Report to the Board of Directors, LWVDC for the Adoption of an Election Systems Position

The following position reflects the consensus of three member meetings held in January 2015:

*The League of Women Voters, District of Columbia supports Ranked Choice Voting (RCV) for partisan contests in both primary and general elections. Ranked Choice Voting assures that the winning candidate will obtain a majority vote. The League believes that this system, which enables voters to rank candidates by preference, provides voters more voice in elections and leads to more representative government. With Ranked Choice Voting, the candidate with the broadest support of the voters is elected. Ranked Choice Voting also has the potential to lead to more informative campaigns that are issues-focused.*

Note: In reaching consensus, members recognized that voter education will be imperative to assure successful implementation of Ranked Choice Voting. They will urge the Board of Elections and Ethics to plan and budget for education. Further, the District needs new voting machines, as the current ones are old and failing. The new generation of voting machines is fully capable of handling Ranked Choice Voting.

*The Board of Directors of the League of Women Voters of the District of Columbia voted in favor of adopting the proposed position on February 4th, 2015.*
In January 2013 the League of Women Voters of the District of Columbia selected District of Columbia Election Systems as their focus of local program study for the next two years. Abigail Nichols was named chair of the task force; subsequently, Linda Beebe joined her as co-chair. Initially, several members were interested in the topic; however, Nichols and Beebe conducted the preponderance of the study.

Initial Steps
The task force began by looking at the history of voting in the District of Columbia and reviewing the changes that have affected District residents’ ability to vote.

History of Voting in the District of Columbia
The District of Columbia Organic Act of 1801 formally placed the District of Columbia under Congressional control. Not having citizenship in a state, residents of the District had no representation in Congress and no right to participate in electing the President of the United States. Following ratification of the 23rd Amendment to the United States Constitution in March 1961, residents voted in a presidential election for the first time in November 1964. The amendment restricts the number of District electors to the Electoral College to the number for the least populous state (currently Wyoming’s 3).

In 1968 residents obtained the right to elect a Board of Education. Then in 1970 they were given the right to vote for a non-voting representative in the House of Representatives. On December 24, 1973, Congress passed the District of Columbia Home Rule Act, which provides for an elected Mayor and the Council of the District of Columbia. The elected Council comprises a chair, one representative from each of 8 wards, and 4 members for at-large seats. By law, 2 of the 5 city-wide seats (the at-large members and the chair) must not be members of the dominant political party. The Council in effect serves as both a city and state legislative body, dealing with issues such as prisons and utility regulation that are generally reserved to state legislatures.

Composition of the District Electorate
The District is not politically diverse: According to the November 30, 2014 Board of Elections report, 76% of the 468,222 registered voters declare as Democrats while 6% report affiliation with the Republican party, 1% with the Statehood/Green party, .1% Libertarian, and .2% Other.

Studies have shown that other demographics may influence elections, particularly voter turnout. District residents differ from other jurisdictions in several regards:

- Highest educational attainment—highest average in the United States with 48.5% of the population holding a bachelor’s degree and 28% an advanced degree.
- Median income—in 2012 median income in the District was $65,246 compared
with a national median of $51,017.

Voter Turnout

Voter apathy is a national concern; unfortunately, voter turnout in the District lags behind the national average, despite the demographics that would lead one to expect a higher turnout.

• Turnout is close to the national average in presidential elections: 60.8% versus 61.8% nationwide in 2012; 62.5% versus 63.6% nationwide in 2008; 58.1% versus 58.4% nationwide in 2000.

• In off-year general elections, however, the turnout declines considerably: 30% versus 41.7% nationwide in 2010; 34.2% versus 41.3% in 2006; and 36.7% versus 40.4% nationwide in 2002.

The District has put in place practices that generally are shown to improve voter turnout. These include same-day registration, DMV registration, and extensive early voting. District residents can request an absentee ballot without any explanation. And polls are open from 7 a.m. to 8 p.m. on Election Day. The District has a high level of registration—approximately 74% in November 2014. Yet turnout remains low. Many District residents say they don’t think that their vote counts.

Conduct of the Study

The task force spent many hours reviewing data about voting in the District and researching facts and figures around voting in other jurisdictions in the United States and in other countries. They also studied other League of Women Voter studies and positions on election systems.

Interviews

The task force met face-to-face with several individuals who have been active in one way or another with election systems. In addition, Nichols conducted a phone interview with Clifford Tatum, the Executive Director of the Board of Elections.

• **Shelley Broderick** is the Dean of the David A. Clarke School of Law, University of the District of Columbia. She agreed to co-sponsor and provide a venue for a forum in May 2014.

• **Mark Plotkin** is a local journalist on politics and avid advocate for DC statehood. The California Top Two primary system interests him because everyone has a say in who gets to run in the general election. He would like reports on whose name is written in on ballots. He is concerned that young people who are increasingly Independents cannot vote in the primaries.

• **Norman Ornstein**, Resident Scholar at the American Enterprise Institute, focuses his research on the US Congress, voting, and elections. He is a contributor to several news outlets, including The Atlantic and BBC News. He favors a Constitutional right to vote, weekend elections, Voter Centers, and other innovations to increase voter participation and good election outcomes.

• Fair Vote staff interviewed include **Grace Ramsey**, **Amanda Gaynor**, and Executive Director **Rob Richie**. They explained how Ranked Choice Voting (also known as Instant Runoff Voting) works and noted advantages including encouragement for women candidates who are more comfortable campaigning in the more civil environment Ranked Choice Voting promotes.
• **David Grosso**, At-Large Council Member, introduced 2 relevant bills in March 2014. One is the *Instant Runoff Voting Amendment Act of 2014*, and the other is the "lean Hands Elections Reform Amendment Act of 2014.

**FairVote’s Promote Our Vote Organizing Workshop**

On January 31, 2014, Nichols and Beebe attended this workshop, which was packed full of information. Among the topics covered were the following:

- **Expanding Suffrage**—noncitizen voting, lowering the voting age, restoration of voting rights
- **Local Democracy Resolutions**—resolutions on money and politics, right to vote resolutions, advancing a resolution, automatic voter registration
- **National Right to Vote**—strengthening the Voting Rights Act, constitutional right to vote, local strategies for national change
- **Presidential Election Administration Commission**—recommendations from the Presidential Voting Commission, upgrading voter registration, data wrangling, poll worker management and digital outreach, promise of automatic voter registration

Other topics included state and local issues, DC voting rights, campus action, fair representation voting, ranked choice voting, and representation of women.

**Searching for the Voter’s Voice: DC Election Options Forum**

On May 28, 2014 LWCDC produced a forum on election options for DC with co-sponsors the David A. Clarke School of Law, DC Appleseed, and DC Vote. The Forum featured **Deborah Nichols**, Chair of the DC Board of Elections with **Clifford Tatum**, the Board’s Executive Director; **Rob Richie**, Executive Director of FairVote; **Peter Rosenstein**, journalist and former Chair of the Board of Trustees for the University of the District of Columbia. Council Member **David Grosso** was detained because of votes on the District Budget; he was represented by his Chief of Staff Dionne Calhoun. Kathryn Ray, Immediate Past President of LWVDC, moderated the panel discussion. Following 15-minute presentations by the panelists, a substantial audience submitted questions in writing. A report on the panel by League member Ken Nesper can be found here: [http://lwvdc.org/files/dcvoter-july-web.pdf](http://lwvdc.org/files/dcvoter-july-web.pdf).


**Questions for the League to Consider**

As they reviewed the data from their research, the criteria to be used in reaching consensus, and League positions, Nichols and Beebe formulated three questions:

1. Should the District continue its current system of plurality winner-take-all or move to requiring a majority vote for election?
2. Should the District employ Ranked Choice Voting to achieve a majority or should the top two candidates be presented in a separate election?
3. Should the District continue to use a Closed Primary or move to an Open Primary or a Top-Two Primary?

**Study Guide and Discussion Meetings**

In early November the task force completed a 34-page study guide, which included several background papers—data gathered in the task force’s research, types of primaries and voter registration by state, an explanation of Ranked Choice Voting and second-round primaries, vote fraud and manipulation, results of a member survey conducted in September, becoming a candidate in 12 cities, and relevant positions taken by other Leagues. The guide concluded with an eight page discussion paper on the questions to be considered. Potential advantages and disadvantages were presented for each option. The full guide can be found here: [http://lwvdc.org/files/Study_Guide_Elections_2014.pdf](http://lwvdc.org/files/Study_Guide_Elections_2014.pdf). The study guide was posted on the website and sent snail mail to those who have not provided an email address.

To encourage as many members as possible to participate, discussion meetings took place on three different days at different times. The first was Thursday evening, November 13; the second meeting was Saturday morning, November 15; and the third meeting was on Wednesday morning, November 19th. Each meeting featured lively discussion of the issues. Altogether, about 25% of the membership participated in the discussion meetings.

**Consensus Meetings**

The task force set the same pattern for these meetings with the first taking place Thursday evening, January 15th; the second on Saturday morning January 17th; and the third on Wednesday morning January 21st. About 28% of the membership took part in the consensus meetings. Again, the discussions were lively with many points of view expressed on different aspects of the elections process. Members were good, however, about sticking to the questions at hand. We had agreed we would reserve time at the end of each meeting to put forth ideas that might warrant further study.

In preparation for the consensus meetings, members received a four page document outlining the options and providing brief background comments on each question. The agenda for the meetings included an abbreviated version of the questions (see Attachment A), and a recap of events that had occurred following the November meetings.

To demonstrate how Ranked Choice Voting works, attendees were asked to complete a ballot to choose one single flavor of ice cream for a social. They were asked to mark their first, second, and third choices. Then the votes were tallied as a Ranked Choice election would be.

Although the discussions varied somewhat, the outcomes were essentially the same in all three meetings. The consensus for Ranked Choice Voting was strong. Some members had preferred to keep the current system of requiring only a plurality to win an election, but in the end the consensus of each group was that Ranked Choice Voting provides the voter with more voice in the outcome.

This study began with the idea that the League should take a careful look at the current primary system and determine if the Closed Primary should be replaced with something else. As the study and discussions evolved, however, there was no clear consensus. Some members much preferred the current Closed Primary, likening it to a family discussion. Yet the Top Two Primary that is now used in California and
Washington State intrigued them as well as those who leaned toward more open primaries. Wanting to learn more about it and the related Top Four Primary, members agreed to put the Top Two and Top Four on our list of potential topics for further study.

**Potential Future Study Subjects**

Members listed several items that might be considered for additional study:

1. Further review of the Top Two and Top Four primary system—Top Four is an alternative that some have suggested because the Top Two does not go far enough, in some minds, to opening general election candidacies to minor parties.

2. Lowering the voting age to 16—two jurisdictions in Maryland (Takoma Park and Hyattsville) have done this. Young people at this age are still at home and interested in their communities. There is some evidence that forming the practice of voting at a young age portends a lifetime of voting.

3. Financial disclosure for candidates—many other jurisdictions have financial disclosure laws, some quite stringent, for major offices. The District currently has a Campaign Finance law, but disclosures of financial dealings are not required.

4. The petition process to get on the ballot—currently someone seeking to be on the ballot for a city-wide office need not get signatures from all 8 wards. There is a numerical requirement, but not one for distribution of the signatures.

Respectfully submitted,
Linda Beebe and Abigail Nichols
Meeting Agenda

On arrival—cast ballot for Ice Cream Social choices.

1. Welcome—Review of Agenda and Consensus Process
   How we will structure the meeting. Quick review of current positions.

2. Quick Review of November Discussion Meetings

3. Question #1—Plurality or Majority Requirement
   a. Should LWVDC take a position on requirements?
   b. Is continuing the current plurality requirement preferred?
   c. Or should LWVDC support a specified plurality such as 40% or 45%?
   d. Or should LWVDC support requiring a majority vote to win?

4. Question #2—How to Achieve a Majority. If the consensus supports a majority requirement, some provision for reaching a majority in each election will be necessary.
   a. Tally the Ice Cream Social Ranked Choice Voting. (Ranked Choice is sometimes called Instant Runoff Voting.)
   b. Should LWVDC adopt a position choosing between instant runoffs and subsequent runoff elections?
   c. Should LWVDC support Ranked Choice Voting as a means to assure a majority outcome from the primary?
   d. Should LWVDC support a second round subsequent election to determine the candidate to be on the general election ballot?

5. Question #3—Ranked Choice Voting Without Changing the Rules. If the consensus supports retaining the current “winner take all” plurality rule, Ranked Choice Voting could still be an option to provide greater voter input.
   a. Having opted not to support a change to a majority requirement, should LWVDC take a position in support of Ranked Choice Voting?
6. Question #4—Type of Primary to Support
   a. Review of Types of Primaries
   b. Should LWVDC take a position on primaries?
   c. Should LWVDC support the current practice of closed primaries?
   d. Should LWVDC support adoption of an open primary.
   e. Should LWVDC support adoption of a Top 2 or Top 4 primary?
   f. Do we believe that changing the primary structure would increase voter participation?

7. Question #5—Further Study on Other Elections Processes?
   a. Should LWVDC study other aspects of election processes with the hope of reaching consensus?
   b. If the consensus is yes, what processes would the group suggest for further study? Review “Parking Lot” items.

8. Review of Notes from Discussion

9. Other Consensus Meetings

10. Close of Meeting

Events Occurring After LWVDC November 2014 Discussion Meetings:

1. On December 1 and 8, the Council vacancies for Wards 4 and 8 were certified. Nominating petitions for the April 28 election were available December 8th. As of January 12, 18 potential candidates had picked up petitions for Ward 4 and 27 for Ward 8.

2. On 12/17/14, the DC Council voted to move the 2016 primary to June and to hold the 2018 primary in September. Their hope is to improve on the dismal voter turnout experienced in April 2014. A September primary would preclude use of a second round runoff as it would violate the Military and Overseas Voter Empowerment Act of 2009. (Absentee ballots must be provided at least 45 days in advance of an election.)

3. On 1/6/15, Councilmember David Grosso reintroduced his Instant Runoff Voting bill together with Ward 3 representative Mary Cheh and At-Large representative Elissa Silverman. The bill is co-sponsored by Ward 6 representative Charles Allen. (B-21-0002) This is a follow-on to the bill he introduced on 3/4/14 (B-20-0716). That bill languished in committee without any hearing.

4. On 1/10/15, the Washington Post published an editorial praising the Grosso bill and calling for its adoption. The editorial was the fourth pro-Instant Runoff editorial that the Post has published since April 2013.