EC 8/11/10
III.A

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

REVISED

ELECTIONS COMMISSION
Study Session Minutes
April 29, 2010

ROLL CALL

PRESENT: Chair De Funiak, Vice Chair Smith and Commission Members Cosgrove, Louie

ABSENT: Commissioner Shepard

STAFF: Senior Deputy City Attorney Lisa Herrick, City Clerk Lee Price, and Deputy City Clerk Nora Pimentel

ORDER OF BUSINESS

I. Call to Order

The members of the San Jose Elections Commission convened at 5:30 p.m. in Room W-262 of City Hall, 200 E. Santa Clara Street, CA 95113.

The Commission met in a Study Session for the purpose of gaining a deeper understanding of Instant Runoff Voting (IRV), also known as Rank Choice Voting (RCV), and examining potential results from implementation in the City of San Jose.

II. Presentations

1. Oral Report from the San Jose City Clerk: Lee Price, City Clerk

City Clerk Lee Price provided a brief recap about the January 2007 Council Referral to the Elections Commission to study IRV as a potential cost-saving measure.

2. Oral Report from the County Registrar of Voters: Philip Chantri, Elections Services Coordinator

Elections Services Coordinator Philip Chantri reported that the elections equipment currently in use by the County Registrar of Voters (ROV) has not been certified by the Secretary of State for the conduct of IRV in Santa Clara County. He described the process the ROV currently uses for counting ballots

and explained the differences between the systems used by the ROV and the City/County of San Francisco. Mr. Chantri noted that the Santa Clara County Board of Supervisors has indicated an interest in waiting for their contract elections system vendor (Sequoia Pacific Systems) to become federally certified and for the Secretary of State to adopt uniform guidelines for the conduct of IRV elections before implementation. He added that the ROV estimates it would cost Santa Clara County approximately $1.4 million to implement IRV, including outreach and voter education. He reported that no funding has been allocated for this purpose and concluded by commenting that the ROV is watching the cities in Alameda County (Berkeley, San Leandro and Oakland) who will conduct IRV elections for the first time in November of 2010.

3. Presentation by New America Foundation/Californians for Electoral Reform: Blair Bobier, Deputy Director New America Foundation and Steve Chessin, President Californians for Electoral Reform

Documents Filed: (1) New America Foundation Publication "Instant Runoff Voting for the City of San Jose" Executive Summary; (2) United States District Court for the Northern District of California San Francisco Division Order Denying Motion for Preliminary Injunction; (3) United States District Court Northern District of California Declaration of Richard E. Deleon in support of New America Foundation's Brief as Amicus Curiae; (4) Instant Runoff Voting and Its Impact on Racial Minorities Produced by the New America Foundation and Fair Vote, June 2009 Executive Summary; (5) Instant Runoff Voting Ballot County Flow Chart; (6) The New York Tines Opinion "A Tea Party Without Nuts" published March 23, 2010; (7) USA Today Opinion "Oscar's instant runoff" posted March 5, 2010; (8) News Release: FairVote MN Applauds Results of Minneapolis RCV Survey; (9) Star Tribune.com "Success for Ranked Choice" dated November 4, 2009; (10)Correspondence from Secretary of State Debra Bowen dated December 4, 2009; (11) New American Foundation Publication "Report Card for Ranked-Choice Voting"; (12) Alameda County Registrar of Voters Ranked Choice Voting; (13) IRV Factcheck Response to Kathy Dopp "Report" on IRV "Flaws" dated March 26, 2010; (14) IRC Factcheck Myths and Facts about IRV; (15) FairVote.org "Where Instant Runoff Voting has been Adopted"; and (16) Endorsements for IRV in San Jose.

Deputy Director of New America Foundation Blair Bobier summarized some of the benefits of conducting IRV elections, including: 1) cost savings for special elections, 2) the need for fewer elections, 3) less expensive elections because fewer resources are needed, 4) reduces campaign costs, 5) discourages negative campaigning; and 6) increased voter turnout. He noted that there are a number of other states that conduct IRV and pointed out the United Kingdom is also exploring this method of voting. President of Californians for Electoral Reform Steve Chessin provided a visual presentation of the IRV process. Commission questions followed.

4. Presentation by Terry Reilly, Resident and Former Member of the San Jose Elections Commission

Documents Filed: (1) Memo from Terry Reilly to the Elections Commission dated April 21, 2010 regarding SF's restricted RCV Education Effort Underfunded; (2) Memo from Terry Reilly to the Elections Commission dated April 21, 2010 regarding First RCV Election in Minneapolis; (3) Memo from Terry Reilly to the Elections Commission dated April 21, 2010 regarding Analysis of Chinese American Voter Education Poll; (4) Memo from Terry Reilly to the Elections Commission dated April 21, 2010 regarding MIT Analysis of Ballot Marking errors in SF's 2004 RCV election and Neely & Cook's "Whose Votes Count? Undervotes, Overvotes and Ranking in San Francisco's Instant Runoff Elections"; (5) Memo from Terry Reilly to the Elections Commission dated April 21, 2010 regarding various editorials, articles concerning IRV form across the country; (6) Memo from Terry Reilly to the Elections Commission dated April 21, 2010 regarding Majority Winner; (7) Memo from Terry Reilly to the Elections Commission dated April 21, 2010 regarding Negative Campaigns; (8) Memo from Terry Reilly to the Elections Commission dated April 21, 2010 regarding Public Comments from Burlington, Vermont/False Majorities; (9) Memo from Terry Reilly to the Elections Commission dated April 23, 2010 regarding Comments from Former Mayor Willie Brown/League of Women Voters confusion/Example of how a coalition candidate can loose with IRV; (10) Memo from Terry Reilly to the Elections Commission dated April 23, 2010 regarding Minneapolis RCV Office of Elections and Voter Registration Report; (11) Memo from Terry Reilly to the Elections Commission dated April 23, 2010 regarding SF's Grand Jury RCV – Elections in San Francisco; and (12) April 29, 2010 Presentation on IRV.

Terry Reilly provided a slide presentation on recent developments around the Country, shared statistical data on the costs for voter outreach and education in the City/County of San Francisco, and shared concerns regarding the process for counting and re-distributing votes. He argued that the need to conduct voter outreach/education is continuous and noted that San Jose must translate voter information into five languages (raising the costs). He proposed the Commission reject IRV and suggested other alternatives for saving election costs (eliminate uncontested elections and lower the majority vote requirement to a 40% plurality). Commission questions followed.

The Commission heard brief rebuttal comments by the guest presenters and asked additional questions.

Public Comment: Gautam Dutta (New America Foundation, Political Reform Program) expressed support for IRV because it encourages greater participation by minorities and because there are fewer spoiled ballots.

The Commission will continue discussions about IRV at the next regular meeting on Wednesday, May 12, 2010. The meeting adjourned at approximately 8:10 p.m.

_____
FRED DE FUNIAK, CHAIR

ATTEST:

_____
LEE PRICE, MMC
CITY CLERK and SECRETARY TO THE COMMISSION