

**ELK GROVE CHARTER EXPLORATORY AND ELECTION REFORM COMMITTEE  
REGULAR MEETING  
CITY COUNCIL CHAMBER, 8400 LAGUNA PALMS WAY  
MONDAY, SEPTEMBER 10, 2007**

1. CALL TO ORDER / ROLL CALL

The Regular Committee meeting of September 10, 2007 was called to order by Chair Orrock at 6:04 p.m.

Present: Committee Members – Allen, Chaires, Loveland, Orrock, and Perez

Absent: Committee Members – None

*(Assigned staff/Presenters)*

Also Present: Lucy Eidam, Richard Miadich, Lance Olson, and Susan Blackston

2. PUBLIC COMMENT (on non-agenda items)

None.

3. APPROVAL OF MINUTES

MOTION/VOTE:

The Committee, on motion of Member Perez/Allen second, unanimously approved the August 27, 2007 minutes with the following statement added under Item 6: *“Member Perez asked that the topic of campaign ethics also be included.”*

4. QUESTIONS AND ANSWERS

*Follow up to August 27, 2007 presentation regarding (Part 2 of 2) Primary / General Elections; Instant Runoff Voting; and 50% Plus 1 Voting*

Richard Miadich, Associate with Olson, Hagel & Fishburn, LLP, recalled that at the August 27 meeting a representative from the Sacramento Registrar of Voters Office stated that it was not the case that charter cities could hold elections on any date they chose and that charter cities could only hold elections on those dates specified in the Elections Code. Mr. Miadich clarified that the Elections Code explicitly provides that the elections dates it sets out do not apply to charter cities, only general law cities. Thus, the law is that while general law cities may only hold elections on the dates set out in the Elections Code, charter cities may hold their elections on any date they choose.

There were no questions from Committee Members regarding the August 27 presentation.

5. PRESENTATION

*Topic:* Part 1 of 3 – Presentation regarding Campaign Finance

Lance Olson, Senior Partner of Olson, Hagel & Fishburn, LLP, distributed and reviewed a document entitled, “*Introduction to Campaign Finance Concept and Laws*” (filed). He explained that, at the next meeting, a more detailed report would be given after which advantages and disadvantages of various characteristics could be considered by the Committee. Mr. Olson stated that the goal for imposing campaign finance reform could include making the process more democratic, so that more can participate. He pointed out, however, that limiting campaign contributions often serves as an advantage to incumbents who have name recognition and more publicity. He commented that the only justification for limiting campaign contributions is to prevent corruption of candidates. Following review of the history of campaign finance reform, Mr. Olson defined the following terms:

- Candidate – also includes someone who has not yet formally declared office or taken out campaign papers; those engaged in the act of raising money for campaigns are considered candidates.
- Contribution – receiving something of value for political purposes: 1) monetary; 2) loans; and 3) in-kind.
- Expenditure – expending funds for political purposes by a candidate or third party
- Coordinated Expenditure – asking the candidate what he/she wants and acting on it
- Independent Expenditure – expending funds to communicate to voters about a candidate, without having coordinated it with the candidate. There are no limits on independent expenditures that are not coordinated with candidates or their agents.
- Express Advocacy – communications to voters explicitly stating whether to vote for or against a candidate. There is no limitation on expenditures related to express advocacy.
- Issue Advocacy – communication that talks about a candidate, but does not recommend whether to vote for or against the candidate.
- Committee/Political Action Committee – A committee of two or more people/groups that receive contributions from two or more persons and, acting in concert, makes contributions to the campaigns of political candidates.
- Source Prohibition – foreign nationals, foreign corporations, lobbyists contributing to candidates they lobby.
- Membership or Internal Communication – Example: union groups communicating to their members about who to vote for. They have the right to engage in such communications without limitations; however, they cannot, for instance, place such written communications in teacher’s mail boxes on school district property. Some charter cities regulate membership communication.

In reference to campaign disclosure regulations, Member Perez asked whether more restrictive disclosure rules could be instituted for Political Action Committees, such as requiring that true names and addresses be identified, to which Mr. Olson replied in the affirmative. In answer to Mr. Perez' question as to whether campaign contribution limits could be retroactively enforced against funds contributed to future campaigns, Mr. Olson stated that limits could not be retroactively enforced.

Mr. Olson stated that, at the meeting of September 24, the topic of campaign ethics will be addressed.

Member Perez asked that information be returned to the Committee from other jurisdictions that have ethics commissions and the pros and cons of doing so, as well as advantages in rewarding ethical behavior and how to address unethical behavior.

In reply to a question posed by Vice Chair Chaires, Mr. Olson explained that Business and Professions Code Section 17200 does not apply to political campaigns.

PUBLIC COMMENT:

Sharon Lynes asked why incumbents can list "incumbent" as a ballot designation, to which Mr. Olson explained it is allowed by state law.

Lucy Eidam, President of Lucy & Company, displayed the following "characteristics" and asked for feedback from Committee Members regarding their advantages or disadvantages, to which responses are indicated below.

*Characteristics for Instant Runoff Voting*

- Instant runoff voting ("IRV") allows voters to rank candidates for a particular office in order of preference rather than being forced to choose only one candidate for each office.

Advantages: Would be an advantage in a race with a large number of candidates; ensures the winning candidate has majority of votes; avoids a runoff election.

Disadvantages: Would be a disadvantage if a voter wanted to only vote for one candidate; could easily lead to voter confusion and frustration; Elk Grove may not often have a large number of candidates; could "game" the system (e.g. groups could get together and collectively agree to vote for second and third choices to manipulate system); the successful candidate may not have a true "majority" of votes because it is a hybrid type system; IRV has not proven itself as an effective tool; *Note: The following characteristic was moved to a disadvantage under this topic:* "According to some news articles from other states and some county elections officials, IRV may have the potential to confuse voters".

- Unlike plurality voting, in IRV elections a candidate must usually receive a majority of votes in order to be elected to a particular office.

Advantages: Would be an advantage in a race with a large number of candidates; ensures the winning candidate has majority of votes; avoids a runoff election.

Disadvantage: IRV is a more expensive election process.

- According to the only academic study/survey conducted in the only California city to have actually implemented IRV in the modern era, approximately 3 out of 4 voters who used it reported that they understood IRV and had a positive experience with it.

Response: This was determined to be a statement; could not categorize as either an advantage or disadvantage.

- Currently, there are no voting tabulation machines in California that are certified for use in IRV elections.

Disadvantages: Assuming that certified voting tabulations machines were available, there could be significant costs associated with purchasing the equipment.

- There are significant costs associated with conducting voter education programs regarding IRV.

Advantages: If cost factor were removed, the aspect of voter education is positive.

Disadvantages: IRV is a system that has not yet proven itself; IRV requires an extensive voter education program which is an expensive process; there could be voter confusion caused in anticipation of the new voting process prior to its implementation.

6. NEW BUSINESS -- Review partial draft report delineating advantages and disadvantages of topics considered by Committee

Lucy Eidam, President of Lucy & Company, distributed and reviewed a final report outline (filed).

7. NEW BUSINESS -- Discussion regarding the Committee's Final Report to the City Council

Member Perez felt it would be appropriate to include information regarding the history that lead to the creation of the Charter Exploratory and Election Reform Committee.

Susan Blackston, Chief Deputy City Clerk, offered that excerpts from City Council meeting minutes at which the matter was discussed might serve as historical notations.

Committee Members were satisfied with the format of the report as submitted by Ms. Eidam.

Discussion ensued regarding the conclusion section of the report. Members agreed that if a conclusion were to be included in the report it should be drafted by the Committee, rather than staff or facilitators. Member Perez recommended that a flow chart be used as an aid in explaining the information. It was generally agreed that findings were encompassed in the advantages and disadvantages that Members iterated for various characteristics. The Committee ultimately arrived at consensus to delete the conclusion section of the report.

*NOTE: Member Loveland left the meeting at 8:35 p.m.*

Member Perez suggested that a separate list of items for possible future discussion and consideration by Council be included in the report, similar to the "parking lot" as coined by Ms. Eidam at the July 9, 2007 Committee meeting upon which ideas regarding other topics of interest would be documented for possible future discussion.

8. ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 8:43 p.m.

ATTEST:

Susan J. Blackston  
Chief Deputy City Clerk