

**ELK GROVE CHARTER EXPLORATORY AND ELECTION REFORM COMMITTEE
REGULAR MEETING
CITY COUNCIL CHAMBER, 8400 LAGUNA PALMS WAY
MONDAY, AUGUST 13, 2007**

1. CALL TO ORDER / ROLL CALL

The Regular Committee meeting of August 13, 2007 was called to order by Chair Orrock at 6:01 p.m.

Present: Committee Members – Loveland, Orrock, and Perez

Absent: Committee Members – Allen (arrived at 6:04 p.m.) and Chaires (arrived at 6:02 p.m.)

(Assigned staff/Presenters)

Also Present: Kim Floyd, Lance Olson, and Susan Blackston

2. PUBLIC COMMENT (on non-agenda items)

None.

3. APPROVAL OF MINUTES

MOTION/VOTE:

Committee Member Perez made a motion, Loveland second, to approve the July 23, 2007 minutes as presented. The motion carried by the following vote:

Ayes: Committee Members – Chaires, Loveland, Orrock, and Perez.

Noes: Committee Members – None

Absent: Committee Members – Allen

4. QUESTIONS AND ANSWERS

Follow up to July 23 presentation regarding District v. At-Large Elections

There were no questions from Committee Members regarding the July 23 presentation.

5. PRESENTATION

Topic: (Part 1 of 2) Primary / General Elections, Instant Run-off Voting, and 50% Plus 1 Voting

Lance Olson, Senior Partner of Olson, Hagel & Fishburn, LLP, reported that in the case of O'Connell v. City of Stockton (*a Charter City*), the California Supreme Court reviewed the validity of local ordinances which provide for the forfeiture of vehicles used to commit certain acts made criminal by state law and held that such ordinances are preempted.

Mr. Olson explained that the topic of Instant Run-off Voting would be addressed at the August 27 meeting. He reviewed a document entitled, "Outline for Presentation regarding Primary / General Elections and 50% Plus 1 Voting" (filed).

PUBLIC COMMENT:

Phillip Stark asked whether the 50% Plus 1 process and/or having a primary election would require being a charter city, to which Mr. Olson answered in the affirmative. Mr. Stark asked whether cities have control over placement of issues on the ballot. Mr. Olson explained that candidate names are selected by a random drawing conducted by the Secretary of State's Office and other ballot placement issues are under the purview of the County Registrar of Voters. He noted that a special election ballot typically has fewer issues to vote on. Mr. Olson reiterated the fact that voter turnout in local elections is highest when held in conjunction with national elections.

Kim Floyd, Client Services Manager with Lucy & Company, displayed the following "characteristics" of At-Large, District-Based, and Mixed and/or Hybrid Elections and asked for feedback from Committee Members regarding their advantages or disadvantages, to which responses are indicated below.

At-Large Elections

- *In at-large elections, candidates for elected city offices are selected by all the city's voters. (i.e., all voters are entitled to cast votes for each office listed on the ballot)*

Advantages: Broadens candidate constituency, i.e. the entire city considers candidates instead of only voters within a district; increased ownership of the democratic process; candidates are accountable to everyone in the community; more open process; diffuses influence of special interest groups (example "NIMBY - not in my backyard" issues where resources could be funneled to a smaller pool of district only candidates);

Disadvantages: No sense of loyalty to district when voted on at-large; would increase campaign costs to educate at-large voters, as opposed to district only; could increase influence of special interest groups (e.g. developers – the wealthy and powerful have resources to take issues to all members of Council); voters have to expend more time in educating themselves about all the candidates, which may result in voter fatigue;

- *There are no districts, thus no need to create district boundaries and/or engage in redistricting.*

Advantages: Would result in cost savings to the City; simplifies process; would decrease divisiveness.

Disadvantages: Could result in all five council members residing in the same area of the city; may dilute direct representation (e.g. if all council representatives

lived in one area and favored it for services over less affluent/unrepresented areas).

- *Candidates/office holders may reside anywhere in the city.*

Disadvantages: Could result in all five council members residing in the same area of the city; may dilute direct representation (e.g. if all council representatives lived in one area and favored it for services over less affluent/unrepresented areas).

- *Some scholars have found that when city council members are all elected at-large, they tend to work more cooperatively to solve city-wide issues.*

Advantages: Council members may work more effectively and cooperatively as a team to resolve issues more quickly and have a broader perspective; would not be a “hold out” for special interests or pushing their own agenda; council members would be free to focus on what they see as important, rather than district specific issues; provides alternatives to residents who can approach any member of the council.

Disadvantages: Residents would not know which council member to communicate with for district-specific issues if council elected at-large.

- *Other scholars have said that when city council members are all elected at-large, they pay less attention to concerns of specific communities/neighborhoods.*

Advantages: There may be some communities with special needs that could be overlooked if no council member represented the area; provides protection for elected representatives; tough decisions are easier to make by council members without political retribution (e.g. affordable housing project – voted no by the effected district council member; however, it is approved with four other yes votes).

Disadvantages: Susceptible to special interests.

- *Use of at-large elections may also cause voting rights problems, particularly by diluting minority groups’ ability to select candidates of their choice.*

Advantages: Majority of voters elect council members; at-large elections may increase the number of candidates.

Disadvantages: “Majority” of voters represents voting block, not necessarily minority groups; the cost of running a campaign for at-large election is higher.

District-Based Elections

From District Elections

- *Districts are created within the city and are subject to requirement that districts contain reasonably equal populations.*

Disadvantages: District boundaries might be more advantageous to some areas over others and could divide communities.

- *Candidates reside in the district they seek to represent.*

(Previously addressed)

- *All city voters are entitled to vote for all candidates for all council seats.*

(Previously addressed)

- *Some scholars have suggested that “from district” elections may provide neighborhoods and/or other communities within a city with a greater voice on the city council, although not to the same degree as “by district” elections.*

Advantages: Eliminates the possibility of having all council members reside in the same area of the city; from-district requires candidates to appeal to everyone in the community

Disadvantages: Someone very unpopular overall, could get elected through the by-district process; increases potential special interest involvement; campaign costs are higher for from-district / at-large election.

- *Other scholars have suggested that since city council members are still elected at-large in “from district” elections, that this type of system can exhibit the same types of problems as at-large districts (e.g., vote dilution of minority groups, lack of responsiveness to community issues).*

(Previously addressed)

By-District Elections

- *Districts are created within the city and are subject to periodic redistricting to ensure population equality.*

(Previously addressed)

- *Candidates reside in the district they seek to represent.*

(Previously addressed)

- *Only the district's voters vote to elect their council member – i.e., each voter only casts one vote for the Council seat representing the voter's home district.*

Advantages: Council members may be more accountable to voters in district; decreased campaign costs.

Disadvantages: Council members may only be accountable to voters in district; council members don't have to deal with broader issues of the community; special interests could flood district, increasing their influence.

- *Some scholars have found that "by-district" elections provide neighborhoods and/or other communities within a city with a greater voice on the city council*

This characteristic is an advantage.

- *Other scholars have said that "by-district" elections can tend to polarize a city council and/or make the city council less effective at addressing citywide issues.*

This characteristic is a disadvantage.

Mixed and/or Hybrid Elections

Mixed System

- *Council is comprised of some members who are elected by district, while others are elected at-large. (E.g., Oakland.)*

Advantages: Provides an option where it may not exist otherwise; the at-large council member could be the "voice of reason" and counterbalance to district focused opinions; could be solution to perceived problems (e.g. underrepresented groups could organize and support an at-large candidate).

Disadvantages: May create confusion for voters and lead to decreased turnout.

Hybrid System

- *Combine use of both by-district and at-large elections by holding primary elections "by-district" and then allowing all voters select which candidates is elected in an at-large election. (i.e., all city voters are entitled to participate in the final choice of who will represent the district on the council). (E.g., Compton, Eureka, and Stockton.)*

Advantages: Elected officials would have buy-in/support from both district voters and entire city; gives voters an opportunity to consider candidates opinions on broader citywide issues; would require that candidates be more informed.

Disadvantages: This system requires a lot more work for candidates and escalating campaign costs for two elections; could cause confusion to voters resulting in decreased turnout; the process might dissuade some candidates from running; candidates might be less likely to focus on difficult district issues

6. NEW BUSINESS / CLOSING

Mr. Olson reported that the August 27 meeting would include a presentation by Jill Levine, Sacramento County Registrar of Voters, on the topic of instant run-off voting. He asked whether Members had specific questions they would like addressed, to which the following requests for additional information were made:

- Clear and concise definition and explanation of instant run-off voting;
- What other names are used to describe the instant run-off voting process;
- What is the degree of understanding of the process amongst the general public; and
- How would write-in candidates affect the process.

7. ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 8:07 p.m.

ATTEST:

/s/ Susan J. Blackston
Chief Deputy City Clerk