City of Long Beach

Mayor and City Council

Instant Runoff Voting (IRV) Study Session Report

October 6, 2009

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Introduction

The purpose of this report is to provide the Mayor and City Council with information regarding IRV for the purpose of a study session to be held on October 6, 2009.

This report attempts to provide a summary of findings collected by the City Clerk Department regarding the workings, impacts and status of IRV, as well as an overview of the City's current primary and runoff election system.

The City Clerk Department is neutral on which system of elections is best, but we stand ready to administer and execute any system of elections as determined by City policy makers and voters in City of Long Beach.

Background

IRV Legislative History

IRV was first discussed by the City Council on July 9, 2002, wherein further consideration of the topic was referred to the Elections Oversight Committee.

On July 8, 2008, the City Clerk Department made a presentation to the EOC regarding the potential costs savings and benefits of IRV.

On July 22, 2008, the EOC forwarded its recommendation that City Council schedule an IRV study session.

On August 8, 2008, the City Council adopted the following motion:

> To concur in recommendation of the Election Oversight Committee to request a study session regarding IRV process; to be coordinated with the League of Women Voters; California State University, Long Beach, Department of Political Science; Long Beach Unified School District; Long Beach City College District; City of Lakewood; City of Signal Hill; and the City of Avalon, to be scheduled at a time that would perhaps produce a greater turn-out of working class people.

On August 8, 2008, the Council also approved a motion to add discussion of odd-year municipal elections as part of the anticipated IRV study session. The prior City Council agenda report on odd-year elections is attached as Exhibit 14.

By January 2009, the City Clerk Department had made IRV presentations to the League of Women Voters and the LBUSD Board of Education.

With release of the FY 2010 Proposed Budget on August 6, 2009, the City Clerk Department listed three potential structural changes to the City Charter that would result in budget savings, if approved by voters. IRV was one three changes estimated to save $987,200 for citywide elections and an estimated $3.72 million on a cost avoidance basis.

On August 31, 2009, the City Clerk Department made a brief presentation on IRV to the Budget Oversight Committee (BOC) wherein a motion passed to receive and file the discussion on IRV for further consideration.

On September 8, 2009, the BOC adopted a motion to concurrently refer to the City Council and the Charter Amendment Committee deliberations on IRV and consideration of the Budget Oversight Committee's recommendation to place an IRV measure on the April 13, 2010 citywide ballot.

Long Beach Election Cycles 2010 and 2012

Municipal elections are conducted in April (primary Election) and June (runoff election) in even-numbered calendar years.

The costs for the April and June 2006 elections were $1,413,855 and $1,009,258, respectively. The cost of the April 2008 Primary election totaled $647,445.

On April 13, 2010, the City will hold elections for the offices of Mayor, City Attorney, City Auditor, City Prosecutor; Council district offices 1, 3, 5, 7 and 9; Long Beach Unified School District (LBUSD) areas 1, 3 and 5; and Long Beach Community College District (LBCCD) areas 1, 3, and 5. The projected cost of the April and June 2010 elections respectively are $1,629,478 and $1,396,204, respectively.

Pursuant to the City Charter, if no candidate for City or LBUSD office contests receives 50%, plus one vote of ballots cast, a runoff election will be held on June 8, 2010. For LBCCD, the candidate who garners the most votes is declared the winner on either a majority or plurality basis.

The City Charter requires that the election be certified within 21 days, and in the event that 50 votes and one-half percent of ballots cast separate the top-two vote getters, the City, at no charge to the candidates, shall perform a recount.

In April of 2012, elections will be held for Council district offices 2, 4, 6, and 8, LBUSD areas 2 and 4, and LBCCD areas 2 and 4. Runoff elections will be held where necessary.

In the 2012 election cycle, LBUSD and LBCCD areas overlap Catalina Island wherein, the City of Avalon holds council elections on the same day as the City of Long Beach. To execute this election, the Avalon accepts consolidation of LBUSD and LBCCD contests with its elections for City Council. With regard to the unincorporated part of Catalina Island, the City of Long Beach administers the election for LBUSD and LBCCD in a vote-by-mail precinct mode.

Discussion of IRV should also be considered in light of three unique features of Long Beach elections.

The first relates to term limits. Under the provisions of the City Charter no member of the City Council may serve more than two full four-year terms. However, an incumbent may run for a third term only a as a write-in candidate. In the event that an incumbent write-in candidate finishes in the top two of a

primary election (and there is no majority winner), the write-in incumbent may advance to the runoff election, and his or her name may be printed on the runoff ballot.

The second relates to campaign matching funds. Under the provisions of a 1994 voter approved initiative, City office candidates who agree to spending limits, and who are opposed by a candidate who raises a threshold amount of funds, may qualify for a $1 for every $2 raised matching grant, paid for by monies in the City's General Fund. Since inception, the program has resulted in expenditures of $296,139. In 2006, $160,9970 was distributed to six qualifying candidates. Of the eighteen candidates that have received matching funds since 1998, two candidates were elected to office.

The third feature relates to the fact that the City's June runoff election falls on the same day as the statewide primary election, wherein political parties seek to nominate their best candidates. As the County candidate submission deadline is 88-days prior to the June election day, and because the final results of the City's April Primary are not available until 35 days prior to the June election day, the City's election cannot be consolidated on the statewide ballot.

City Elections Administration and Voting Software

In May 2007, the City began to conduct elections using Hart InterCivic voting system technology, a system fully certified by the Secretary of State.

As approved by the City Council in January 2007, the acquisition cost of the system was $810,000, with annual license/maintenance costs of $78,200 per year. The system has been financed over a five-year period and will be fully paid for in March 2012. As of September 2009, there is a remaining balance of $472,052. The system is operates on a central count basis and it provides a very high level of accuracy, transparency, audit ability, and voter friendliness. In the past 2 elections, the mandatory 1% manual tally of voted ballots has yielded a 100% match to final vote totals.

City Clerk staff is responsible for all aspects of election administration, including voter education, poll worker recruitment and training, ballot layout, sample ballot production, election payroll and cost billing, foreign language translations and system security.

Historical Voter Turnout

Municipal elections voter turnout rates for primary, runoff, special and consolidated elections are plotted on the chart shown on the next page for City elections conducted since 1990.

As plotted, the data shows voter turnout has been highest when City measures are consolidated with statewide gubernatorial or presidential elections. In November 2008, total top of the ticket turn out approached 80%, however, bottom of the ticket drop-off reduced turnout for City measures to 69.4%.

In June 2006, the City conducted an election that took place on the same day as the statewide primary election (also known as 2-Vote Tuesday). In this election, citywide turnout equaled 29.4%, while turnout on the statewide ballot hovered at 22%. In other words, more voters voted the Long Beach ballot as opposed to the many of the statewide contest and propositions.

Long Beach Voter Turnout 1990 to 2009
Primary, General, Special and Consolidated Election
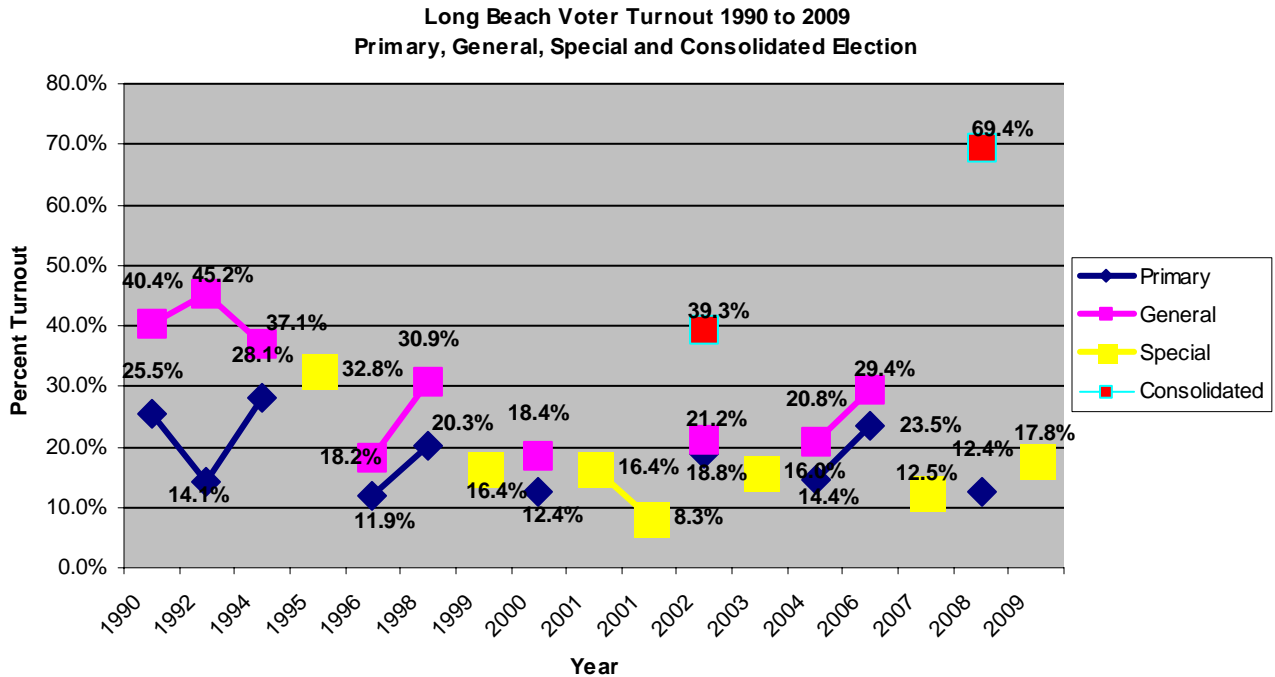
What Is IRV?

IRV has been described in general terms over the past year, however given the need for clarity, the level of public interest and media attention given to IRV in Long Beach, this report will base its description of IRV based on San Francisco's ranked-choice voting model. This approach is taken for these reasons: first, San Francisco's system has been in place since approved by voters in 2002; second, the availability of academic research data evaluating its impact on voters; and third, software used to implement rank-choice voting in San Francisco is certified by the California Secretary of State; fourth, and San Francisco's system is operationally compliant with many provisions of the State Elections Code.

San Francisco IRV (Ranked-Choice Voting) Model

Under the authority of Charter Section 13.102, San Francisco voters use ranked-choice voting to elect the Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender, and Members of the Board of Supervisors. San Francisco ranked-choice Charter provisions are contained in Exhibit 1.

How Is A Rank-Choice Ballot Voted?

The ranked-choice ballot lists the names of all the candidates in three repeating columns. To mark the ranked-choice ballot, a voter selects a first-choice candidate in the first column by completing an arrow pointing to his/her choice. To indicate a second-choice, the voter selects a different candidate in the second column by completing the arrow pointing to his/her choice. To indicate a third-choice, the voter selects a different candidate in the third column by completing the arrow pointing to his/her choice. Voters are not required to complete three choices. However, if a voter casts votes for the two candidates as a first-choice, that will be considered an over vote; and if a voter ranks the same candidate as a first, second and third-choice, only the first vote will count.

An example of a San Francisco demonstration ballot is contained in Exhibit 2.

How Is A Write-In Candidate Voted For?

If a voter wishes to vote for a qualified write-in candidate for any of his/her three choices, they must write the write-in candidate's name on the line provided and complete the arrow pointing to their write-in choice.

How Are Ranked-Choice Votes Counted?

To start, every first-choice selection is counted. Any candidate who receives a majority (more than 50%) of the first-choice selections is declared the winner. The 50% majority is based on the number of ballots cast in the first round.

If no candidate receives a more than 50% of the first-choice selections, the candidate who received the fewest number of first-choice selections is eliminated. Voters who selected the eliminated candidate as their first-choice will have their vote transferred to their second-choice. The votes are then recounted. If any remaining candidate receives more than 50% of the votes, he or she is declared the winner.

If the total number of votes of the two or more candidates credited with the lowest number of votes is less than the number of votes credited to the candidate with the next highest number of votes, those candidates with the lowest number of votes are eliminated simultaneously and their votes transferred to the next-ranked continuing candidate on each ballot in a single counting operation.

If no remaining candidate receives more than 50% of the votes, the process of eliminating candidates and transferring votes to the next ranked candidate is repeated until one candidate has a winning majority.

The table which follows on the next page shows how ballots were tabulated for the November 4, 2008, election for the San Francisco County Board of Supervisors, District 1 Office.

**November 4, 2008
San Francisco Election Results
District 1 Office**

Candidate	Round 1 Votes	%	Transfer	Round 2 Votes	%
MAR	11,649	40.51%	1,503	13,152	50.67%
LEE	9,753	33.92%	3,052	12,805	49.33%
WANG	4,218	14.67%	(4,218)	-	0.00%
LARKIN	998	3.47%	(998)	-	0.00%
JUNGREIS	614	2.14%	(614)	-	0.00%
BELLONI	537	1.87%	(537)	-	0.00%
GAKUBA	363	1.26%	(363)	-	0.00%
FLAMIK	325	1.13%	(325)	-	0.00%
D"SILVA	257	0.89%	(257)	-	0.00%
WRITE-IN	42	0.15%	(42)	-	0.00%
Exhausted by Over Votes	242		18	260	
Under Votes	2,696		-	2,696	
Exhausted Ballots	-		2,781	2,781	
Continuing Ballots	28,756	100.00%		25,957	100.00%
TOTAL	31,694		-	31,694	

As indicated above, at the end of the Round 1 tally, Mar received 40.51% of the ballots cast, with Lee coming in second with 33.92%. As required by Charter Section 13.102 (e), votes were transferred from the remaining 7 candidates, and the one write-in candidate, as their combined votes (3,136 7,354) did not exceed votes cast for Wang. With transfer of all votes shown in parenthesis, Mar was declared the winner at the end of Round 2 with a 50.67%.

What Cities Have Adopted Or Are On The Path to Implement IRV?

According to FairVote (See Exhibit 3) the status of IRV in the United States is as follows:

Implemented

- State of Arkansas (adopted 2005, first used 2006; overseas voters in runoffs);

- Aspen, CO (adopted 2007, first used 2009; mayor and multi-seat variation for city council);

- Burlington, VT (adopted 2005, first used 2006; mayoral elections);

- Hendersonville, North Carolina (adopted 2007 and 2009 as pilot; multi-seat variations for city council);

- Louisiana (adopted and first used 1990s; overseas and military voters in federal and state runoffs);

- Pierce County, WA (adopted 2006, first used 2008; county executive, county council and most other county offices);

- San Francisco, CA (adopted 2002, first used 2004; mayor, Board of Supervisors and most city offices);

- South Carolina (adopted and first used 2006; overseas voters in federal and state runoffs); and

- Takoma Park, MD (adopted 2006, first used 2007; mayor and city council).

Upcoming (as of March 2009) implementations:

- Berkeley, CA (adopted 2004; scheduled for November 2010 for mayor and city council);

- Memphis, TN (adopted 2008; scheduled for 2011 for mayor and several other city offices);

- Minneapolis, MN (adopted 2006; scheduled for November 2009 for mayor and city council). On June 11, 2009, the Minnesota State Supreme Court held, in Minnesota Voters Alliance v. City Minneapolis, that IRV as adopted in Minnesota was not facially invalid under the constitutions of the United States or State of Minnesota;

- Oakland, CA (adopted 2006; scheduled for November 2010 for mayor and city council);

- Springfield, IL (adopted 2007; scheduled for November 2011 for overseas voters);

- Telluride, CO (adopted 2008; scheduled for November 2011 for mayoral elections).

Where Is The Continued Use Of IRV Being Questioned?

On February 10, 2009, the Pierce County Council passed Ordinance No. 2009-1, which would repeal the use of IRV. (See Exhibit 4).

On August 24, 2009, the City of Aspen advanced an advisory measure on whether to repeal IRV (See Exhibit 5).

Both of the above measures will appear on their respective November 2009 ballots.

What Is The Status Of IRV On The California State Level?

In 2007, AB 1294 (Mullin), which would have allowed any city, county or district to conduct a local election using IRV, was vetoed by Governor Schwarzenegger over concerns that there was not enough information about how voters would react to IRV and that there was no voting system certified for use in the State that was capable of conducting IRV elections.

In 2009, AB 1121 (Davis) proposed to authorize the Secretary of State to permit up to twelve counties to use a ranked-choice voting system. Counties that opted to participate would have been required to obtain voter approval, and acquire a voting system that was capable of conducting an election using rank-choice voting. If enacted into law, AB 1121 was to sunset on January 1, 2019.

Supporters of AB 1121 included: the League of California Cities, League of Women Voters, and 3 members of the San Francisco Board of Supervisors. The Secretary of State ~~opposed~~ took a neutral position on AB 1121.

On August 25, 2009, AB 1121 failed passage on the Senate floor (See Exhibit 6).

What Are The Benefits Of IRV?

The New America Foundation cites IRV benefits as follows (See Exhibit 7):

- One election not two and saves money by eliminating costly runoffs;
- Gives voters more choice;
- Encourages better debate less mudslinging;
- Majority of voters that use IRV, including minority voters, report that they understand IRV;
- Voters prefer IRV over two-round elections, a primary and a runoff;
- Voters find ranking easy to use; and
- IRV can increase turn out.

What Are The Disadvantages Of IRV?

According to plaintiffs in <u>Minnesota Voter Alliance v. City of Minneapolis</u> (See Exhibit 8), IRV unnecessarily burdens the right to vote by:

- Giving some votes more weight than others;

- Diluting some votes for the benefit of another;

- Allowing the second-choice of one voter to harm the first-choice vote of another voter;

- Reallocating proportional surplus second-choice votes of voters who voted for a winner, while second-choice votes of voters for continuing candidates are not counted;

- Allowing fractions of a vote to go to different candidates; and

- Creating the possibility that casting a vote for a preferred candidate may harm the chances for that candidate to win office.

According to Anthony Gierzynski, Ph. D, Associate Professor, University of Vermont, (See Exhibit 9) IRV is not good because it:

- Discriminates against classes of voters by adding complexity to the ballot;

- Has a very real potential to produce perverse outcomes that are non-majoritarian; and

- Fails to force people of like mind to work together to win an election. In other words, because IRV does not create governing majorities that have been approved by voters, there is no majority that can then go about the work of implementing the will of the people.

According to Kathy Dopp, MS Mathematics, (See Exhibit 10) IRV has 18 flaws, a few of which can be highlighted as follows:

- IRV does not guarantee that the first-choice of a majority of voters will win;

- IRV encourages the use of complex voting systems which are not readily available;

- IRV confuses voters and requires costly voter education;

- IRV is confusing, complex and time-consuming to implement and count;

- IRV violates the principle that addition of an alternative candidate who does not win should not affect the outcome of a contest;

- IRV will allow a majority candidate to win even if that candidate is the last choice of all voters;

- IRV creates the potential for undetectable vote fraud and erroneous vote counts; and is difficult and inefficient to manually audit.

What Do Academic Researchers Say?

In the preparation of this study session report, three academic studies were found related to use of IRV in the City of Burlington, Vermont, the City/County of San Francisco, and Pierce County, Washington. The main conclusions of these studies are highlighted below.

Burlington, VT - The Vermont Legislative Research Shop – Instant Runoff Voting (March 2006). See Exhibit 11.

Authored by:, Anthony Gierzynski, Ph. D., Associate Professor of Political Science, et al., The Vermont Legislative Research Shop, University of Vermont.

Conclusions

- Eight in ten voters ranked at least two of the candidates, 63.4% of the voters said that they liked the new system, and nearly 6 in 10 would like to see it used for the election of Vermont's governors.

- The relative lack of awareness and confusion voiced by those with lower levels of education suggests that IRV has the potential to engender some inequities in the electoral process based on class.

- IRV could also make it so that candidates play down their policy differences for the very same reason—not wanting to alienate any potential second-place votes—making it less clear to the voters what their choice really means in terms of governance.

- IRV offers an opportunity to have an electoral majority without doing the hard work and compromise necessary to build it.

San Francisco, CA – An Assessment of Ranked-Choice Voting in San Francisco 2005 Election. See Exhibit 12.

Authored by: Francis Neely, Assistant Professor of Political Science, et al., Public Policy Research Institute, San Francisco State University (July 2006).

Conclusions

This study's findings are presented based on four main indicators as categorized below.

Prior Knowledge of Ranked-Choice Voting (RCV)

- A narrow majority of voters surveyed (54%) knew before voting that they would be asked to rank candidates for City Treasurer and Assessor in the 2005 election.

- The proportion of voters who had prior knowledge of RCV was lower in 2005 (54%) than in the 2004 election for the Board of Supervisors (67%).

- Those with lower rates of prior knowledge tended to be those who were less educated, reported having lower incomes, and spoke a primary language other than Spanish.

- African Americans were considerably less likely than other racial and ethnic groups (41.9%) to know they would be ranking their choices for these offices.

- Voters residing in districts that used RCV for the 2004 election for the Board of Supervisors were more likely to know that they would be ranking their choices in 2005 (57%) than those from districts using RCV for the first time (49%).

Overall Understanding of RCV

- The wide majority of voters said that they understood ranked-choice voting either "fairly well" or "perfectly well" (87%).

- The proportion of voters indicating they understood RCV in 2005 (87%) is about the same as those saying they understood RCV in the 2004 Board of Supervisors election (86%).

- Self-reported levels of understanding were lowest among voters with low levels of education and those for whom Chinese was their first language.

Use of the Ranked-choice Ballot

- The majority of voters reported ranking three candidates in the race for City Treasurer (57%), while 33% reported selecting only one candidate.

- Few systematic differences were found between demographic groups, however, African Americans were far more likely to rank three choices (73%) than Whites (51%) and the lowest proportions were found among the oldest voters (38%) and those with both the lowest and highest levels of education (44% and 50%, respectively).

- The primary reasons voters gave for ranking less than three choices was that they felt they did not have enough information about other candidates (31%) or they found other candidates to be unacceptable to them (21%).

- A small proportion of voters (9%) reported selecting less than three candidates in the Treasurer race because they did not know they could do so or did not understand that part of the ballot.

- By a wide margin, more voters said the ranking task was easy or very easy (46%) than said it was difficult or very difficult (16%).

Opinions of RCV

- By a margin of three to one, voters preferred the ranked-choice voting system to the prior two-stage runoff election system: 51% preferred RCV; 17% preferred the traditional runoff method, while the remainder expressed no preference.

- Younger voters, those whose first language was English, and those with more education and incomes were more likely to voice a preference for RCV.

- Among racial and ethnic groups, African Americans (32%) were by far the least likely to say that they preferred ranked-choice voting.

- By a margin of greater than two to one (37% to 15%), voters perceived the ranked-choice voting system as fairer than the runoff system. However, a plurality of those surveyed said there was no difference between the two.

- Older voters and self-reported conservatives were the least likely to perceive RCV as more fair than the runoff system.

Pierce County, WA -An Assessment of Rank-choice Voting Debut In Pierce County Washington – A Research Report of the Washington Poll. See Exhibit 13.

Authored by: Loren Collingwood, Department of Political Science, The Washington Poll, University of Washington. et al., (June 2008).

Conclusions

- Overall, IRV has similar voting patterns as exhibited in traditional primary and general election contests. That is, IRV does an effective job of simulating both a primary and general in one election.

- Overall, under-voting was greater in the RCV contests than in the traditional ballot contests. Although this may be due to the fact that voters received two different ballots, this trend toward under-voting is worrisome. With more voter education, RCV under-voting will likely decrease in future elections. As voters become used to ranked-choice voting, under-voting is quite likely to match levels reported in traditional elections.

- Over-voting, is higher in RCV contests, but the overall impact is so slight, that it is negligible.

- Finally, a trans-year comparison of candidate financing and electoral victory suggests that candidates who spend less money may be more likely to win in RCV elections than in traditional voting systems.

What Will It Take To Bring IRV To The City Of Long Beach?

First, at a future date, the Charter Amendment Committee would need to meet and recommend to the full City Council placement of an IRV Charter Amendment on the April 2010 ballot. In turn, the City Council would have to adopt the necessary enabling resolutions and proposed statutory language by the statutory deadline of January 15, 2010. The last Council meeting before the deadline is January 12, 2010.

Second, to amend the City Charter to provide for IRV elections, any proposed measure would require a majority vote approval (50%, plus 1 vote).

Third, Hart InterCivic, the City's election software vendor, would need to complete development of an IRV tabulation module. According to Hart InterCivic representatives, this development effort is under way.

Fourth, the Hart InterCivic IRV module would need to be certified by federal authorities and the California Secretary of State. It is estimated that this could occur in as little as two years and as many as three years. If the City were to change elections system vendors offering a state certified IRV system, IRV could be implemented in 2012.

What Will It Cost To Enhance The Current Voting System?

At this time staff estimates IRV software upgrade costs to range between $300,000 and $330,000. Voter education costs are estimated to range between $150,000 and $180,000.

In Terms Of General Fund Resources, How Much Would IRV Save If Adopted?

As a part of the FY 2010 Proposed Budget, the City Clerk estimated one-time savings of $987,000 due to elimination of citywide runoff elections and a long term cost avoidance savings estimate of $3.7 million. These savings are conservative estimates.

What Is The Incremental Cost For Placement Of One Ballot Measure On The April 2010 Ballot?

Assuming that the number of candidates running for scheduled office contests leaves enough room for all nominated candidates and one ballot measure, the estimated cost to add a measure is $44,170.

If citywide and district contest candidates and one possible measure exceed the capacity of a one-sheet ballot, a second sheet would be required. A second sheet will increase estimated cost an additional $132,701.