Instant runoff voting (IRV, also known as “alternative voting”, “ranked choice voting” and “preferential voting”) is a powerful electoral reform designed to provide increased voter choice and uphold majority rule. It should not be confused with proportional representation (PR) but FairVote and many other PR backers are thrilled with its progress. Used for decades in Australia, Ireland and many private organizations, IRV has surged in use around the world in the past decade, and is expected to be the subject of a national referendum in the United Kingdom on May 5th. In the United States, IRV has been adopted to replace plurality voting rules and to combine two elections into one by eliminating low-turnout runoffs and primaries.

American progress for IRV has reached a watershed moment. It has gone from a theoretical proposal to one used in several significant elections – including a statewide election with more than 1.9 million voters last year. But “making it real” has brought with it the realities of what it means to change politics. Rewarding grassroots campaigning over big money politics, as IRV has seemed to do in a series of key elections where the biggest spender lost, can create powerful opponents. Our election administration system can be slow to adapt to change, forcing “workaround” solutions to implementation that draw attention to the system and create extra costs.

The end result is that the trajectory toward higher level uses of IRV is uneven. Each year has brought new wins and implementations, including a November ballot measure victory for seven straight years, but it’s also had setbacks. An overview suggests, though, that statewide victories are within sight. With savvy organizing and breakthroughs on the election administration front, the next three years could bring huge breakthroughs. Here’s a review of recent progress around the country.

Minnesota. Minnesota leads the nation in the depth and breadth of support for IRV, with strong support from the state Democratic Party (the “DFL”), minor parties and Republicans like former U.S. Sen. David Durenberger. After defeating a legal attack that went to Minnesota’s Supreme Court and overcoming election administration hurdles, Minneapolis in 2009 used IRV for mayoral and city council elections. Neighboring St. Paul will use it in November 2011. Several other communities are considering it, including Red Wing, which will vote on adopting IRV in 2012.

Maine. Like Minnesota, Maine has developed a

political culture where voters regularly have more than two strong choices in statewide elections – indeed, more governor’s races in Maine have been won with less than 50% in the decades since World War II than in any other state, including a controversial victory in 2010 with 39%. Interest in IRV is high, and now it will have an in-state-model. In 2010 voters in the state’s largest city, Portland, adopted IRV for mayoral elections, with the first election in 2011. Civic support has been strong, including the Chamber of Commerce and the League of Young Voters, which bodes well for effective implementation.

Vermont. Burlington (VT) used IRV for mayoral elections in 2006 and 2009. In a three-party city, the races were hotly contested, with no candidate earning more than 40% of first choices, and the incumbent party won both elections. Combined with a scandal enveloping the mayor in 2009, this created the opportunity for an opportunistic initiative to replace IRV, which won 52% to 48% despite losing in five of seven city wards. There is serious talk of taking IRV back to the ballot. Stakes are high, as adoption of IRV for congressional elections was vetoed in 2008, but in 2010 a pro-IRV governor was elected.

Colorado. In 2008 legislation passed in Colorado making it easier for cities to use IRV and requiring the Secretary of State to assist implementation. One town used IRV in what turned out to be its highest-turnout mayoral race ever, but a close race in a novel form of “two seat IRV” generated controversy that led to an 8-vote defeat on an advisory measure on keeping IRV and a 2010 decision to return to two-round runoffs. This spring, IRV is on the ballot in Fort Collins, backed by a broad civic coalition, and it will be used in Telluride this November.

California. The anchor for IRV in the United States to this point has been annual elections in November in San Francisco since 2004. Those elections will continue, including a first use in an open seat election for mayor in 2011. Last year’s groundbreaking IRV elections in East Bay cities, featuring the remarkable Oakland mayoral election, show how well voters can handle IRV – but also how defeated candidates and their backers can turn their focus to the system after unexpected defeats. But other California cities have come close to advancing IRV, including Long Beach, Los Angeles and San Jose, and a string of victories would put statewide success in play.

North Carolina. In 2010 North Carolina held the first statewide general election with IRV in American history, with more than 1.9 million voters. However, the race was a low-profile judicial va- **(continued on page 5)**



Progress Toward Statewide Victories (continued from page 4)

cancy election. The IRV ballot count did not start until four weeks after the election. Election officials were pleased with how voters handled the system, but media reaction was a mix of positive and negative, tied to factors unrelated to its basic functioning. A state law backed by leaders of both parties had explicitly allowed for cities to use IRV on a pilot basis, and one city did so in 2009, with an exit poll showing most voters would like to see IRV statewide. More widespread use of IRV in the state may depend on voting equipment ready to run IRV elections more quickly, however.

Massachusetts. Massachusetts has a history of using ranked voting systems for proportional representation. It also had its 2010 governor's race in 2010 won with less than 50%. That's one reason why Voter Choice Massachusetts (www.voterchoicema.com) has formed to promote IRV, and has explored an initiative drive that earned the endorsement of many of the state's leading reform groups such as Common Cause and the League of Women Voters. It is organizing locally, but with its eye still on the oppor-

tunity for statewide progress.

New York City. New York City has a history of using ranked choice voting systems, and a charter commission draft report in 2010 included a recommendation to use IRV for citywide primaries in 2013. The final report had positive information on IRV, and legislation to encourage use of IRV at a local level in New York passed the state senate in 2010 and will be back in 2011.

Memphis. Memphis (TN) is the second largest city in the southeastern United States. It passed IRV for city elections in 2008, and may use it in 2011, although more likely in 2013 after new voting equipment is in place that comes ready to run IRV.

These states and cities represent only the highlights. A mix of other states present possibilities and history has shown that interest can grow quickly after elections exposing problems with the current system.

Rob Richie is the Executive Director of FairVote (www.fairvote.org).



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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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