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From: Terry Reilly <twreilly@gmail.com>
To: Terry Reilly <twreilly@gmail.com>
Date: 08/06/2010 02:03 AM
Subject: Long Beach's Spoiled Ballot rate, and IRV

Council Members and other public servants,

IRV greatly increases the spoiled ballot rate in elections, which runs across economic and racial lines.

The attached report shows results from many IRV elections throughout the US.

IRV should be pulled form your concert calendar and given a full discussion by the Council Members.



Ballot Errors - Long Beach Council.pdf

Best Regards,

Terry Reilly

August 5, 2010

Long Beach Council Members

Dear Council Members and other public servants,

For perspective, in your recent elections in March, the spoiled ballot rate - overvotes - were as follows:

Mayor's Race (two candidates) = 0.07%
City Attorney (two candidates) = 0.06%
City Auditor (one candidates) = 0.02%
City Prosecutor (two candidates) = 0.07%
Council Member District 1 (two candidates) = 0.24%
Council Member District 3 (three candidates) = 0.03%
Council Member District 5 (two candidates) = 0.0%
Council Member District 7 (three candidates, two write-ins) = 0.35%
Council Member District 9 (three candidates, one write-in) = 0.21%

It is quite interesting a significantly higher overvote is seen in D1, D7 and D9. Here's a comparison of demographic information for two zip codes in D3 and D7 (2000 U.S. Census)

	D3 ZIP 90814	D7 ZIP 90810
Spoiled Ballot Rate	0.03%	0.35%
Whites	67.4%	23.8%
Black or African American	8.9%	16.4%
Asian	7.2%	23.2%
Hispanic or Latino	20.5%	45.6%
HS or Higher	89.6%	59.9%
Bachelor's or higher	41.1%	11.1%
Bachelor Degree	24.6%	9.2%
Graduate Degree	16.5%	1.9%
English only at home	71.8%	38.1%
Language other than English	28.2%	61.9%

There has not been much discussion on how the experimental Instant Runoff Voting (IRV) system impacts minorities and other under represented communities in the Long Beach area. Studies have shown there is a big difference in understanding IRV in various voting classes.

You can see that traditional voting methods have problems with spoiled ballots, and through the % is higher in disadvantaged neighborhoods, the % error is not likely to throw an election, whereas with IRV, studies have shown significantly higher error rates in the 7% range.

I have no doubt that everyone that comes to your commission and council meetings have a understanding of how IRV works and believes it's easy as "selecting ice cream". However, we are not talking about selecting ice cream here, you are selecting your leaders and *everyone* should be on equal ground.

Studies from San Francisco, Vermont, Minneapolis and Cary, NC all show voters who are more affluent, white, make more money, are better educated are more apt to understand IRV and know it will be used in the election. If you do not fall into these categories, you are more likely to arrive at the voting booth not knowing the system will be used, and confused how it will work. Long Beach's ethnic make-up reported in 2004 shows 33.1% White, 35.8% Hispanic, 14% Black, 11.9% Asian, and 4.7% other. There is a majority of the population at risk of disenfranchisement if IRV were to be adopted.

In San Francisco, 41.9% of African American KNEW they would be ranking candidates in the election. 59.1% did not know about ranking candidates. This was after SF spent \$1.70 per voter in education and outreach (>\$770,000). 23% of Spanish speakers did not understand IRV vs. 12.4% of English speakers. 23.24% of African American did not understand RCV vs. 11.65% Whites. More raw data from the San Francisco Voter Opinion Survey is attached.

A study by a researcher at MIT shows the many ways people make mistakes in marking their IRV ballots in San Francisco. It is somewhat complex, but the legend show three columns. A "V" signifies a Vote, and "O" signifies more than two votes in a columns (an overvote) and an "U" signifies a skipped column (an undervote). What is telling here is the Affluent District 2, where the per capita income is over \$75,000, had an incorrect ballot rate of 1.35% vs. The neighborhood with a large Asian and Hispanic population and per capita income of \$19,176 had an incorrect ballot rate of twice that, at 2.69%. This tracks pretty well with the two Long Beach zip code examples.

Even more disturbing, the most serious error, one that will throw your ballot out, marking two or more candidates in the first columns, the under privileged neighborhood had a error rate nearly 4x that of the affluent neighborhood.

It is typical of the Authors of these studies to dismiss these significantly higher error numbers, as they are supporters of IRV, or members of FairVote.

In a recent study performed on the Minneapolis' first RCV election, the author (**a former FairVote Board member**) reports a spoiled ballot rate of **7.49%**. But in the previous traditional election, the spoiled ballot rate was **1.06%**. He goes on to state "explaining why the percentage of spoiled ballots increased is not clear". Later, he states "such a high error rate is significant enough that should it persist is could affect the outcome of elections in the future. While voter errors or mistakes are attributed to the voter and therefore do not necessarily rose to the level of legal of constitutional issues, these mistakes potentially are problems." In the end, as a typical IRV supporter, he dismisses the higher error rate as not a problem.

Voter confusion does not stop even after several election cycles. The 2008 San Francisco Grand Jury Report finds POLLWORKERS and voters did not understand how to vote for candidates using the RCV method. This is after SF sent over \$1 million on education (\$1.70 first year, \$0.65 second year).

A report by the Vermont Legislative Research Shop also exhibits similar results.

This also tracks with the official results from the Minneapolis election web site. Ward 7 is an affluent downtown neighborhood, with a median household income of >\$100,000. The City of Minneapolis reported a spoiled ballot rate of 4.2%, while Ward 5 with a median income of < \$24,000, and 2/3 of its population is non-white had a spoiled ballot rate of 7%. The average spoiled ballot rate in the city is shown by the red line on the graph. Wards 2 and 6 are said to be more diverse neighborhoods and show a higher spoiled ballot rate.

Moving to Aspen, The Aspen Times confirms voters found the runoff ballots confusing. There were **168 spoiled ballots in that election; 2 is typical**, said City Clerk Kathryn Koch. Aspen residents have since voted their displeasure with IRV.

There has been some discussion on error rate, and the proponents are careful to define it as ballots that have mis-marked the first column. This is not a true indicator of problems voters have with IRV ballots as studies reveal and shown by the MIT analysis. Proponents have consistently said there are no problems with voters mis-marking ballots. The official web sites, studies from Universities and statements from City Clerks say something different. Long Beach has a 0.07% error rate. You should trust the officials rather than the salespeople.

Let's look at what constitutes an error. The attachment shows six ranked ballots. Counting machines would show only one error, the overvote in the first rank. But clearly, voters have problems in 50% of these ballots. One had a duplicate vote, another had an overvote in column two and one didn't vote at all (possibly due to confusion?). Yet, these are not deemed "errors". Nevertheless, the system threw out the vote, and the votes marked in red would never be counted, and the voter's intent beyond the first rank would not be recorded. I would submit 50% of these ballots have errors by the voters who did not understand how to vote with IRV, but IRV apologists would say there was only one error.

As you can see, IRV is a very complex voting scheme, more suited to academia and electing the Class President at colleges. The more you study it, the more information you unearth.

IRV is not new. It had been used in many cities in the United States in the 1920's only to quickly lose favor. Now, with a resurgence due to problems with highly partisan elections, with Perot and Nader, it is being promoted in non-partisan municipal races as a way to "save money" among other things. Though several cities took the bait, as more and more elections happen, cities are having buyer's remorse. They find they do not obtain a majority, and the citizens do not like it. It has not lived up to the promises. However, elections usually come in 4 year cycles. It takes time for problems to surface, and citizens to get fed up.

Though three cities in California will try it for the first time this November, you should know that when Oakland passed its Charter Amendment O in 2004, there was no real-life experience with IRV. No one even submitted a "Con" argument to the ballot statement. Fast forward to 2010, cities have since dropped IRV and repealed IRV due to problems, and researchers have had a chance to see how it performs. Portland can benefit from this information, and see that IRV is better suited for club elections, rather than constitutional elections. Charter changes are quite permanent, and serious consideration should be made before adopting a boutique style of voting.

I must say I was for IRV before I was against it. As the former Chair of our City's Campaign Finance Review and Ethics Board (also known as the Elections Commission) the topic came up and I needed to take a close look at IRV. The 30 second elevator pitch for IRV sounded very appealing. However, the more I studied IRV, the more problems I found. Like those late night infomercial purchases, you find sometimes the claims just seem too good to be true.

Sincerely yours,

A handwritten signature in cursive script that reads "Terry Reilly". The signature is written in black ink and is positioned below the "Sincerely yours," text.

Terry Reilly

City of Long Beach — Primary Nominating Election — April 13, 2010

Total Number of Voters : 40,292 of 238,294 = 16.91%

Precincts Reporting 358 of 358 = 100.00%

Party	Candidate	VBM	Election	Total
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Mayor, Vote For 1

BOB FOSTER	18,018	84.68%	12,308	83.22%	30,326	84.08%
STEVIE DANIELLE MERINO	3,260	15.32%	2,481	16.78%	5,741	15.92%
Cast Votes:	21,278	95.40%	14,789	94.09%	36,067	94.86%
Over Votes:	9	0.04%	18	0.11%	27	0.07%
Under Votes:	1,016	4.56%	911	5.80%	1,927	5.07%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
322	322	100.00%	38,021	213,295	17.83%

City Attorney, Vote For 1

ROBERT SHANNON	12,031	57.50%	8,442	58.07%	20,473	57.74%
TOM REEVES	8,892	42.50%	6,095	41.93%	14,987	42.26%
Cast Votes:	20,923	93.81%	14,537	92.49%	35,460	93.26%
Over Votes:	14	0.06%	10	0.06%	24	0.06%
Under Votes:	1,366	6.12%	1,171	7.45%	2,537	6.67%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
322	322	100.00%	38,021	213,295	17.83%

City Auditor, Vote For 1

LAURA DOUD	19,860	100.00%	13,650	100.00%	33,510	100.00%
Cast Votes:	19,860	89.05%	13,650	86.84%	33,510	88.14%
Over Votes:	4	0.02%	2	0.01%	6	0.02%
Under Votes:	2,439	10.94%	2,066	13.14%	4,505	11.85%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
322	322	100.00%	38,021	213,295	17.83%

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Party	Candidate	VBM	Election	Total
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City Prosecutor, Vote For 1

DOUG HAUBERT	11,235	54.04%	8,010	55.28%	19,245	54.55%
TIMOTHY O'REILLY	9,556	45.96%	6,481	44.72%	16,037	45.45%

Cast Votes:	20,791	93.22%	14,491	92.19%	35,282	92.80%
Over Votes:	14	0.06%	12	0.08%	26	0.07%
Under Votes:	1,498	6.72%	1,215	7.73%	2,713	7.14%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
322	322	100.00%	38,021	213,295	17.83%

Council Member, District 1, Vote For 1

ROBERT GARCIA	692	69.62%	476	74.38%	1,168	71.48%
JANA SHIELDS	302	30.38%	164	25.63%	466	28.52%

Cast Votes:	994	97.07%	640	95.10%	1,634	96.29%
Over Votes:	1	0.10%	3	0.45%	4	0.24%
Under Votes:	29	2.83%	30	4.46%	59	3.48%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
29	29	100.00%	1,697	14,070	12.06%

Council Member, District 3, Vote For 1

GARY DELONG	3,420	64.91%	1,947	56.37%	5,367	61.53%
TERRY G. JENSEN	858	16.28%	698	20.21%	1,556	17.84%
TOM MARCHESE	991	18.81%	809	23.42%	1,800	20.64%

Cast Votes:	5,269	97.54%	3,454	98.74%	8,723	98.01%
Over Votes:	2	0.04%	1	0.03%	3	0.03%
Under Votes:	131	2.43%	43	1.23%	174	1.96%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
50	50	100.00%	8,900	34,764	25.60%

City of Long Beach — Primary Nominating Election — April 13, 2010

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Precincts Reporting 358 of 358 = 100.00%

Party	Candidate	VBM	Election	Total
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Council Member, District 5, Vote For 1

MIKE HEDGES	1,627	35.16%	1,200	37.75%	2,827	36.21%
GERRIE SCHIPSKE	3,001	64.84%	1,979	62.25%	4,980	63.79%
Cast Votes:	4,628	97.21%	3,179	97.94%	7,807	97.50%
Over Votes:	0	0.00%	0	0.00%	0	0.00%
Under Votes:	133	2.79%	67	2.06%	200	2.50%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
45	45	100.00%	8,007	33,416	23.96%

Council Member, District 7, Vote For 1

JILL HILL	523	19.35%	448	16.45%	971	17.90%
JACK C. SMITH	176	6.51%	151	5.55%	327	6.03%
JAMES JOHNSON	1,277	47.24%	1,165	42.78%	2,442	45.01%
TONIA REYES-URANGA (W)	725	26.82%	937	34.41%	1,662	30.63%
FERNANDO BERNABE (W)	2	0.07%	22	0.81%	24	0.44%
Cast Votes:	2,703	96.09%	2,723	92.62%	5,426	94.32%
Over Votes:	6	0.21%	14	0.48%	20	0.35%
Under Votes:	104	3.70%	203	6.90%	307	5.34%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
37	37	100.00%	5,753	25,281	22.76%

City of Long Beach — Primary Nominating Election — April 13, 2010

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Precincts Reporting 358 of 358 = 100.00%

Party	Candidate	VBM	Election	Total
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Council Member, District 9, Vote For 1

BRAD SHORE	297	18.03%	195	12.46%	492	15.32%
STEVEN NEAL	741	44.99%	953	60.89%	1,694	52.74%
DAN PRESSBURG	120	7.29%	54	3.45%	174	5.42%
VAL LERCH (W)	489	29.69%	363	23.19%	852	26.53%

Cast Votes:	1,647	97.11%	1,565	93.49%	3,212	95.31%
Over Votes:	3	0.18%	4	0.24%	7	0.21%
Under Votes:	46	2.71%	105	6.27%	151	4.48%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
34	34	100.00%	3,370	20,573	16.38%

Long Beach Community College District Governing Board, Trustee Area 1, Vote For 1

LUUKIA A. SMITH	1,006	26.04%	995	32.11%	2,001	28.74%
JEFFREY A. KELLOGG	2,055	53.18%	1,511	48.76%	3,566	51.21%
TIMOTHY W. TUCKER	803	20.78%	593	19.14%	1,396	20.05%

Cast Votes:	3,864	93.95%	3,099	92.42%	6,963	93.26%
Over Votes:	14	0.34%	8	0.24%	22	0.29%
Under Votes:	235	5.71%	246	7.34%	481	6.44%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
62	62	100.00%	7,466	45,305	16.48%

Long Beach Community College District Governing Board, Trustee Area 3, Vote For 1

DAVE HALL	955	41.08%	461	38.35%	1,416	40.15%
MARK J. BOWEN	1,370	58.92%	741	61.65%	2,111	59.85%

Cast Votes:	2,325	91.03%	1,202	88.38%	3,527	90.11%
Over Votes:	0	0.00%	2	0.15%	2	0.05%
Under Votes:	229	8.97%	156	11.47%	385	9.84%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
61	61	100.00%	3,914	33,809	11.58%

City of Long Beach — Primary Nominating Election — April 13, 2010

Total Number of Voters : 40,292 of 238,294 = 16.91%

Precincts Reporting 358 of 358 = 100.00%

Party	Candidate	VBM	Election	Total
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Long Beach Community College District Governing Board, Trustee Area 5, Vote For 1

TOM CLARK	3,947	57.24%	1,875	46.97%	5,822	53.47%
PHILLIP Q. SHROTMAN	2,126	30.83%	1,789	44.81%	3,915	35.96%
DEMIREA R. PERRY	823	11.93%	328	8.22%	1,151	10.57%

Cast Votes:	6,896	94.79%	3,992	95.09%	10,888	94.90%
Over Votes:	2	0.03%	2	0.05%	4	0.03%
Under Votes:	377	5.18%	204	4.86%	581	5.06%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
89	89	100.00%	11,473	63,787	17.99%

Long Beach Unified School District Governing Board Member, District 1, Vote For 1

MARY STANTON	2,292	59.33%	1,806	54.93%	4,098	57.31%
JEFFREY S. PRICE	1,571	40.67%	1,482	45.07%	3,053	42.69%

Cast Votes:	3,863	93.22%	3,288	93.17%	7,151	93.20%
Over Votes:	5	0.12%	3	0.09%	8	0.10%
Under Votes:	276	6.66%	238	6.74%	514	6.70%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
59	59	100.00%	7,673	45,060	17.03%

SF spent over \$770,000 dollars on RCV education in 2004, and greatly reduced it afterwards. This impacted the disenfranchisement of voters significantly, particularly less educated, lower income groups, and many english as a second language voters.

In addition, African Americans were considerably less likely to know than any other racial or ethnic group to be educated about RCV and use that opportunity.

From the Public Research Institute's Report on An Assessment of Ranked Choice Voting in the San Francisco 2005 Election:

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%).

Understanding of RCV varied. Only 51.6% understood it perfectly well. Combined with 35.6% who self reported understanding it “fairly well”, that leaves an unconscionable 12.9% not understanding this new voting scheme. This should not something to be proud of.

**Table 9. Overall Understanding of RCV
(N = 1633)**

Understood it perfectly well	51.6%
Understood it fairly well	35.6%
Did not understand it entirely	9.9%
Did not understand it at all	3.0%

What does \$770,00 buy you in San Francisco?

PRI - SF State University Assessment of RCV in the SF 2004 Election

Figure 10. Percent of Voters that Did Not Understand RCV by Race/Ethnicity
(n = 2555; Chi-square = 24.76; p < .001)

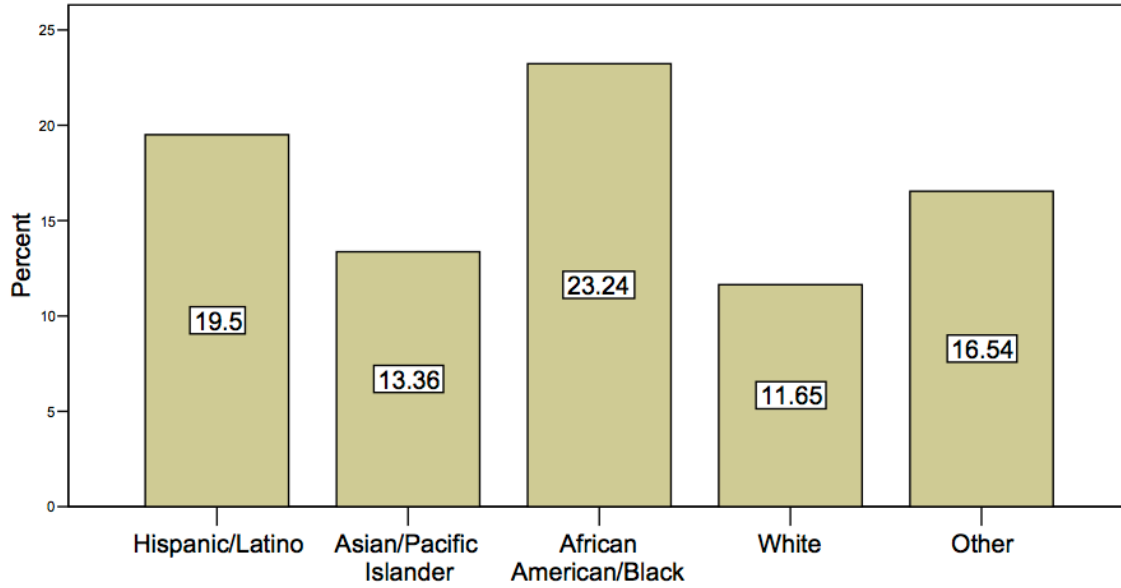


Figure 8. Percent of Voters that Did Not Understand RCV by First Language
(n = 2537; Chi-square = 19.87; p < .001)

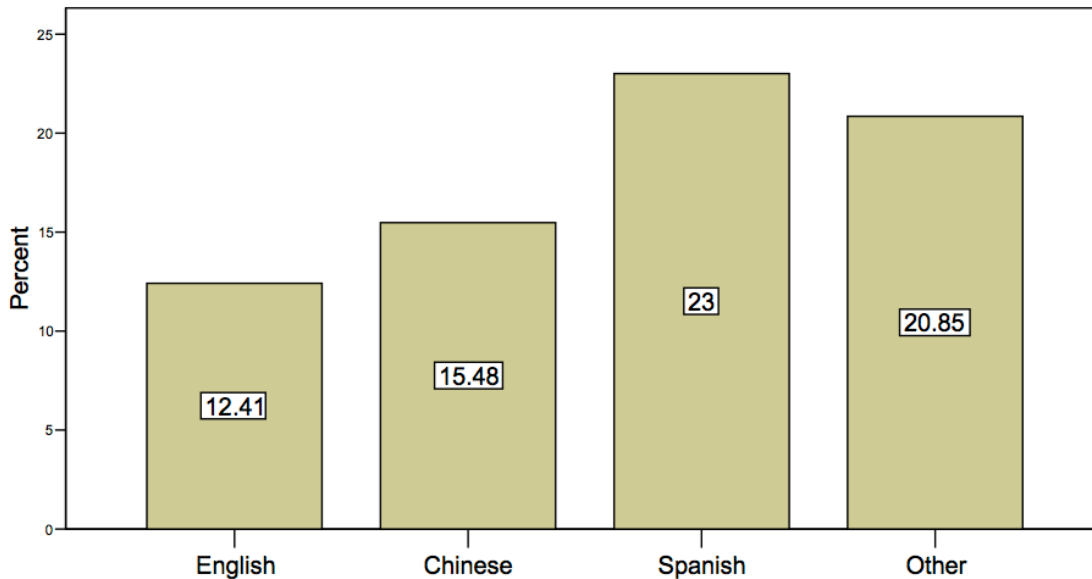


Figure 7. Percent of Voters that Did Not Understand RCV by Income Level
(n = 2507; Chi-square = 9.70; p < .09)

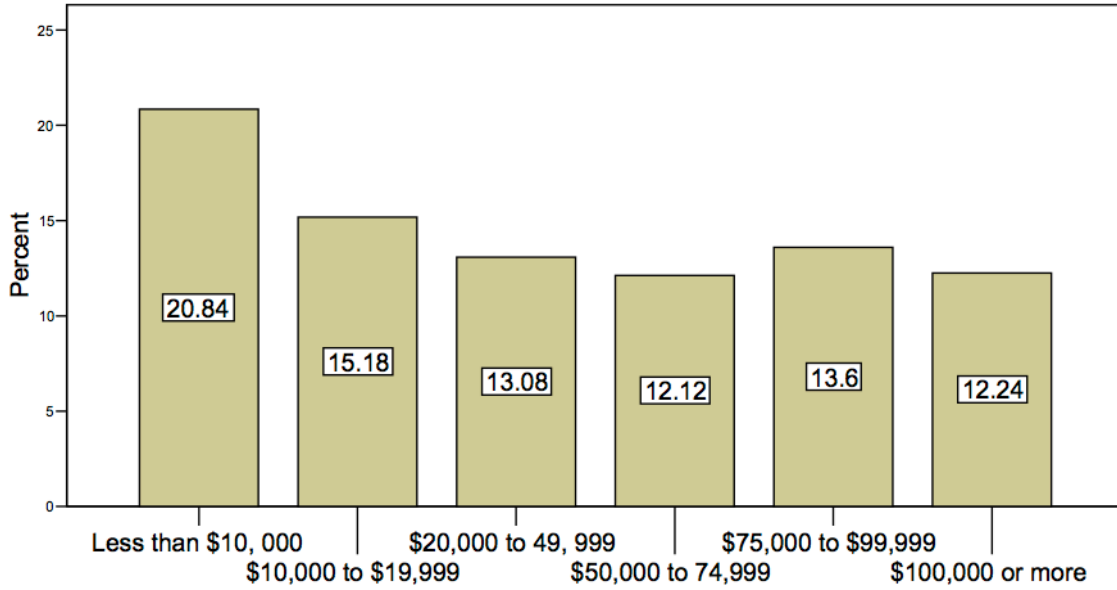
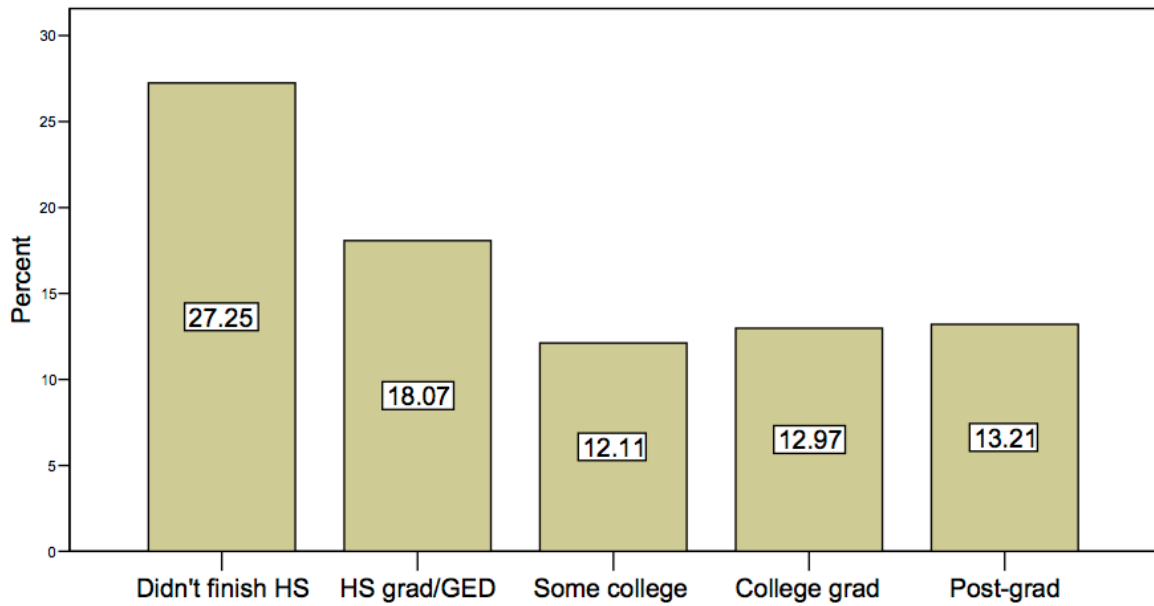


Figure 6. Percent of Voters that Did Not Understand RCV by Level of Education
(n = 2557; Chi-square = 12.37; p < .02)



If you make more money and are white, you are 50% less likely to make a mistake on your IRV ballot. Average Incorrect Ballot for IRV in SF 1.88%. Typical incorrect ballot for conventional elections is <0.1%. Data From "Ballot-Marking Errors in the first San Francisco Instant Runoff Election authored by Greg Dennis, MIT. Data from SF Dept. of Elections.

Table D2: Supervisor District 2 IRV Ballot Statistics

Legend	Total	# Ballots	% Ballots		
		37796	100.00%		
A single vote for in all three	VVV	18568	49.13%	Number of Candidates:	5
2 or more votes in 3rd	VVO	13	0.03%	Winner's Percentage of First Choices:	61.25%
1 vote in 1st and 1 vote in	VVU	3600	9.52%		
2 or more votes in 2nd	VOU	72	0.19%	Average Valid Votes Per Ballot:	1.96
1 vote in 1st & 3rd	VUV	209	0.55%	Percentage Correct Ballots:	98.65%
1 vote in 1st & 2 votes in 3rd	VUO	6	0.02%	Percentage Incorrect Ballots:	1.35%
1 vote in 1st	VUU	10648	28.17%	Percentage Ballots with Overvotes:	0.45%
2 or more votes in 1st	OOU	73	0.19%	Percentage Ballots with Undervotes:	50.84%
1 vote in 2nd & 1 vote in 3rd	UVV	17	0.04%	Percentage Ballots with Skips:	0.93%
1 vote in 2nd & 2 votes in 3rd	UVO	1	0.00%		
1 vote in 2nd	UVU	79	0.21%	Per Capita Income:	\$75,877.00
2 or more votes in 2nd	UOU	3	0.01%	Percentage Hispanic:	4%
1 vote in 3rd	UUV	36	0.10%	Percentage Asian:	13%
2 or more votes in 3rd	UOU	2	0.01%		
no votes at all	UUU	4469	11.82%		

Table D11: Supervisor District 11 IRV Ballot Statistics

	Total	# Ballots	% Ballots		
		24375	100.00%		
VVV		16312	66.92%	Number of Candidates:	8
VVO		35	0.14%	Winner's Percentage of First-Choices:	32.24%
VVU		1960	8.04%		
VOU		61	0.25%	Average Valid Votes Per Ballot:	2.37
VUV		244	1.00%	Percentage Correct Ballots:	97.31%
VUO		13	0.05%	Percentage Incorrect Ballots:	2.69%
VUU		4039	16.57%	Percentage Ballots with Overvotes:	1.18%
OOU		171	0.70%	Percentage Ballots with Undervotes:	32.94%
UVV		18	0.07%	Percentage Ballots with Skips:	1.60%
UVO		1	0.00%		
UVU		66	0.27%	Per Capita Income:	\$19,176.00
UOU		5	0.02%	Percentage Hispanic:	26%
UUV		40	0.16%	Percentage Asian:	46%
UUO		2	0.01%		
UUU		1408	5.78%		

- 6. If Sequoia fails to obtain the needed certification, the Department of Elections must have a plan for counting RCV ballots.**
- 7. As of the date of this report, the DOE does not have a contingency plan for counting RCV ballots.**
- 8. The perception of fair and accurate elections requires that voters know in advance and understand the alternative plan for counting RCV ballots.**

C. The Voters: Voter Education and Outreach for Registration, Ranked-Choice Voting, Absentee (Vote-by-Mail) Ballots

1. Voter Registration

The election in February 2008 was a partisan primary election that required voters to be registered with a specific political party to vote that party's ballot. Voters who wished to change party affiliation were required to re-register before the voter registration deadline. However, undeclared (or nonpartisan) registered voters had the option to request a specific party's ballot at the time they cast their vote.

Many partisan voters, already registered with a political party, did not know that in order to cast a ballot in another party's primary election, they needed to re-register and change their party affiliation before the registration deadline. That this process differed from the procedures for undeclared voters no doubt contributed to this confusion. This resulted in some voter discontent. When a voter insisted on a ballot of a party other than his or her current registered party, the voter was required to use a Provisional Ballot. Votes cast for a party candidate in a party other than the current registered party of the voter were not valid, and were not counted.

FINDINGS:

- 9. For partisan primary elections, some voters with a declared party affiliation believed incorrectly that they could appear at the polling place and request the ballot of another party.**
- 10. These voters were unaware of the fact that they had to re-register and change their party affiliation prior to voting for another party's candidate[s].**

2. Ranked-Choice Voting and Absentee (Vote-by-Mail) Ballots

RCV ballots were used in the November 2007 election for the offices of Mayor, District Attorney, and Sheriff. Some pollworkers and voters told the Jury that they did not understand how to vote for candidates where RCV ballots were used. In the November 2008 election, RCV ballots will be used for some local offices. Additional education and outreach need to be provided to the voters to clarify the RCV process so that the ballots accurately reflect the intentions of the voters.

During the Jury's observations of the Absentee Ballot (vote-by-mail) signature verifications, it became clear that many voters fail to follow the requirement for the signature on the envelope. To be a valid Absentee Ballot, each individual's ballot requires its own registered voter signed envelope. As a result those Absentee Ballots, where the signature requirements were not met, could not be counted.

There were cases where multiple ballots were found in one envelope, often ballots from members of the same household. In such cases, none of the ballots in the envelopes would be counted, because each voter's ballot requires its own signed envelope.

There has been a steady increase in the number of Absentee (vote-by-mail) Ballots cast, and this trend is likely to continue. Additional education and outreach need to be provided to the voters to clarify the Absentee Ballot (vote-by-mail) procedures, timing and signature requirements.

FINDINGS:

11. Some pollworkers and voters do not understand the procedures for voting for candidates where Ranked-Choice ballots are used.

12. There is a lack of understanding by some voters of the requirements for submitting a valid Absentee Ballot.

3. Voter Outreach

The Department of Elections is required by various federal, state, and local laws - such as the Help America Vote Act - to provide voter outreach and education. The DOE has performed many tasks to respond to these obligations. The Jury applauds the DOE's efforts to educate voters through extensive outreach for each of the elections it observed.

Education and outreach uses many approaches, including:

- DOE staff members who can communicate in English, Mandarin, Cantonese, Spanish and Russian
- Brochures are provided in those languages
- Community presentations
- Specialized outreach for voters with disabilities
- Use of the media and website

The Jury is aware that other jurisdictions have used additional techniques that have proven effective. For example, the Sacramento elections department has placed display cards in vehicles operated by the Rapid Transit District, notifying passengers of voter registration deadlines.

San Francisco's MUNI/MTA has a provision in its advertising contract that space must be made available for public service advisories on and within MUNI passenger vehicles. For the cost of

**City of Minneapolis Municipal Precinct Registration Detail
General November 8, 2005**

Ward	Precinct	Pre-Registered Voters	Voters Registering at Polls	Total Ballots Cast	Percent Voter Turnout	Total Absentees	Number of in person voters	Total Spoiled Ballots
13	4	2,662	44	1,231	45%	48	1,183	4
13	5	3,203	44	1,424	44%	52	1,372	7
13	6	2,584	43	1,333	51%	46	1,287	8
13	7	1,092	35	515	46%	9	506	5
13	8	1,980	28	743	37%	33	710	9
13	9	2,567	39	953	37%	46	907	7
13	10	2,123	39	903	42%	28	875	7
Ward 13 Subtotals		22,708	410	9,574	41%	353	9,221	59
Minneapolis totals		229,593	5,579	70,987	30%	2,506	68,481	755

Another way to examine spoiled ballots and voter error is spatially. Table II provides a spatial breakdown and spoiled ballots and voter error by ward.

Table II
Spatial Distribution of Spoiled Ballots and Voter Error by Ward

Ward	Spoiled Ballots	Voter Error	Total	Percentage
1	148	250	398	8.20%
2	136	212	348	7.20%
3	94	173	267	5.50%
4	128	250	378	7.80%
5	151	315	466	9.60%
6	99	205	304	6.30%
7	184	345	529	10.90%
8	131	183	314	6.50%
9	95	137	232	4.80%
10	147	187	334	6.90%
11	156	172	328	6.70%
12	151	230	381	7.90%
13	268	299	567	11.70%
Total	1888	2958	4846	

Table II adds together spoiled ballots and voter error by ward and then divides by the total number of each for all of the wards. The table provides a spatial distribution of where spoiled ballots and voter errors were located. The table does not control for voter turnout (turnout percentages were not equal across wards). Assuming equal turnout across wards the total percentage of spoiled ballots and voter error should be 7.7% per ward. Clearly some wards deviated from this, with wards 7 and 13 having the highest percentages.

Table III compares the total percentage of spoiled ballots and voter errors by ward to total ballots cast by ward. Some wards, such as 5 and 7, had much higher percentages of spoiled ballots and voter errors than they should have had, given their respective shares of total ballots cast. The reasons for this are unclear.

- 6. If Sequoia fails to obtain the needed certification, the Department of Elections must have a plan for counting RCV ballots.**
- 7. As of the date of this report, the DOE does not have a contingency plan for counting RCV ballots.**
- 8. The perception of fair and accurate elections requires that voters know in advance and understand the alternative plan for counting RCV ballots.**

C. The Voters: Voter Education and Outreach for Registration, Ranked-Choice Voting, Absentee (Vote-by-Mail) Ballots

1. Voter Registration

The election in February 2008 was a partisan primary election that required voters to be registered with a specific political party to vote that party's ballot. Voters who wished to change party affiliation were required to re-register before the voter registration deadline. However, undeclared (or nonpartisan) registered voters had the option to request a specific party's ballot at the time they cast their vote.

Many partisan voters, already registered with a political party, did not know that in order to cast a ballot in another party's primary election, they needed to re-register and change their party affiliation before the registration deadline. That this process differed from the procedures for undeclared voters no doubt contributed to this confusion. This resulted in some voter discontent. When a voter insisted on a ballot of a party other than his or her current registered party, the voter was required to use a Provisional Ballot. Votes cast for a party candidate in a party other than the current registered party of the voter were not valid, and were not counted.

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The
UNIVERSITY
of VERMONT

The Vermont Legislative Research Shop

Instant Runoff Voting

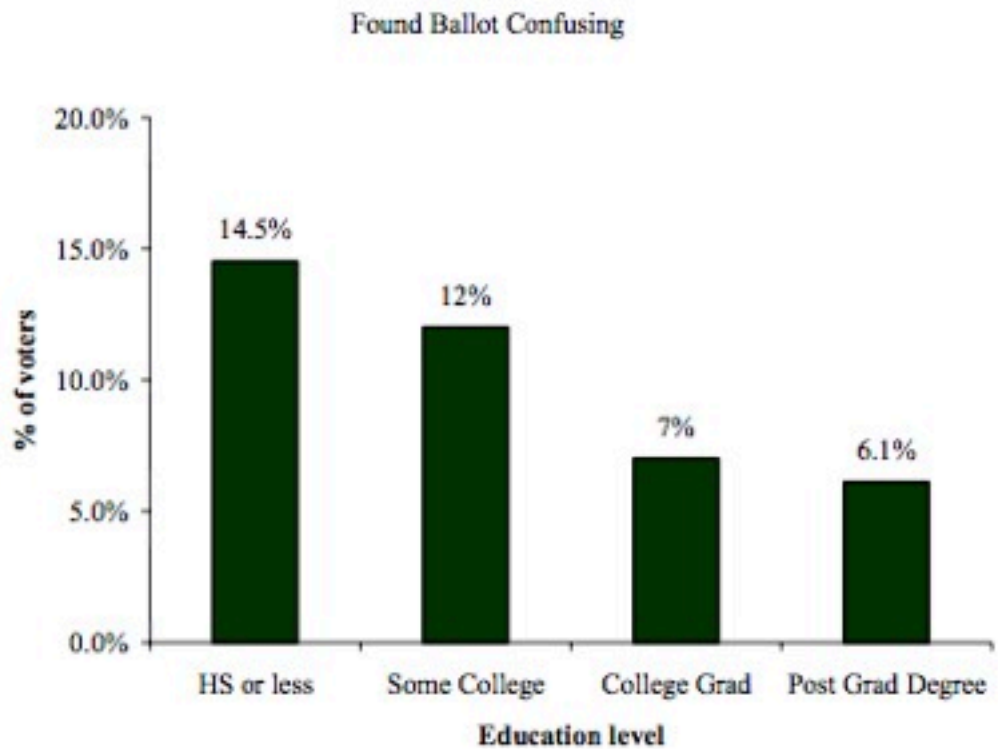


Figure 7: Percent who thought ballot was confusing by level of education

[Elections Home](#)

2009 Minneapolis Municipal Election Results: Council Member Ward 7 Ranked-choice Voting Tabulation Center Summary Statement		
Total votes cast for the office:	4392	Note: Total votes counted in the first round. Does not include undervotes or partially defective, totally defective, or spoiled ballots.
Number to be elected:	1	
Threshold:	2197	Note: Half of total votes cast for office + 1, disregarding fractions.
Undervotes:	140	Note: Voter did not rank any candidates for the office.
Partially defective ballots:	0	Note: Unable to determine voter's intent with respect to the office being counted.
Totally defective ballots:	0	Note: Unable to determine voter's intent for any office on the ballot.
Spoiled ballots:	184	Note: Ballot spoiled by voter at polls.
Candidate	Round 1	Final Round Percentage
	First preference votes	May not sum to 100% due to rounding
Goodman	2997	68.24%
Katch	1042	23.72%
Wagner	321	7.31%
Write-in	32	0.73%
Exhausted	-	
TOTAL	4392	

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**Ward 7 - Downtown - Median Household Income >\$100,000
 Spoiled Ballot rate = 4.2%**

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**2009 Minneapolis Municipal Election Results: Council Member Ward 5
Ranked-choice Voting Tabulation Center Summary Statement**

Total votes cast for the office:	2170	Note: Total votes counted in the first round. Does not include undervotes or partially defective, totally defective, or spoiled ballots.
Number to be elected:	1	
Threshold:	1086	Note: Half of total votes cast for office + 1, disregarding fractions.
Undervotes:	30	Note: Voter did not rank any candidates for the office.
Partially defective ballots:	0	Note: Unable to determine voter's intent with respect to the office being counted.
Totally defective ballots:	0	Note: Unable to determine voter's intent for any office on the ballot.
Spoiled ballots:	151	Note: Ballot spoiled by voter at polls.

Candidate	Round 1	Round 2	Round 2	Final Round Percentage
	First preference votes	Vote Change (+ Added, - Subtracted)		
		<i>Defeated: Chism, McKnight, Smithrud, Write-ins</i>		
Chism	61	-61	0	0.00%
Johnson Lee	652	241	893	41.15%
McKnight	336	-336	0	0.00%
Samuels	1020	111	1131	52.12%
Smithrud	93	-93	0	0.00%
Write-in	8	-8	0	0.00%
Exhausted	-	146	146	6.73%
TOTAL	2170		2170	

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**Ward 5 - Median household income <\$24,000.
2/3 indentified as non-white.
Spoiled ballot rate = 7%**



- Janet Urquhart/The Aspen Times

Aspen's instant runoff voting quick but confusing

[JANET URQUHART](#)
THE ASPEN TIMES

ASPEN, CO COLORADO,

ASPEN — Aspen chose a mayor and two City Council members Tuesday in an election that left plenty of voters confused at the polls and equally mystified as the ballots were tallied in televised proceedings late into the evening.

The city's first use of instant runoff voting, which eliminated the need for a June runoff election, got mixed reviews at the polls. And the whirlwind runoffs after three hours of tallying votes left plenty of observers at a loss to explain exactly how the results were tabulated.

The election also produced at least one challenge, though it wasn't the runoff aspect that spurred the objection.

Before the polls closed Tuesday, local resident Jim Perry challenged 801 absentee ballots that were cast in the City Clerk's Office in advance of the election. He said the ballot box in the clerk's office was not sealed and claimed those who cast the ballots did not affirm themselves as qualified voters, as required by state law. Perry was a poll watcher, appointed by mayoral candidate Marilyn Marks.

City Attorney John Worcester said Perry was misinterpreting the state statute, which allows a challenge to an individual voter at the time a vote is cast.

"It's not the challenge he's intending — to a class of votes he believes were derived illegally.

"He can go to court if he wants," Worcester said.

Marks, who raised a number of concerns with instant runoff voting, and said the city's test of the system on Monday was inadequate, said early in the evening that she was unsure if she'd challenge the new system.

"Even if I win, I might still challenge it — it's so messed up," she said.

Voters apparently found the runoff ballots — which asked them to rank the four mayoral candidates and nine council candidates in order of preference — confusing. There were 168 spoiled ballots Tuesday; two is typical, said City Clerk Kathryn Koch.

Voters exiting Aspen's Precinct 1 polling place Tuesday afternoon voiced decidedly mixed views on their first experience with instant runoff voting, or IRV. Some called the method confusing and others objected to a process that encouraged them to vote for candidates they didn't actually want to win.

To ensure their ballot counted with each round of a runoff, voters were better off ranking all of the candidates rather than just those they hoped would prevail. Some mistakenly believed they were required to rank all of the candidates.

Election judge Cindy Christensen reported plenty of miscues, including voters who forgot to cast a vote on the Aspen Art Museum question, placed at the bottom of the one-page ballot, apparently because they got caught up in ranking up to nine City Council candidates. Others gave both of their top picks for the council a No. 1 ranking, which invalidated the ballot.

“We’ve had quite a few spoiled ballots,” she said. Voters had up to three tries to fill out a ballot the scanning machine would accept. No one had required all three attempts by late afternoon, though, getting it right on the second try – usually after the first ballot was rejected because a voter ranked both of their top council choices as No. 1 picks instead of ranking one first and one second.

“I hate it. It’s very confusing,” said one voter emerging from Precinct 1 who declined to cast runoff votes. Instead, she voted for one mayoral candidate and her two choices for the two open council seats.

Others did the same, squandering their say in the runoff, should their top picks fail to win a seat.

Mark Lee said he voted for just one mayoral candidate and two council candidates, though he prefers instant runoff voting to returning to the polls in June for a runoff election.

“I know who I want and I don’t like any of the others,” he said, explaining why he didn’t rank candidates beyond the minimum.

“I didn’t like it,” said another woman. “I just want to vote for who I think is it. I didn’t like voting this way.”

Lisa Yorker cast votes for two council candidates along with her top pick for mayor, plus a runner-up candidate in the mayoral race, but said she’d rather select from runoff candidates in a separate election.

“I just like that process. I don’t know why,” she said.

But Linda Girvin said she preferred IRV to a separate runoff election in June.

“I think it’s a good idea,” she said. “I hate that runoff stuff.”

janet@aspentimes.com

<http://www.aspentimes.com/apps/pbcs.dll/article?AID=/20090505/NEWS/905059933/1077&ParentProfile=1058&template=printart>

✓

	First Choice	Second Choice	Third Choice	Fourth Choice
Candidate 1	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Candidate 2	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate 3	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate 4	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Fully ranked IRV race (valid)

✓

	First Choice	Second Choice	Third Choice	Fourth Choice
Candidate 1	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate 2	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate 3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate 4	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Non-IRV single vote (valid)

✓

	First Choice	Second Choice	Third Choice	Fourth Choice
Candidate 1	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate 2	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate 3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate 4	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Blank race (valid)

✓

	First Choice	Second Choice	Third Choice	Fourth Choice
Candidate 1	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Candidate 2	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate 3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate 4	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Duplicate vote (valid)

✓

	First Choice	Second Choice	Third Choice	Fourth Choice
Candidate 1	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate 2	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Candidate 3	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate 4	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Overvoted IRV second rank (valid)

✗

	First Choice	Second Choice	Third Choice	Fourth Choice
Candidate 1	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate 2	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate 3	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Candidate 4	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Overvoted IRV first rank (invalid)

Arguments For Measure O

Measure O will allow Oakland voters to elect candidates supported by a majority of voters without needing costly local elections in June when voter turnout is extremely low. This change will:

RAISE VOTER TURNOUT
SAVE HUNDREDS OF THOUSANDS OF TAX DOLLARS EACH ELECTION YEAR, and
REDUCE MUDSLINGING IN LONG, DRAWN-OUTCAMPAIGNS

In the last June election, only a third (33%) of eligible voters in Oakland voted. Voter turnout in November elections (when national/state races are decided) is MUCH HIGHER than June elections. In communities of color, November turnout has been TWICE AS HIGH as June turnout.

Holding two elections instead of one is costly to taxpayers. Local June elections can cost hundreds of thousands of dollars, money that could be better spent on other city services.

Holding two elections instead of one also is costly to candidates, giving an advantage to the candidate who can raise more money, undermining campaign finance reform. Measure O implements Instant Runoff Voting to achieve the worthy goal of electing majority winners -- except we finish in ONE ELECTION, NOT TWO. Voters indicate their favorite candidate, just like now, but at the same time they also pick their runoff choices, ranking them 1, 2, 3. This eliminates the need for a separate June election.

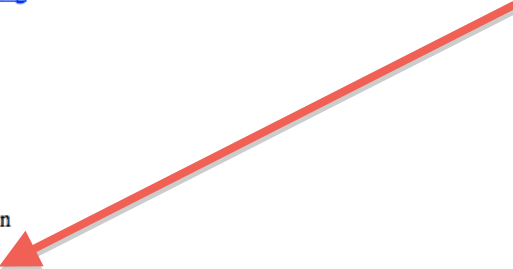
By eliminating low turnout June elections for local races, Oakland will elect officeholders who win a popular majority in one November election, and can save hundreds of thousands of tax dollars.

Measure O will make our elections MORE EFFICIENT and LESS EXPENSIVE. It's supported by the League of Women Voters, Common Cause, and over a dozen current and former Oakland elected officials. It was sponsored by Council members NANCY NADEL and PAT KERNIGHAN and approved for the ballot by the Oakland City Council.

Vote YES on Measure O.

More information: <http://www.oaklandIRV.org>

s/John Russo
Oakland City Attorney
s/Wilson Riles
former City Councilmember
s/Corinne Jan
CEO, Family Bridges
s/Ramon Rodriguez
Chair, Spanish Speaking Citizens Foundation
s/Dick Spees
former City Councilmember



(No arguments against Measure O were submitted)

Full Text of Measure O

PROPOSED CHARTER AMENDMENT ENTITLED "MEASURE AMENDING CITY CHARTER SECTIONS 205. 303. 1100 AND 1103 AND