

From: <acilek@att.net>
To: <CharterReview@cityofsacramento.org>
Date: 12/3/2009 5:27 PM
Subject: FW: Re: TO THE CHARTER COMMISSION

----- Forwarded Message: -----

From: "Mark Prestwich" <MPrestwich@cityofsacramento.org>
To: <acilek@att.net>
Subject: Re: TO THE CHARTER COMMISSION
Date: Thu, 03 Dec 2009 16:17:23 +0000

Good morning Mr. Cilek,

As you likely know, Sacramento has a Charter Review Committee that is examining ranked choice voting. All correspondence received in their email account - CharterReview@cityofsacramento.org is transmitted to the Committee at their next scheduled meeting.

I appreciate having received your email but believe you likely intended it for the Committee. As such, please send a duplicate email to the Charter Committee and staff will arrange to transmit the material/information to the Committee.

Thanks!

Mark Prestwich
Special Projects Manager
City of Sacramento
Office of the City Manager
915 I Street, 5th Floor
Sacramento, CA 95814
T: (916) 808-5380
F: (916) 808-7618
mprestwich@cityofsacramento.org

>>> 12/2/2009 10:14 PM >>>

Dear Mark,

Here is one of our anti-IRV OpEd's.

thanks,

Andy Cilek
Minnesota Voters Alliance
www.MNVoters.org

IRV is being billed as a "new" idea in elections which will save Democracy. Its advocates vociferously declare its ability to empower voters, guarantee majority winners, save money, solve the "spoiler" problem, increase debate, provide more choices and make elections more fair. So what is this "new" idea that will bring "fairness" to

our elections?

It's a preferential voting system called Instant Runoff Voting (IRV) that has been around for over 100 years. It comes in various forms and counting methods, but it is merely a vote-ranking system in which voters rank candidates in order of preference rather than picking just one.

The people pushing this idea are generally left of center activists, primarily FairVote, New America Foundation, the League of Women Voters, and others who are upset with the so-called "third party spoiler effect." The real objection is that minor candidates draw votes from their favorite candidates - such as Ralph Nader siphoning votes from Al Gore.

Third party candidates who enter a given field have every right to do so, and even though they may not be as popular, they actually can strengthen elections as more popular candidates have to work harder to earn voter support.

The "majority" issue is a major bugaboo for the pro-IRV crowd, but it's completely unfounded because IRV does not guarantee a majority. Exhausted ballots, those ballots where voters may have only ranked one candidate who was later eliminated, are not counted in the denominator in the final round. Thus, any claims of IRV guaranteeing a true majority winner are simply false and misleading.

In Aspen, Colo., council candidate Michael Behrendt got defeated by 75 of his own supporters who were doing their best to support him by ranking him first. Two independent analysts calculated that if Behrendt had had the foresight to ask 75 of his supporters to rank him second instead of first, he could have won.

IRV advocates tout the fact that it will save money by reducing election costs because it eliminates primaries. In a recent Pierce County, Wash. IRV election, they saw election costs double using IRV, according to County Auditor Jan Shabro. Minnesota State Sen. John Marty has a bill in the Senate to make IRV the election format for all elections statewide, both primary and general, so this argument is a little disingenuous in the first place.

Proponents claim IRV will invigorate debate. Eliminating IRV actually shuts off debate. In the recent Minneapolis mayoral election, there were 11 candidates. R. T. Rybak, an IRV supporter and winner, failed to engage in even one debate.

Proponents contend that the Minnesota Supreme Court just ruled IRV constitutional. A careful reading of the opinion will reveal that it merely found that the requirements of facial claims were not met. Constitutionality was not decided one way or another, which means future "as-applied" challenges — after an election — are still very much in play.

In oral arguments, sadly, Chief Justice Eric J. Magnuson displayed his lack of understanding of the issue by comparing IRV to buying ice cream: "If they don't have your first choice you get your second choice."

This analogy is completely misguided. First, if a choice isn't available, it's not on the menu. Secondly, the issue is not what choices are available, it's how your choice can be affected by the choices others make. A better analogy would be a process that allows other customers to choose your ice cream for you.

This is the essence of the main argument against IRV – your vote can be changed in its value and effect by the votes cast by others. Evidence presented to the court prompted Magnuson to admit “that (in IRV) a voter cannot be sure that his or her vote for a candidate will help, rather than hurt, that candidate.”

In a recent close race in Aspen, Colo., council candidate Michael Behrendt got defeated by 75 of his own supporters who were doing their best to support him by ranking him first. Two independent analysts calculated that if Behrendt had had the foresight to ask 75 of his supporters to rank him second instead of first, he could have won.

Just as disturbing, some ballots in IRV can carry more weight than others depending on the makeup of the candidate field. For example, in the Minneapolis 11th ward council race earlier this month, there were three candidates; two democrats and one republican, identified as such on the ballot. It doesn't take a rocket scientist to see that some voters may end up with the short end of the stick in such an election.

Examples like this are what prompted the 1915 Minnesota Supreme Court, *Brown vs. Smallwood*, to state: "We do right in upholding the right of a citizen to cast a vote for the candidate of his choice unimpaired by second and additional choice votes cast by others." IRV violates this fundamental franchise right.

This battle is far from over. The Minnesota Voters Alliance is planning to file an “as applied” constitutional challenge once the Minneapolis results are in. It should also be noted here that IRV was passed, by a slim margin, in St. Paul and the IRV folks were fined \$5,000 for stating false claims of supporters on their mailers. However, the election results were allowed to stand.

Also, voters in several cities, including Aspen, Colo. and Pierce County, Wash. recently threw out IRV after using it in only one election. It has been a disaster in every city that has used it. Voters in every city should fully investigate IRV and not simply accept the word of self-interested activist groups and politicians. We believe that once IRV is fully understood, the people and the courts will ultimately reject it.

Andy Cilek is the executive director of the Minnesota Voters Alliance. For more information visit www.MNVoters.org.