



To: Saint Paul City Council Members
From: Jeanne Massey, Interim Executive Director, FairVote Minnesota
Date: April 2, 2007
Re: Instant Runoff Voting Policy Session, March 28, 2007

On behalf of FairVote Minnesota, the state's leading organization researching and advocating ranked choice voting methods, I want to thank you for your time and interest to learn about Instant Runoff Voting and the efforts to adopt this election reform in the City of Saint Paul at your March 28th policy session. I also want to respond to some of the key issues and concerns presented at the session and in the staff reports and make clear five important points:

- 1) Instant Runoff Voting can be implemented without significant new expense. According to Ramsey County Elections Manager, Joe Mansky, the City of Saint Paul will likely be ready to replace its voting equipment in 2011. He also reports that new Instant Runoff Voting-compatible voting equipment is expected to be available for use by 2009. This is a very promising development and means that if Saint Paul replaces its current equipment with Instant Runoff Voting-compatible equipment in accordance with planned replacement, it will not cost the City additional machine expense to implement Instant Runoff Voting.

Inexpensive interim solutions can also be explored that would allow the city to begin using Instant Runoff Voting¹ prior to the replacement of equipment if desirable. One approach is using existing precinct-based machines to count first choices at the precincts, allowing preliminary results of number one rankings to be communicated on election night, and then either hand counting ballots for races that require a runoff or processing the ballots on central count scanners and using existing Instant Runoff Voting software to tabulate runoff results. The Minnesota Secretary of State would need to provide temporary certification of central count scanners.

To clarify and correct a couple of points regarding limitations of the Instant Runoff Voting system and reporting of election results described in the Council Research and Mr. Mansky's reports:

- The reports suggest that election results may not be available on election night. This is not necessarily so. In Cambridge (MA), San Francisco (CA) and Burlington (VT), the results are tabulated electronically and available on election night. There was a computer problem with the first election in San Francisco in 2004 that caused a delay in the reporting of the results. The delay was not due to the requirements of the instant runoff tabulation process. Voting equipment that is under development and testing is a precinct-based scanner and software system, similar to what is in place now in Saint Paul, and results will continue to be available on election night and at the precinct level. Requirements for write-in candidates do not cause a delay in reporting election results.

¹ The Council Research report distinguishes between Instant Runoff Voting and Single Transferable Vote as two different voting methods. To clarify, the term "Instant Runoff Voting" is relatively new and was created for the purpose of talking about the use of Single Transferable Vote in single-winner elections. "Single Transferable Vote" applies to single- and multi-winner elections and is the term with the deepest historical roots and use among political scientists who study voting methods.

- Regarding what a city ordinance would need to address, it would not be necessary to set a maximum number of rounds of voting, as there is no theoretical or practical reason to do so. Nor is there a limit to the maximum number of votes to be cast, as that is determined by how many people turn out to vote. Instant Runoff Voting is intended to accommodate higher voter turnout, not less. It should also be noted that precinct scanners currently offered by voting equipment vendors and those that are planned to come on the market do not have physical limitations on the number of rankings that could be provided on ballots so that voters can rank as many or as few candidates as they desire. Current Instant Runoff Voting-compatible equipment can also scan and tabulate ranked and non-ranked ballots in the same election.

2) Instant Runoff Voting is not confusing to voters. A primary concern raised in the Council Research report is that a change in voting method will confuse voters. Fortunately, exit polling has been done in the three municipalities that have recently implemented Instant Runoff Voting and they all show that with proper public education the vast majority of voters understand how to use Instant Runoff Voting and prefer it over the traditional two-round runoff system. The table below shows the results of these exit polls:

	San Francisco (CA)	Burlington (VT)	Takoma Park (MD)
1) Educated about IRV before voting?	66%	90%	80%
2) Understood how to vote very or fairly well?	87%	NA	88%
3) Prefer IRV over traditional method?	69%	63%	NA

Proper voter education and good ballot design are necessary regardless of the voting method used. A change in voting system will require a strong and effective, but not necessarily costly, voter education program. Much has been learned from (and since) the initial Instant Runoff Voting voter education model was employed in San Francisco for the first time in 2004. There, a significant share of funding was contracted to community organizations to educate their constituencies. This proved to be not very effective and is no longer being done. The most effective voter education methods have proven to be relatively inexpensive means such as mass media, direct mail and educational posters in voting booths.

3) Instant Runoff Voting increases voter participation. The Council Research report highlights increased voter participation with Instant Runoff Voting. This claim is bolstered by research findings from San Francisco. In a study following the 2005 elections, it was shown that in one of the races, which would have resulted in a December runoff under the former system, voter participation nearly tripled and the greatest increase was in communities of color. Additionally, the city saved an estimated \$3 million by not administering a separate runoff (Rich DeLeon, Chris Jerkonek and Steven Hill, San Francisco Examiner, February 5th, 2006).

If Saint Paul were to adopt Instant Runoff Voting, the September Primary would be eliminated and voters would need to go to the polls only once, in November. The General Election turnout in Saint Paul is always significantly higher and more diverse than in the September Primary. Replacing the two-round system with an instant runoff in one election would certainly increase participation rates. With all candidates running in the General Election, voter turnout would likely increase as well.

4) Instant Runoff Voting upholds the constitutional principle of "one-person, one-vote". Another concern raised in the Council Research report is whether or not Instant Runoff Voting is constitutional. This concern exists in Minnesota, in great part due to the Brown v. Smallwood decision, in which a ranked ballot voting method, called the Bucklin method, was found unconstitutional by the Minnesota Supreme Court in the early part of the century. However,

Instant Runoff Voting is a different voting method and does not have the Bucklin method's flaws. This analysis is supported by a letter from the office of Minnesota's Attorney General which concluded that *Brown v. Smallwood* does not apply to Instant Runoff Voting.

The only legal challenge to Instant Runoff Voting was brought by opponents in Michigan in 1975, following its adoption in Ann Arbor in 1974. In this case, the Michigan trial court ruled that Instant Runoff Voting upholds the constitutional principle of "one-person, one-vote".
<http://www.fairvote.org/library/statutes/legal/irv.htm>

There's been no legal challenge to Instant Runoff Voting in places that currently use it – San Francisco (CA), Cambridge (MA), Burlington (VT) and Takoma Park (MD). Moreover, proportional representation voting (i.e., Single Transferable Vote/Instant Runoff Voting) is provided for in the Handbook for Minnesota Cities (see Chapter 4, Section 11;
<http://www.lmnc.org/handbook/chapter04.pdf>)

- 5) The Secretary of State's office will provide support to cities adopting and implementing Instant Runoff Voting. Senator John Marty's bill (SF39), which was referred to in the Council Research report, was not advanced this session in light of the proposed statewide taskforce lead by the Secretary of State's office to study Instant Runoff Voting and prepare legislation for the 2008 session. Representative Steve Simon also held back his bill that would have extended the authority to adopt Instant Runoff Voting to statutory cities.

In lieu of Instant Runoff Voting legislation this year, the Secretary of State's office has formed a statewide Instant Runoff Voting task force to support Minnesota cities and other jurisdictions through the process of adopting and implementing Instant Runoff Voting. The task force will consider revisions to statute to set standards and rules that can be applied consistently in all Minnesota jurisdictions that opt to use Instant Runoff Voting. It will also develop a set of standards upon which equipment developers may base their design and seek federal certification, and that will result in lower development costs for jurisdictions purchasing Instant Runoff Voting-compatible equipment.

I hope these comments are helpful as you continue to explore the benefits and implications of Instant Runoff Voting for the City of Saint Paul. As recommended in the Council Research report, I also hope that advocates of election reform and the city can work together as the Instant Runoff Voting charter amendment moves forward in being considered for placement on the ballot in Saint Paul.

Please let me know if you have any questions or would like additional information relating to the issues discussed above or others highlighted in the policy session reports.

CC:

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