MEETING CALLED TO ORDER

ROLL CALL

1. APPROVAL OF MINUTES

   1A. 19-121 Approve Minutes of February 22, 2019

       Attachments: 20190222 ESRC Minutes

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

3. CONDUCT OF BUSINESS

   3A. 19-131 Discuss, Research and Evaluate Election Systems

       Attachments: 2-28-19 Email from Don Rowe
                     Deadline for Counties to Retire Old Voting Machines
                     UseOfProportionalVoting
                     FtBraggElectionsCommittee

4. MATTERS FROM COMMITTEE / STAFF

ADJOURNMENT

STATE OF CALIFORNIA )
)ss.
COUNTY OF MENDOCINO )

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on March 5, 2019.

_______________________________________________
June Lemos, CMC, City Clerk
NOTICE TO THE PUBLIC

DISTRIBUTION OF ADDITIONAL INFORMATION FOLLOWING AGENDA PACKET DISTRIBUTION:

- Materials related to an item on this Agenda submitted to the Council/District/Agency after distribution of the agenda packet are available for public inspection in the lobby of City Hall at 416 N. Franklin Street during normal business hours.
- Such documents are also available on the City of Fort Bragg’s website at http://city.fortbragg.com subject to staff’s ability to post the documents before the meeting.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).
Approve Minutes of February 22, 2019
Election System Review Committee

MEETING CALLED TO ORDER

Chair Albin-Smith called the meeting to order at 10:05 AM.

ROLL CALL

Present: Tess Albin-Smith, Ruben Alcala, Jim Britt, Sharon Davis, Rex Gressett, June Lemos, and Rick Riley
Absent: Scott Menzies

1. APPROVAL OF MINUTES

Approve Minutes of February 13, 2019

The Committee unanimously approved the Minutes of February 13, 2019.

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

- Rex Gressett commented that the City needs to have a creative, open, wide-ranging discussion of the future needs of the City.
- Jim Britt noted that the real problem for the City will always be the pension liability problem and suggested that the Visit Fort Bragg Committee should concentrate on bringing more revenue into the City to offset the pension debt.

3. CONDUCT OF BUSINESS

Receive Presentation from Don Rowe of Californians for Electoral Reform

Don Rowe introduced himself and gave background on how he got involved with election reform. He recommended that when the Committee presents a range of options to the Council next January, they should include a phase-in plan of three to five years. Mr. Rowe spoke about negotiations recently undertaken by the Cities of Santa Clarita and Mission Viego regarding cumulative voting. He spent time outlining three voting system options:
1. Limited Voting, where everyone gets one vote regardless of how many candidates there are.
2. Cumulative Voting, where everyone gets a number of votes they can distribute any way they want.
3. Ranked Choice Voting, where candidates are ranked in order of preference.

Each system has pros and cons and those were discussed.

Following the presentation, the Committee members agreed to meet the first and third Wednesday of each month, beginning with Wednesday, March 6, 2019, at 3:00 PM.
ADJOURNMENT

Chair Albin-Smith adjourned the meeting at 11:30 AM.
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<td>Discuss, Research and Evaluate Election Systems</td>
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Hi Tess,

You may have heard about this already, but if not, you might want to share this with the committee. The voting equipment currently used by Mendocino County is not certified to the latest standards set by the Secretary of State. Not sure what the county will do, but Ft. Bragg has an opportunity to request that any new equipment purchased by the county support any voting systems the city might consider.


--
Don Rowe
Vote Your Hopes
http://voteyourhopes.org
Effective Representation for All,
Because Consent of the Governed Matters
707-463-2456
Skype: rowedon
AP19:020

FOR IMMEDIATE RELEASE
February 27, 2019
CONTACT:
SOS Press Office
(916) 653-6575

Secretary of State Alex Padilla Sets Deadline for Counties to Retire Old Voting Machines and Modernize Election Infrastructure

SACRAMENTO – In an effort to strengthen the security of California’s election infrastructure, Secretary of State Alex Padilla has initiated the process for withdrawing certification or conditional approval of voting systems that were not tested or certified under the most recent state security standards. County elections officials must now implement a voting system that meets the state’s newest testing and certification standards in time for the March 3, 2020 Presidential Primary Election.

In 2015, California updated its voting system certification and testing standards — known as the California Voting System Standards. Since then, 20 of California’s 58 counties have purchased voting systems that meet these higher standards, while several other counties have started the process of upgrading their systems. However, many counties are still using legacy systems that were not tested to the latest California Voting System Standards.

“Throughout California, many counties are using voting systems that are at or near their life expectancy,” Secretary of State Alex Padilla said. “Some counties use machines that are so old that vendors no longer make replacement parts. Some counties utilize operating systems that are so old that they are no longer supported and security upgrades are not available. While county officials have worked diligently to keep equipment up and running, our democracy faces increasingly sophisticated threats from nefarious actors, both foreign and domestic. The time is now for all California counties to modernize voting equipment.”

“As California’s Chief Elections Official, I have a fundamental responsibility to ensure the security and integrity of our elections. To that end, I have initiated the process for withdrawing certification or conditional approval of voting systems that were not tested or certified under our most recent state standards,” Padilla said.

“The state budget for the current year includes $134.3 million for counties to upgrade or replace aging voting systems. This funding can only be used by counties to purchase or lease a California Voting System Standards compliant system. The state has demonstrated its commitment to the modernization of our election infrastructure. I’m urging all local elections officials to now follow suit,” Padilla added.

In a February 12, 2019 hearing of the U.S. House of Representatives Committee on Homeland Security, DHS Director Christopher Krebs testified that “It will take significant and continual investment to ensure that election systems across the nation are upgraded and secure, with vulnerable systems retired. These efforts require a whole of government approach.”

In 2018, then-Governor Jerry Brown approved a state budget providing $134.3 million for counties to purchase new voting systems and equipment. Counties must provide a dollar for dollar match to use these funds.

Last year, Congress also approved the final appropriation of funds to states from the 2002 Help America Vote Act (HAVA). Secretary Padilla designated $20 million of these funds to help counties purchase new voting equipment as they transition to the Voter’s Choice Act.

“Free and fair elections are the bedrock of American democracy, and up-to-date voting technology is an essential part of that process,” said Lawrence Norden, deputy director of the Brennan Center for Justice’s Democracy Program. “Today’s news moves California away from old machines that are reaching the end of their lifespan, and towards more reliable and secure systems. It’s a transition that’s possible in part because both Congress and the state legislature prioritized funding for new machines over the past year, but more resources are still needed. We hope federal and state lawmakers around the country will provide sufficient funds to fully upgrade voting systems before the 2020 election. Doing so will improve voter confidence in the process, and help ensure that every vote is counted as cast on Election Day.”

The following three voting systems have been tested and certified to the California Voting System Standards:

- Dominion Voting Inc.’s Democracy Suite 5.2 Voting System
- The County of Los Angeles’ Voting Solutions for All People (VSAP) Tally 1.0 System
- HART InterCivic’s Verity Voting 3.0.1 Voting System.
In addition, the following three voting systems are currently being tested and reviewed to the California Voting System Standards:

- Dominion Voting Systems, Inc. - Democracy Suite 5.10;
- County of Los Angeles - Voting Solutions for All People (VSAP) Tally Version 2.0; and
- Election Systems and Software, Inc. - EVS 6.0.4.2

Click here for a complete list of voting systems currently used by California counties for the 2018 General Election.

All other systems previously certified or conditionally approved will no longer be certified or conditionally approved effective August 27, 2019, as provided in California Elections Code section 19232.

Elections Code section 19202 requires voting systems to be certified or conditionally approved in order to be used by a jurisdiction in the state. Jurisdictions that are currently using voting systems that have not been tested and certified to the California Voting System Standards must implement a voting system that has been tested and certified to the new standards.

The Secretary of State recognizes that there may be circumstances where it is not feasible for a county to purchase and deploy a new voting system before the March 3, 2020 Presidential Primary. Counties can submit a Request for Extension of Conditional Use of their legacy systems, in writing to the Secretary of State’s office by April 5, 2019. To be considered, such requests must include a specific plan and schedule for the county to move to a system certified under the California Voting Systems Standards.

Secretary Padilla is prepared to work in partnership with all California counties to deploy a modern voting system as soon as it is practically feasible.

###

[Facebook](https://www.facebook.com/CaliforniaSOS/)  [Twitter](https://twitter.com/CASOSvote/)  [Instagram](https://www.instagram.com/CaliforniaSOS/)
Communities in America Currently Using Proportional Voting

**Choice Voting:**

- Cambridge, MA [See City of Cambridge Site]
- Minneapolis, MN (for select local bodies starting 2009)

**Limited Voting with Limited Nominations** (i.e. voters have fewer votes than there are seats, and parties may nominate fewer candidates than there are seats):

- Philadelphia, PA
- Hartford, CT
- Waterbury, CT

**Limited Voting:**

**North Carolina School Boards**

- Anson County
- Bladen County
- Perquimans County
- Robeson County
- Sampson County

**North Carolina County Commissions**

- Beaufort County
- Bladen County
- Martin County
- Perquimans County

**North Carolina City Councils**

- Benson, NC

**Alabama City Councils**

- Ariton, AL
- Carbon Hill, AL
- Cuba, AL
- Dora, AL
- Goshen, AL
- Kinsey, AL
- Loachapoka, AL
- Myrtlewood, AL
- Pennington, AL
• Pickensville, AL
• Pine Apple, AL
• Providence, AL
• Rutledge, AL
• Toxey, AL
• Waverly, AL
• Webb, AL
• Lowndesboro, AL
• Faundsdale, AL
• Fulton, AL
• Orrville, AL
• Silas, AL
• Waldo, AL

Cumulative Voting:

• Peoria, IL City Council
• West Virginia Charter Review Commissions

Alabama County Commission:

• Chilton County

Alabama City Councils:

• Centre, AL
• Guin, AL
• Heath, AL
• Myrtlewood, AL

Texas City Councils:

• Abernathy, TX
• Andrews, TX
• Anton, TX
• Boerne, TX
• Earth, TX
• Eden, TX
• Friona, TX
• Grapela, TX
• Hale Center, TX
• Jourdanton, TX
• Morton, TX
• O'Donnell, TX
• Olton, TX
• Poth, TX
• Roscoe, TX
• Rotan, TX
• Yorktown, TX

Alabama School Board:
• Chilton County

South Dakota City Councils:
• Martin

South Dakota School Boards:
• Sisseton
• Wagner

Texas School Boards:
• Abernathy
• Amarillo (and college board of regents)
• Amherst
• Andrews
• Anson
• Anton
• Atlanta
• Bovina
• Denver City
• Dumas
• Friona
• Hale Center
• Hamlin
• Irion Co. (Mertzon, TX)
• Lockhart
• Luling
• Morton
• Navarro (Geronimo, TX)
• Nueces Canyon Cons. (Barksdale, TX)
• O'Donnell
• Olton
• Post
• Poth
• Riviera
• Ropes (Ropesville, TX)
• Rotan
• Seminole
- Sharyland (Mission, TX)
- Stamford
- Sudan
- Sundown
- Wilson
- Yoakum
- Yorktown
- Springlake-Earth
State and Federal Voting Rights Acts (VRA) are intended to remove obstacles for protected minority groups to obtain a fair share of power. It’s often a blunt instrument and may have unintended consequences. It doesn’t guarantee additional power, it just removes obstacles placed, intentionally or otherwise, by those currently in power.

**Plurality At-Large Elections**

The VRA considers Plurality At-Large Elections (used by Ft. Bragg and many other jurisdictions) an obstacle to power. Minority groups sometimes elect one of their own, but it’s more by accident than by design. Voters like having a say about all elected representatives, and representative are accountable to the entire jurisdiction, but there may be unintended consequences.

The above simplified charts assume that each group runs enough candidates to fill all available seats, that each group votes only for its own, and there are no vote splits among like-minded candidates. In the “Simple Distribution” chart, what if there are six candidates from the Majority Group running for three seats, and three candidates from the Minority Group? The six Majority Group candidates could split the vote, each getting less than 40%. The three candidates from the Minority Group each get 49% of the vote. Now the Minority Group is in charge. In the “3-Way” example, what if there are multiple candidates from Groups 1 (40%) and 3 (35%), and three candidates from Group 2 (25%)?

**District Elections**

The VRA blunt instrument considers District Elections to be VRA-compliant. District Elections require that the jurisdiction be divided, and there are potential legal issues with how the lines are drawn. The VRA prohibits using race or ethnicity as the primary means of creating districts. This can be frustrating when trying to create
a safe minority district but prohibits a majority from gerrymandering districts in a way that deliberately dilutes the power of a protected minority group. If a minority is evenly distributed throughout the jurisdiction, district divisions might (legally) dilute their power.

There are other potential unintended (but legal) consequences. Some people like the idea of having “their own” representative, others like having a say about all representatives. Candidates like having a smaller area when campaigning. Representatives may be inclined to favor the interests of their own constituents over the interests of the jurisdiction as a whole. Those who get what they want will like this, while those who don’t get what they want won’t like it. Complaints to representatives outside their district may be ignored. Much depends on how voters and their elected representatives view sharing. In small jurisdictions, it could be difficult to find good, willing candidates from within each district.

There are more potential unintended (but legal) consequences within districts. Again, it comes down to sharing.

![Diagram showing minority and majority distribution in five districts.]

The 40% minority in each of the five districts constitutes 40% of the jurisdiction’s voters. That’s twice the 20% of voters in each district. If the 40% minority could pool their power, they might elect their own representative.

**Limited Voting**

Limited Voting is a potential remedy under the VRA, but not recognized for general-law cities by the CA Elections Code. Charter cities could choose this option. With Limited Voting, everyone gets one vote regardless of the number of open seats. A 26% minority has the power to elect one of their own with 3 open seats, as the other 74% must split their votes among multiple candidates. If the minority vote splits among
multiple candidates, this power is diluted so some strategizing may be required. Limited Voting can be done with existing voting equipment.

**Cumulative Voting**

Cumulative Voting is another potential remedy under the VRA. It’s not recognized for general-law cities by the CA Elections Code, but charter cities may choose it. Two CA general law cities, Santa Clarita and Mission Viejo, adopted Cumulative Voting as a negotiated settlement to a VRA action. In Cumulative Voting, like Plurality At-Large, voters get a number of votes equal to the number of open seats but may distribute those votes in any way among the candidates, including casting all votes for one candidate. As with Limited Voting, with three open seats, a 26% minority has the power to elect one of their own as the other 74% must split their votes among multiple candidates. Also, like limited voting, all minority voters must all cast all their votes for one candidate. This may require some strategizing if there are multiple minority candidates.

Cumulative Voting can probably be supported by existing voting equipment with a few minor adjustments. Each candidate’s name would appear on the ballot multiple times, twice for two open seats, three times for three open seats (Candidate 1a, Candidate 1b, Candidate 2a, Candidate 2b, etc). The county would provide certified totals for each line (Candidate 1a, Candidate 1b, Candidate 2a, Candidate 2b, etc). The city clerk would manually add the line totals (Candidate 1a + Candidate 1b, Candidate 2a+Candidate 2b, etc) and certify the final winners.

**Ranked-Choice Voting**

Like Limited Voting and Cumulative Voting, Ranked-Choice Voting (RCV) is a possible remedy for VRA issues, not recognized for general-law cities by the CA Elections Code, but may be adopted by charter cities. SB212 was recently introduced in the CA Senate and if passed, would allow general-law cities to adopt RCV. It will likely be amended as it moves through the various committees, senate and assembly. RCV provides true proportional representation by design regardless of the number of candidates, keeps at-large voting, and eliminates the need for voters to strategize out of fear of unintended consequences from vote splits or other concerns.

Voters rank candidates in order of preference, much like they might prioritize a to-list or list of colleges to apply to. RCV also allows voters to have one or more “backup” candidates if their first choice loses, much like they might make backup plans for other important situations.

Ft. Bragg would have to do hand counts as existing county equipment does not support RCV. The experience of other cities hand-counting RCV ballots suggests the count would take less than a day. The city would probably have certified results before the county does.

**Resources**

For more about RCV and other voting reforms, visit

- cfer.org (Californians for Electoral Reform website)
- fairvote.org (FairVote website)
One Reform to Save America  RCV has often been a partisan issue with republicans usually opposed, and others usually in favor. This article by conservative columnist David Brooks is a refreshing exception. He writes: *The way to do that [Save America] is through multimember districts and ranked-choice voting.* Read the complete article at https://www.nytimes.com/2018/05/31/opinion/voting-reform-partisanship-congress.html?

The Best Way to Fix Gerrymandering Is to Make It Useless by Lee Drutman. Mr. Drutman is a senior fellow at New America. He writes: *The only way to make most districts truly competitive in today’s regionally polarized politics is to expand them.* For example, a single-member district in Manhattan is a cakewalk for a Democratic incumbent. But a five-member district in Manhattan — which would combine that borough and parts of others — could yield a New York City Republican, and maybe a Michael Bloomberg-style independent, because such candidates could win a seat with 20 percent of the vote instead of 50. Read the complete article at https://www.nytimes.com/2018/06/19/opinion/gerrymandering-districts-multimember.html

Ranked Choice Voting — Progress and Not Looking Back By David Campos, Chair, San Francisco Democratic Party, for an overview of how RCV is working in Bay Area cities. Read the complete article at https://medium.com/@davidcamposesq/ranked-choice-voting-progress-and-not-looking-back-db00261b07a0

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