



VOTERS Choose

REFORMING ELECTIONS IN CALIFORNIA

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Executive Summary

In this report, Voters Choose proposes a bold and pragmatic solution to confront the impending threat of mandated, costly changes to many elections in California. The proposal is cost-effective and satisfies the framework of the California Voting Rights Act (CVRA) on the people's terms, not a court's. In the past decade, cities across California have abandoned at-large elections, and adopted ineffective district models in their place. Even in localities that comply with demand letters from these outsiders, the city or school district must reimburse an author up to \$30,000 for research on racial polarization in electoral patterns. Thus, the law has forced cities into lackluster compromises at the expense of their financial health and their residents.

But cities can do things in a different and better way that represents its citizens. Voters Choose has an electoral reform that optimizes representation for California's cities 1) geographically, where representatives are accountable to an area; 2) ideologically, where representatives respond to their constituents' interests; and 3) descriptively, where representatives themselves represent the demographics of the community.

Rank and Add Voting allows individual voters to rank a set of candidates (1st, 2nd, 3rd, etc.), at which point each ranking gets a point value (1st=1 point, 2nd=1/2 point, 3rd=1/3 point, etc.) and the sums determine the winner. All of this can be achieved in an easy, affordable way; no other system improves the quality of elections and ensures the city council can maintain the public's confidence for years to come. In short, it balances key priorities of a government, which includes representing the voices of minorities, but also giving moderates the chance to win broad, popular majorities. The Rank and Add system proposed here yields results that satisfy both current laws and fair representation of voters' nuanced preferences through elegant simplicity.

Background Information: The Problem

A. Elections in California

Most California cities still elect their representatives with a variation of the Block Voting System. Simply put, this system elects multiple representatives (typically 3 each presidential cycle and 2 each midterm election) to a governing body, where voters can “check-mark” as many candidates as are the number of seats up for election.¹ It uses at-large campaigning to encourage candidates to appeal to the whole community, and still allows people to vote for individual candidates in order to make elections non-partisan.

Block Voting served two key purposes for its first adopters. First, as noted, it allowed them to make elections nonpartisan. At the same time, it also achieved a race-motivated goal for many of them because, in lieu of party candidates in district-based elections, they could curate a “Good Government” slate for majority-white cities.² These slates made it easy to ignore the political minority’s voice, often African-American; if half plus one of the population check-marked five candidates into office consistently, there was not much the other half minus one could do.³

The fact that any political majority can employ this strategy often makes Block Voting ideologically, descriptively and (potentially) geographically unrepresentative. If liberals and conservatives live in different parts of a city or look different from each other, slates can carve out a winning majority in the city and ignore other groups. If the political majority shifts, a council could also entirely shift. For example, the council could go from being unanimously conservative to unanimously liberal with as little as a 1% shift in voters’ opinion.

A major reason for this misrepresentation is that independent, non-slate candidates have to corral supporters to “bullet vote” (only check-mark their name) to have a fighting chance. Just like voting for a “slate,” this is strategic voting, because voters have to choose candidates they may not like just so “the other side” does not win seats. The downside of this strategy is that independent candidates’ supporters cannot vote for other candidates they like. These weaknesses explain why, not only does this strategy restrict their choices, then, but slate candidates are even *less* likely to listen to them, which

¹ Andrew Reynolds, Ben Reilly, and Andrew Ellis. *Electoral System Design: The New International IDEA Handbook*, 1st ed. (Stockholm, Sweden: Trydells Tryckeri AB, 2005), 9.

² Chandler Davidson and George Korbel. “At-Large Elections and Minority-Group Representation: A Re-Examination of Historical and Contemporary Evidence.” *The Journal of Politics* 43, no. 4 (Nov., 1981): 986, https://www.jstor.org/stable/2130184?seq=1#metadata_info_tab_contents.

³ See George Pillsbury, “The Bias of At-Large Elections: How It Works.” Nonprofit VOTE, August 16, 2017, accessed October 5, 2018. <https://www.nonprofitvote.org/bias-large-elections-works/>.

makes the slate/non-slate divide even stronger. Bullet voting is another reason why many voters, especially minority communities, feel disenfranchised under Block Voting- they are fighting an uphill battle to get one representative to care about their priorities. This dynamic is also unfair to candidates, who lack a clear path to victory when there are innumerable ways for extremists or “partisans” to game the system.

For all these reasons, Block Voting is under siege across the state, and why cities who keep it face challenging times ahead.

B. District-Based Elections and the California Voting Rights Act

The California legislature proposed its solution to disenfranchisement in the California Voting Rights Act (CVRA) of 2001. This law bans the use of at-large elections when “protected classes” have low impact on electoral outcomes. In its place, communities have to use a by- or from-district trustee model, where individuals run respectively within or from specific areas to represent them.⁴

Throughout California, hundreds of cities have changed their elections under the threat of litigation under the CVRA, or have fought their lawsuits unsuccessfully. In all these communities, plaintiffs win cases on the argument that the governing bodies were not reflective of the community’s racial and ethnic demographics.⁵ Even when minorities have won office in a particular year, courts still have the precedent to rule that Block Voting is systematically unfair and change the system anyway.⁶ When cities receive these demand letters, even if they voluntarily comply, they still must reimburse the complaining attorney \$30,000 to avoid a multi-million dollar lawsuit.⁷

District-based elections rarely benefit cities or their communities. First, districts can incentivize elected officials to prioritize their districts’ concerns over those in their city. If councils draw districts that are each racially or ethnically homogeneous, then councilmembers in districts may also struggle to work together across those divides to work on city-wide issues.

Second, districts rarely equalize representation. If a minority community primarily lives in one area of a city, like the old segregated South, that group

⁴ For more of a thorough explanation, see A.B. 182, Sess. of 2015 (Alejo. 2015), https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB182

⁵ Chris Haire, “Local voting in historic upheaval as cities change how officials are elected,” *The Orange County Register*, October 23, 2016, <https://www.ocregister.com/2016/10/23/local-voting-in-historic-upheaval-as-cities-change-how-officials-are-elected/>

⁶ *Ruiz v. City of Santa Maria*, 160 F.3d 543 (1998).

⁷ Susan Christian Goulding, “Tustin Unified approves by-area elections of school board members,” *The Orange County Register*, May 16, 2017, <https://www.ocregister.com/2017/05/16/tustin-unified-approves-by-area-elections-of-school-board-members/>

may have power to elect representatives.⁸ But many groups are not segregated enough to benefit from districts; in California, these include Asian- and Hispanic-Americans, women, and young people.⁹ In many California cities, some segregation exists, but racial groups have members in all corners of a city.¹⁰ Putting districts in these places would oversimplify representation.

Third, it is more likely that voters will have fewer candidate choices in their districts. A single-seat election usually becomes a contest between two parties or “major” candidates, and the people that choose the losing one “waste” their votes because they do not contribute to anyone’s victory.¹¹ Only candidates with the most resources behind them, like name recognition and money, can hope to become one of these “major” candidates. As a result, not only will few new voices emerge in districts, but these people will not likely come from unrepresented communities.

For these reasons, we find communities would be better off avoiding district-based elections. However, with all the flaws of Block Voting and the requirements of the CVRA, we do not find it wise for most cities to keep their electoral rules, especially since no lawsuit has failed. Instead, cities can look for new electoral systems that guarantee community representation. We next explore two systems that offer that solution, but then fall short in promoting fair competition and quality representation.

C. Other Electoral Reforms

Two electoral reforms have operated legally within the CVRA. Because they are the current alternatives to district- and at-large elections, we will explain how they work, their upsides and their downsides, and our net analysis. However, they are also key because they demonstrate that Rank and Add can exist alongside district-based elections, and because they motivated us to look for better solutions.

The first is called the Alternative Vote (AV)—it allows voters to rank candidates (like Rank and Add)—but counts all the ballots in a series of rounds. If no one hits a defined threshold—typically 50%—then the candidate with the fewest first-place votes is eliminated, and the votes he or she received are

⁸ David Lublin and Shaun Bowler, “Representation of Ethnic Minorities,” Oxford Handbooks Online., Sep. 2017, 6. (Oxford, U.K.: Oxford University Press, 2015). DOI: 10.1093/oxfordhb/978190258658.013.26

⁹ Ibid.

¹⁰ Juan Onésimo Sandoval, Hans P. Johnson, and Sonya M. Tafoya. “Who’s Your Neighbor? Residential Segregation and Diversity in California,” edited by Hans P. Johnson. *Public Policy Institute of California* 4, no. 1 (August 2002): 1-19.

¹¹ Gary W. Cox, “Strategic Voting in Single-Member Single-Ballot Systems,” in *Making Votes Count: Strategic Coordination in the World’s Electoral Systems* (Cambridge: Cambridge University Press, 1997), 76.

transferred to the candidate(s) his or her voters marked second.¹² It is currently used in San Francisco and Oakland for single-seat elections but could apply city-wide in what is called the Single Transferable Vote (STV).¹³ These systems try to create ideological representation by guaranteeing a voter that, if their first-placed candidate is not elected, their vote will apply to latter-ranked candidates in later rounds.¹⁴

When these transfers eliminate candidates, though, they also eliminate the ballots of voters who only voted for one person, a phenomenon called “ballot exhaustion,” which has occurred on average between 15-25% of ballots in elections.¹⁵ This makes it challenging for independent candidates to run because there is no easy path to ensure 2nd and 3rd rankings will benefit them. By contrast, a slate of candidates can instruct voters to align their preferences in a certain way to guarantee a fully-useful transferring. As in Block Voting, these slates can dampen the ability to achieve all forms of representation in a city council. It does not help representation of minority communities that, in places that use AV, nonwhite communities are the most likely to rank less than the full array of choices.¹⁶ Moreover, AV has made communities less likely to vote across racial backgrounds, because AV slates (like Block Voting slates) campaign within groups.¹⁷ Combined, this means that, while the Alternative Vote does not technically promote any disenfranchisement, it likely is not much of an improvement from the status-quo, and costly to implement.

The other reform is called Cumulative Voting, which allows voters to distribute a set number of points among candidates and serves another alternative after a district court recently ordered Mission Viejo to begin using it.¹⁸ Like the CVRA’s district voting, cumulative voting was offered as a solution to minority under-representation in the city. However, in the process, it can undermine ideological representation in the process. As the reform’s main advocate admitted, and UCI Irvine Professor Donald Saari confirmed, a voting

¹² Craig M. Burnett and Vladimir Kogan, “Ballot (and voter) “exhaustion” under Instant Runoff Voting: An examination of four ranked-choice elections,” *Electoral Studies*, vol. 37. (Elsevier, 2015), 42.

¹³ Burnett and Kogan, 44-45.

¹⁴ Burnett and Kogan, 42.

¹⁵ Burnett and Kogan, 42.

¹⁶ Francis Neely, Lisel Blash, and Corey Cook. “An Assessment of Ranked-Choice Voting in the San Francisco 2004 Election Final Report.” FairVote. May 2005. Accessed May 13, 2020. http://archive.fairvote.org/sfrcv/SFSU-PRI_RCV_final_report_June_30.pdf.

¹⁷ Jason McDaniel. “Does More Choice Lead to Reduced Racially Polarized Voting? Assessing the Impact of Ranked-Choice Voting in Mayoral Elections.” *California Journal of Politics and Policy* (2018): 1-24. DOI: 10.5070/P2cjpp10241252.

¹⁸ Alicia Robinson, “Mission Viejo will go its own way with new ‘cumulative voting’ system.” *Orange County Register*, July 30, 2018, <https://www.ocregister.com/2018/07/30/mission-viejo-will-go-its-own-way-with-new-cumulative-voting-system/>.

bloc on the political extreme gains an advantage with this system, because they can put all their points behind a candidate- a form of bullet voting.¹⁹ While Block Voting over-represents the majority, Cumulative Voting over-represents minority populations, including *all* extremist groups.

The Solution: Rank and Add Voting

Our analysis builds off of three electoral principles.²⁰ First, an electoral system must promote geographic representation by giving independent candidates a real chance of victory. Electoral systems should not stop new voices from unrepresented communities from having a voice. Second, it must ensure that all parts of a city are represented- in other words, that the 50%+ ideological majority should have a majority seats on a council. Third, to create descriptive representation, minority candidates need the flexibility to aggregate support from their communities, no matter where they live in the city. In the next sections, we explain why Rank and Add fits these criteria.

A. The Borda Count Family

The Borda Count (BC) family, especially Rank and Add, represents voters in a simple, easy-to-use format. A weighted ranked-choice voting method, BC systems allow voters to order candidates, where each ranking (1st, 2nd, 3rd, etc.) has a point value.²¹ Figure 1 outlines the typical ways the points can work:

Figure 1: Rank and Add Voting Typology (N=Total Preferences)

Ranking	Standard #1	Standard #2	Rank and Add Voting
1	N	N-1	1
2	N-1	N-2	1/2
3	N-2	N-3	1/3
4	N-3	N-4	1/4
5	N-4	N-5	1/5
N	1	0	1/N

¹⁹Ibid.

²⁰Martin Wisckol and Susan C. Goulding, "Long-conservative Tustin now tilts Democrat." Orange County Register, August 16, 2016, <https://www.ocregister.com/2016/08/16/long-conservative-tustin-now-tilts-democrat/>.

²¹William Poundstone, *Gaming the Vote: Why Elections Aren't Fair (and What We Can Do about It)*, 1st ed. (New York: Hill and Wang, 2008), 140.

We will note that, despite the differences, they produce similar results most of the time, provided that the number of rankings remain fairly small (i.e. under 10). Otherwise, since the standard types are equally-spaced apart, they resemble the Block Voting method with a large number of rankings (e.g. when the 1 ranking is (26/25) times more valuable). With that said, it is important that voters have the option to rank multiple candidates, or else everyone is not much better off from First Past the Post.

All Borda Count methods give voters the most-comprehensive voice in elections. Scholars report that BC elections tend to produce victories for the “most widely supported candidate, or the most broadly acceptable option...[i.e.] the least unpopular.”²² That means that a voter’s rankings are more likely to correspond to the candidates who end up winning seats. That is because each point value, no matter the system, is fixed to a ranking in advance. Broadly-palatable candidates also tend to be centrists in these systems, so a positive byproduct is that the democratic voice in this system makes a functioning, stable government easier and more likely.²³ It also results in more people being represented by their elected officials, where more people end up voting for the candidates who win. This improves satisfaction with the outcome and trust in the government, and that officials will be more accountable, which means this solution is positive for the democratic majority. Citizens will be able to continue electing the candidates they preferred before the reform, but under rules that are more representative.

In addition, Borda Count levels the playing field for independent candidates. As we showed, slates have a built-in advantage in most electoral systems because candidates within slates have an incentive not to compete with each other, and to focus their attention on beating “the other side”. That is what gives rise to strategic voting. In Block Voting, for example, it does not matter how popular each candidate in a slate is because check-marks equal one point. The best strategy, therefore, is to ask the slate’s base to support every candidate to guarantee them all victory.

In Borda Count, by contrast, all the rankings count at once and have different values. Therefore, even if candidates decide to partner with each other, there is a benefit to 1) being the most popular and 2) earning lower rankings from voters outside the partnership’s base. Minority communities

²²Benjamin Reilly, “Social Choice in the South Seas: Electoral Innovation and the Borda Count in the Pacific Island Countries,” *International Political Science Review* 23, no. 4 (October 2002): 361, <https://doi.org/10.1177/0192512102023004002>.

²³ Reilly, 361.

have the choice to bullet vote, but they also receive a guarantee that, when they give a candidate a 2nd or 3rd ranking, those candidates will have policies that benefit them.

In effect, by itemizing all the rankings and making them separate point values, Borda Count evens the playing field for independents and slates to compete with each other. When elections are about aggregating voter preferences, candidates can run as independents by earning support from their communities and, even better, by cutting across community boundaries and gaining support from a diverse set of people. At the same time, a democratic majority has a strong voice, because it can hold its slates to account, and vote outside of them if they are not delivering on its priorities. This dynamic lets voters state their true top choices much more often, and makes elections more of a competition for the best ideas and candidates.

B. Examples

Several case studies in diverse societies prove that all Borda Count methods can function well in a diverse range of California cities. Three countries use it for at least some part of their national elections: Kiribati, Nauru, and Slovenia. Kiribati and Slovenia both use the Standard #1 method for tabulating, while Nauru uses the Rank and Add method.²⁴ In Kiribati, members of the I-Kiribati parliament use the Standard #1 of Borda Count to select the four candidates that voters will pick from to become president (a complicated system, to be sure). Slovenia uses the first standard again for the election of two seats reserved for the country's Hungarian and Italian ethnic minorities,²⁵ signaling their belief that Rank and Add Voting provides better descriptive Representation and consensus-based politics. In addition, a major new Spanish party, Ahora Madrid, utilizes the Rank and Add method for all their primary candidates.²⁶

Nauru appears the best-functioning case of Borda Count. A small island country in the Pacific Ocean, Nauru uses the Rank and Add method to select multiple candidates for multiple seats, like an at-large city council race. There, they have seen the election of moderate candidates under this system and have had “democratic longevity with a high degree of social pluralism” (i.e. a large number of competing groups and factions).²⁷

²⁴ Reilly, 367; Jon Fraenkel and Bernard Grofman, “The Borda Count and Its Real-World Alternatives: Comparing Scoring Rules in Nauru and Slovenia,” *Australian Journal of Political Science* 49, no. 2 (April 3, 2014): 202, <https://doi.org/10.1080/10361146.2014.900530>.

²⁵ Fraenkel and Grofman, “The Borda Count and Its Real-World Alternatives,” 196.

²⁶ Cecilia Nicolini and Quinton Mayne. 2019, Feb. “Disrupting the Party: A case study of Ahora Madrid.” Accessed March 2019.

²⁷ Reilly, 369; Fraenkel and Grofman, “The Borda Count and Its Real-World Alternatives,” 198.

In the US, Borda Count is primarily practiced in non-governmental organizations. Today, it determines the winner of the Heisman Trophy, the MLB MVP Award, and even the Associated Press's College Football rankings.²⁸

Significantly, with Voters Choose's advocacy, Harvard College's student government, the Undergraduate Council (UC), implemented the Rank and Add method for its legislative and presidential elections in the fall of 2018, replacing (respectively) STV and AV contests.²⁹ For every election after that, turnout consistently increased and reversed a downward trend.³⁰ Post-reform, councils matched the student body's demographics accurately.³¹ In 2018, for example, 43% female and 57% non-white representation corresponded well to a majority-minority school. Rank and Add also helps candidates with broad, moderate public appeals.³² Many students chose to rank multiple candidates, leading the head of the Harvard Open Data Project to comment that "strategic voting is not happening" with Rank and Add in the 2018 UC presidential elections.³³

These results lead us to believe that we can expect more voter participation and engagement in future California Borda Count elections, especially under the Rank and Add method. The absence of strategic voting indicated that voters typically have a variety of preferences that are not married to parties or slates. Rank and Add gives voters the flexibility to associate with candidates who might carry another label or identity, but with whom they can align on at least some policy issues. The Harvard elections signal that this will result in ideological and descriptive representation for all communities, because female and minority candidates won in record numbers through these broadly-palatable channels.

In this section, we laid out our case for Rank and Add's ability to represent a community in many different ways. We will now discuss and attempt to address questions and concerns that, as a city member or leader in California, you may have about implementation. These include information about using

²⁸ "Borda's Method: A Scoring System." Lecture. Accessed March 2018.

[https://www3.nd.edu/~apilking/Math10170/Information/Lectures/Lecture-2.Borda Method.pdf](https://www3.nd.edu/~apilking/Math10170/Information/Lectures/Lecture-2.Borda%20Method.pdf).

²⁹ Jonah S. Berger, "Undergraduate Council Adopts New Voting Method for Elections," *The Harvard Crimson*, September 10, 2018, <http://www.thecrimson.com/article/2018/9/10/uc-voting-system/>.

³⁰ Kevin R. Chen and Laura C. Espinoza. "45 Students Win seats on Undergraduate Council," *The Harvard Crimson*, September 21, 2019, accessed March 1, 2020. <https://www.thecrimson.com/article/2019/9/21/uc-election-results-2019/>.

³¹ Berger 2018.

³² Kevin R. Chen. "Matthew and White-Thorpe Win US Presidential Election," *The Harvard Crimson*, November 15, 2019, accessed March 1, 2020. <https://www.thecrimson.com/article/2019/11/15/mathew-white-thorpe-elected/>; Camille G. Caldera and Michelle G. Kurilla. "Undergraduate Council President and Vice President Tickets Debate Campaign Platforms," *The Harvard Crimson*, November 11, 2019, accessed March 1, 2020. <https://www.thecrimson.com/article/2019/11/11/uc-debates-2019/>.

³³ Jonah S. Berger, "Harvard Open Data Project Predicts Palaniappan and Huesa Will Win UC Race," *The Harvard Crimson*, November 15, 2018, <http://www.thecrimson.com/article/2018/11/15/2018-open-data-project-uc/>.

and financing Rank and Add elections, as well as meeting legal requirements in the state.

Implementation

A. Financial Information

We have done our part to research what it might cost to implement Rank and Add for future city council elections. First, research suggests that other ranked-type elections have not cost cities significantly more to administer in the short- or long-term, compared to at-large or district elections.³⁴ While there was an increase in expenses of about \$0.42 per voter on average across RCV cities during the first electoral cycle of implementation, cities saved about \$0.20 per voter on average each electoral cycle thereafter (because they reduced the number of run-off and off-cycle elections). Since Voters Choose uses a ranking process that adds points, we expect the technology and labor costs would be lower than this, and (depending on your city's implementation scenario) some long-term savings, too.³⁵

Cities could also save most on Rank and Add's costs by running all of its seats at large at once. In Block Voting elections, there is a justified hesitation towards running elections fully at-large, because slates can make outcomes unrepresentative and governments may be unstable. Slight shifts in the political majority can shift 100% of the seats to a different community faction.

Rank and Add removes these concerns, because, as we mentioned, slates are less advantageous, and because there is a unique moderating tendency in the system. The more seats there are up for election, the more representative elections become and the more stability in governance they bring. In addition, as we discuss in the next section, running more seats at once lets city councils ensure that minority communities can compete fairly and receive representation.

B. Legal Information

In this section, we offer our summarized take on two legal questions about Rank and Add: how a California city can implement Rank and Add, and how Rank and Add meets the requirements of the California Voting Rights Act. Our organization does not offer or intend this as legal advice, and a city attorney should independently evaluate the issues raised in this section.

³⁴ Christopher Rhode, "The Cost of Ranked Choice Voting," The Ranked Choice Voting Resource Center (2014): 2, <https://esra.wisc.edu/papers/Rhode.pdf>.

³⁵ For more information, see Esteban Gutierrez et. al. "Financing a Rank and Add Election." *Reforming the Tustin City Council's Electoral Rules*. (Tustin, CA: Voters Choose, 2020).

The clearest way we see a general law city adopting a Borda Count method is to pass an Article II charter for its bylaws. A charter version of Article II would allow the City to amend its electoral laws exclusively and align with the State on all other issues, which keeps the political scope of this proposal purposefully narrow. The California Constitution says that cities can adopt these charters in two steps. First, a governing body proposes a charter, and then the public approves it by majority vote, like any other city measure.³⁶ Charter cities can perform the same process, too, through whatever process they allow themselves to adopt charter amendments.

Should the public decide to adopt the proposal, we expect that your city will not face any further legal obstacles. According to Electoral Law Professor Nicholas Stephanopoulos at Harvard Law School, and confirmed by our research, the existing body of cases against other ranked-choice voting systems have never overturned a government's or populace's decision to implement election reform in their community. Court precedent also suggests that Article II charters are completely legal ways to experiment with better forms of representation.³⁷

When ensuring the second question, our first point is that Rank and Add ensures a minority community can elect members to city government. The simple test is whether a city is such that, for N seats available and k points available to each voter from all the rankings, the biggest community in a city is less than N/k times greater than the minority community. If it is, then if the minority community puts its #1 rankings behind one candidate, no other group can keep that community from electing at least one representative. This is what makes strategic voting least likely in Rank and Add elections. When minority communities can ensure themselves some representation, all candidates might seek their support; and when the majority community cannot earn 100% of the seats, it may be willing to vote for candidates that support some of their priorities.

A community's demographics are important to consider in each city, but it is typically enough to set the rankings at $r=N+1$, and $r=3$ for single-seat elections. That is, a two-seat election would let people rank up to three candidates, a three-seat election up to four candidates, and so forth. That way, the system can pass the standards the California Voting Rights Act expects from alternative electoral systems, and Rank and Add would win a lawsuit.

Finally, this equation implies that, while Rank and Add can function well in districts drawn to represent different communities, it functions even better in

³⁶ California Constitution, Article XI, Section 3(b).

³⁷ *Cawdrey v. Redondo Beach*, Court of Appeal, Second District, Division 3, <https://caselaw.findlaw.com/ca-court-of-appeal/1772269.html>

at-large scenarios, particularly when the council is elected all at once. That is because at-large Rank and Add gives political minorities more rankings to vote in and successfully elect a candidate or more of their choosing.

C. Usage Information

Up until now, we have discussed Borda Count mostly in the common benefits it brings. When deciding between each of the Borda Count options, though, each system makes different assumptions that can swing races at the margins. The lowest-sum and standard methods produce similar results, because the distance between each preference remains the same; each assume that voters have an equal and linear differential between preferences (10-9=2-1). While this is a very proportional system between votes and seats, this system grows unruly as races grow larger; as the number of rankings available to voters increase, a first-place ranking becomes less and less meaningful compared to the second, and the more the system resembles Block Voting.

By contrast, the Rank and Add method produces different results because there is not an equal difference between each preference ($1 - \frac{1}{2} \neq \frac{1}{2} - \frac{1}{3}$).³⁸ There, preferences exponentially decrease, so that one needs at least 2 “2” rankings to overcome a “1,” but the values are more constant and less affected by the number of seats or candidates in the contest.

If a city council decides to move a Rank and Add proposal to the voters, Voters Choose can offer its advice and support throughout the process. We have informational statements on hand, and we will gladly develop more so that Tustin’s residents can understand the basic procedure and the deeper value of representation this system will provide. In that process, we could support the establishment of community presentations; our team leaders and volunteers can field questions and act as a resource.

And for the best chance of success, we recommend that any vote to approve Rank and Add solicit voters’ feedback, anyway, before implementation. This system will require some familiarity in its earliest days so people can use it in the first election. After widespread education, though, the system typically becomes easy to maintain. Other ranked-choice voting methods consistently have high levels of voter approval, and a points-based process is the simplest among them to implement and explain. Plus, no system ever implemented through a public, democratic vote has ever been overturned by court order or litigation. Taking some of these steps will ensure the reform is long-lasting and beneficial for your community.

³⁸ Reilly, 17.

Recommendations

As a team, our research committee sought to share the current state of electoral reform in California, and demonstrate that electoral reform is a net benefit for cities under a Rank and Add method. Of the systems we described, all similar in outcomes and in costs, the Rank and Add method for at-large city council races will work best.

While all Borda Count sets would give voters more satisfaction with the outcome and more representation in all forms, our Rank and Add method will best accommodate an increase in voter and candidate participation in future elections. That is because, unlike the standard methods, the 1 ranking is consistently more meaningful than other rankings in Rank and Add, no matter how many rankings are allowed. It would still be valuable to get lower-placed rankings, so this allows independent candidates to run; but this makes the first 5-7 rankings most important and should thus make elections more stable and predictable for the City. In case the City needs to set rankings in advance, the Rank and Add method, as practiced at Harvard, works in a representative way, so we recommend that the City allow at least 5 rankings each election so that voters can make full use of the system. Then, our subsidiary recommendation is that the City adopt this electoral system in a four-year cycle to achieve cost savings, more representation, and more stability in government.

We are publishing this report in the spirit of democracy and to foster a debate among the residents and elected officials of California. Our hope is that the evidence presented in the proposal clarifies the current threats to city elections and provides evidence to why Rank and Add is the solution.