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**GRESHAM CITY CHARTER REVIEW COMMITTEE –
SUBCOMMITTEE MEETING
OCTOBER 5, 2022
OPEN SESSION – 1 PM
VIA ZOOM MEETING (SEE INSTRUCTIONS BELOW)**

The Gresham City Charter Review Committee will be holding the
October 5, 2022, Meeting at 1 P.M. via Zoom Meeting.

Please click the link below to join the webinar:

<https://greshamoregon.zoom.us/j/84655584947?pwd=ZXdXZWdsT3c1TUdxWHBxaTdiZnFqQT09>

Passcode: 9WBTvvZyAJ

One Touch Telephone: US: +12532158782,,84655584947#,,,,*7165635880#

Telephone: US: +1 253 215 8782

Webinar ID: 846 5558 4947

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Persons who desire to access the meeting and are unable to access the meeting via Zoom are encouraged to contact Dara Wright, Paralegal, by calling 503-618-2505 or emailing by 5:00 pm two business days before the meeting, so that the City can provide alternate arrangements.

Persons who desire translation services for this meeting must notify Dara Wright, Paralegal, by calling 503-618-2505 or emailing Dara.Wright@GreshamOregon.gov by 5:00 pm three business days before the meeting, so that the City can make arrangements for translation services.

If you wish to receive notices of future meetings, please contact Dara Wright, Paralegal at Dara.Wright@GreshamOregon.gov or (503) 618-2505.

GRESHAM CITY CHARTER REVIEW COMMITTEE –
SUBCOMMITTEE MEETING
OCTOBER 5, 2022

AGENDA ITEMS

1. **DEBRIEF FROM IN-PERSON EVENTS**

2. **DISCUSSION ON PUBLIC INPUT: REVIEW OF SURVEY DATA AND MINDMAP**

3. **DISCUSSION ON GRESHAM MEMORANDUM NUMBER TWO, PREPARED BY DR. SELJAN AND DR. LOCHNER**

4. **DISCUSSION ON PRIORITY LIST**

5. **FUTURE SCHEDULE**

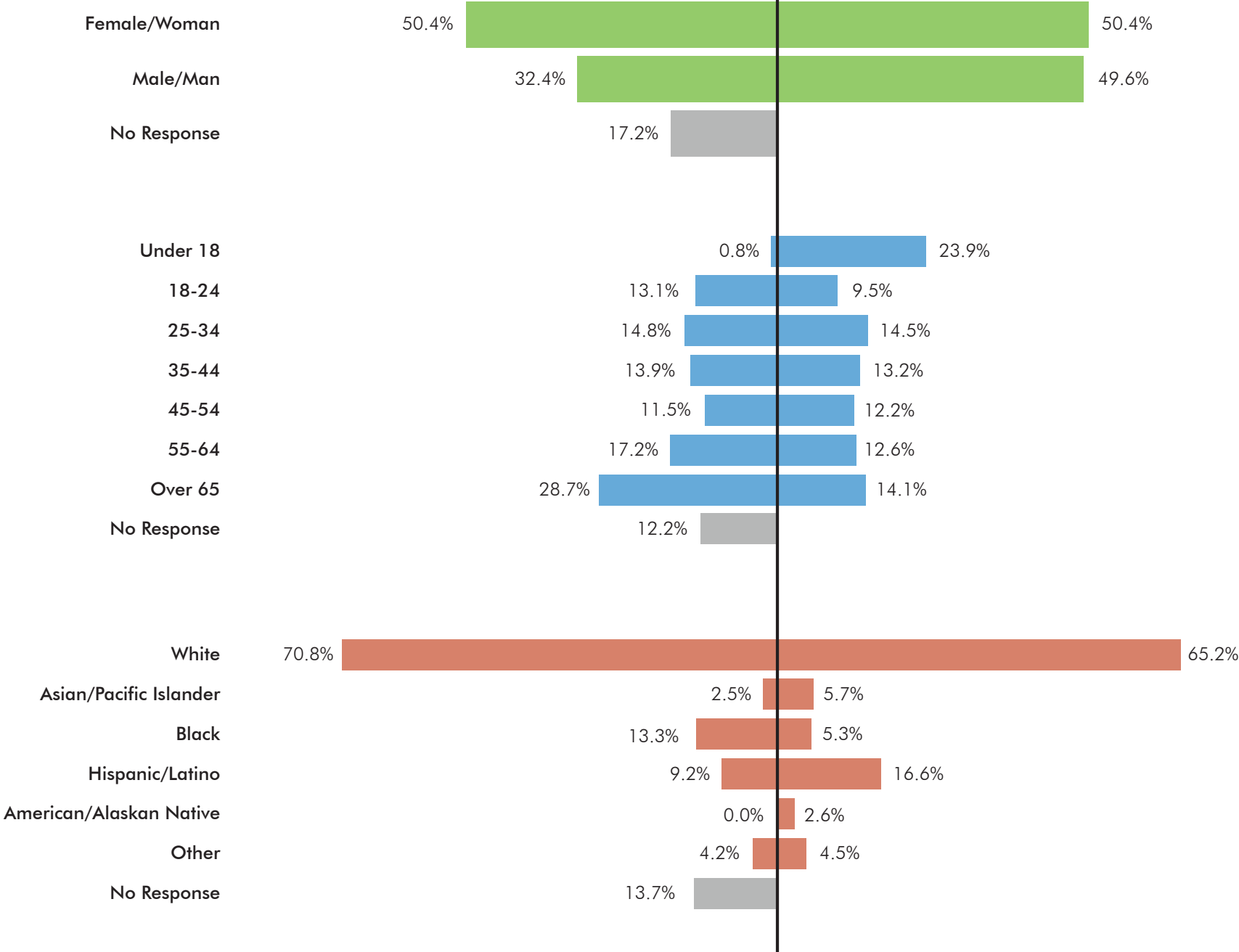
6. **OTHER ITEMS/AGENDA ITEMS FOR FUTURE MEETINGS**

Survey

As of 9/1/22

Gresham

2020 5-year ACS



To: Members of the Charter Review Committee for the City of Gresham
From: Professors Todd Lochner and Ellen Seljan
Date: September 26, 2022
Re: Answers to Questions Posed About Electoral Systems

This memorandum proceeds in two sections: the first section answers the four questions we were originally tasked by the CRC to answer; the second section answers some additional questions that were forwarded to us by Kevin.

Section One: Originally Posed Questions

Earlier this summer the CRC asked us to answer the following four questions:

1. Do electoral reforms affect the number of candidates in local elections?
2. Do electoral reforms affect the cost of elections for candidates in local elections?
3. What are the financial costs associated with electoral reforms?
4. How do electoral reforms affect the racial diversity of candidates in local elections?

Each is discussed in turn.

1. Do electoral reforms affect the number of candidates in local elections?

Answer: Yes. Multivariate analysis suggests that multi-member districts and at-large elections produce more candidates than either single-member districts or systems that require candidate residency. Also, using primaries slightly decreases the number of candidates in council elections, but not mayoral elections. Further, the size of a city council does not seem to affect the number of candidates who run, though larger city councils have fewer contested elections.

Electoral competition is the foundation of any functioning democracy, though there are different ways that one can analyze the concept “competition.” In this analysis we employ three different measures of electoral competition:

- *Number of Candidates Per Seat.* The total number of candidates whose names appear on the ballot, including primary races.
- *Contested Seat.* An indicator for whether candidates run unopposed, including primary races.
- *Competitive Seat.* An indicator for whether the top two candidates received vote shares within ten percentage points.

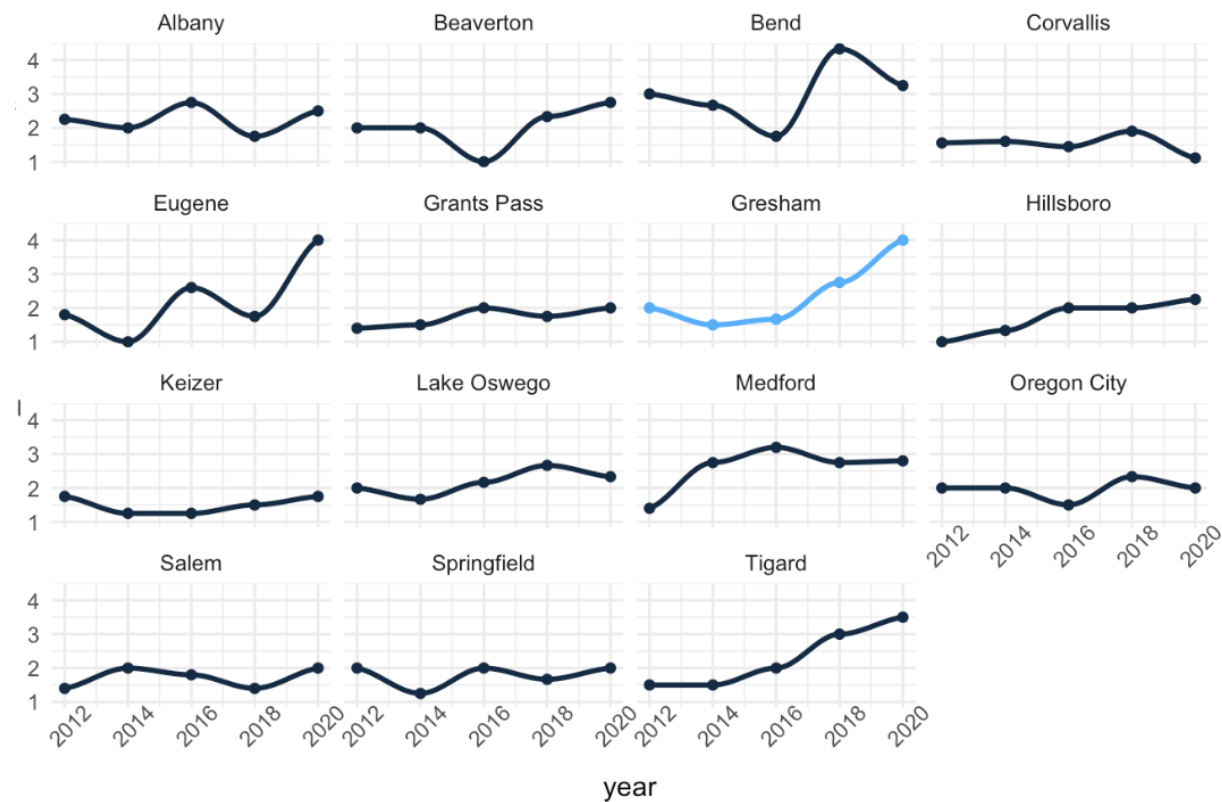
The City of Gresham has experienced increasing levels of competition for both council and mayoral races in the last ten years. Figure One displays the average number of candidates across all elected offices per year for all electoral races in the fifteen comparison cities we studied. In 2012, Gresham averaged 1.8 candidates per seat. By 2020, however, this figure had doubled to 4 candidates per seat. In 2012, only half of the elected office races were contested, compared to all

seats in 2020. Gresham’s growth of electoral competition outpaces many of the comparison cities; the average number of candidates per seat in all other cities combined grew only modestly, from 2 in 2012 to 2.45 in 2020. Finally, contestation rates grew from 53% to 70%.

If one ignores the recent uptick in Gresham candidates, Gresham looks relatively similar to other cities *on average*. Over the entire time series, 68% of races were contested in Gresham, compared to 63% of all other cities. Similarly, 21% of Gresham races were marked by close electoral margins by the top two candidates, compared to 16% for all comparison cities combined. That said, Gresham elections have become increasingly competitive (more candidates and more contested seats) both compared to older Gresham electoral cycles and to many other Oregon cities.

The marked growth of electoral competition in Gresham in the absence of any institutional changes is a reminder that institutions are by no means the only variable that affects electoral outcomes. Nonetheless, we now will explore how institutional variation across comparable Oregon cities is associated with varying levels of electoral competition.

Figure One: Average Number of Candidates Per Seat By Year



At-Large versus District Representation

The fifteen comparison Oregon cities we study use five different variations of at-large and district representation to elect city council members.

- *At-Large, Single-Winner*: Voters across the entire city vote in all council races. No intra-city residency requirements for candidates. One winner per electoral race. Gresham is an example.
- *At-Large, Multi-Winner*: Voters across the entire city vote in all council races. No intra-city residency requirements for candidates. In each election, voters select their top-n choices of candidates and elect multiple winners in the same electoral contest. Lake Oswego is an example.
- *At-Large, Single-Winner with Wards*: Voters across the entire city vote in all council races. Seats require candidate residence in intra-city “wards.” One winner per electoral race. Hillsboro is an example.
- *Multi-member Districts, Single-Winner*: Council seats are divided into districts. Voters and candidates must reside in these districts to take part in the election. Multiple seats exist per district with one winner for each electoral race. Medford is an example.
- *Single-Member Districts, Single-Winner*: Council seats are divided into districts. Voters and candidates must reside in these districts to take part in the election. One seat exists per district. Salem is an example.

As noted in our first memorandum, political scientists disagree as to how these different institutions affect electoral competition. Supporters of at-large elections suggest that this system can, all else equal, create a larger pool of candidates. Conversely, supporters of districts suggest that relatively lower campaign costs will attract more candidates. It therefore is useful to examine these comparative Oregon cities and their experiences.

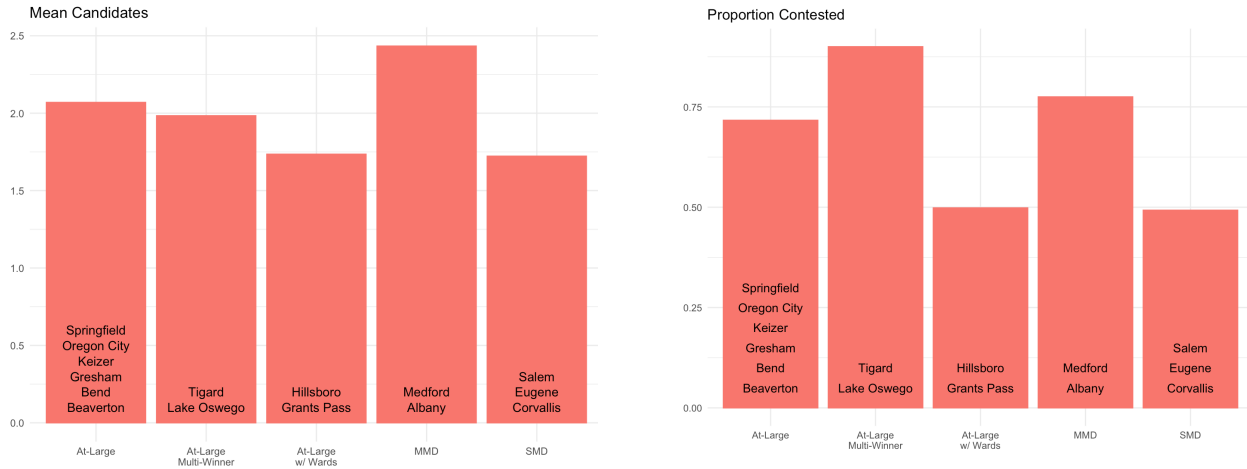
Figure Two below displays the average number of candidates per seat and contestation rates across at-large and district variation.¹ The figure suggests that multi-member districts, as employed by Albany and Medford, are associated with the largest number of candidates per seat and strong levels of contestation. At-large systems without wards have the second highest levels of candidate participation and the highest levels of contestation. Systems that more strictly limit the supply of candidates through smaller geographic restrictions, both at-large systems with wards and single-member districts, have the lowest levels of candidate participation and contestation.

These results require further scrutiny because it is possible that other variations between cities, correlated with electoral variation, drive the results. To investigate this possibility, we conducted a multivariate analysis that controls for other institutional variation (council size, the existence of primaries) as well as city population, median income, and year indicators. With these control variables included, the negative effects of single-member districts and requirements of candidate residency in wards remain robust. However, multi-member districts are statistically indistinguishable from at-large systems in the multivariate analysis.

¹ To discount the influence of cities that hold relatively more council elections, due to short terms or larger council sizes, means are calculated using city-year groupings.

Additional support for the findings of the multivariate analysis comes from a placebo test of mayoral competition. Electoral rules specific to council representation should *not* affect mayoral competition. If they did, this would strongly suggest that differences between cities unaccounted for in our model were driving the results. Null results across the board when using council electoral rules to predict mayoral competition give us greater confidence in the result of our analysis.

Figure Two: Average Number of Candidates by Election System



Primaries

Four of the fifteen Oregon cities analyzed in this report conduct primary elections - Beaverton, Eugene, Salem, and Springfield. In these cities, candidates that surpass the fifty percent threshold in a primary are either automatically elected or sent in isolation to the general election ballot, again ensuring election. By this mechanism, primary elections are often determinant in our data. More precisely, of the 70 races for city council conducted with primary elections, only seven moved forward to have multiple candidates on the general election ballot.

Does the existence of primaries increase or decrease the number of candidates vying for office? Again, the political science literature offers conflicting opinions. On the one hand, the existence of a primary may encourage more candidates to run, because ideologically similar candidates probably will not end up competing for votes in the general election. On the other hand, the existence of a primary acts like a gauntlet, sometimes requiring two consecutive wins and thus longer campaigns, potentially dissuading would-be candidates.

The Oregon data offered in Figure Three demonstrate that primaries have a deterrent effect on the number of candidates in city council races. The effect is small, 2.05 candidates compared to 1.85 candidates, but it remains significantly negative in the multivariate model. In terms of average contestation, 58% of races with primaries are contested compared to 71% without. Finally, council seats with primaries in Oregon are largely uncompetitive in electoral margins. Only 8% of council races with primaries have close electoral margins (when the top two

candidates are within 10% of the vote share), compared to 32% of races for seats without primaries.

The same conclusion cannot be made for the effect of primaries on mayoral races, as seen in Figure Four. Here, we see that the existence of primaries has a positive effect on the number of candidates. This finding, however, is not statistically significant in a multivariate model.

Figure Three: Effects of Primaries on Mean Candidates and Proportion of Council Seats Contested

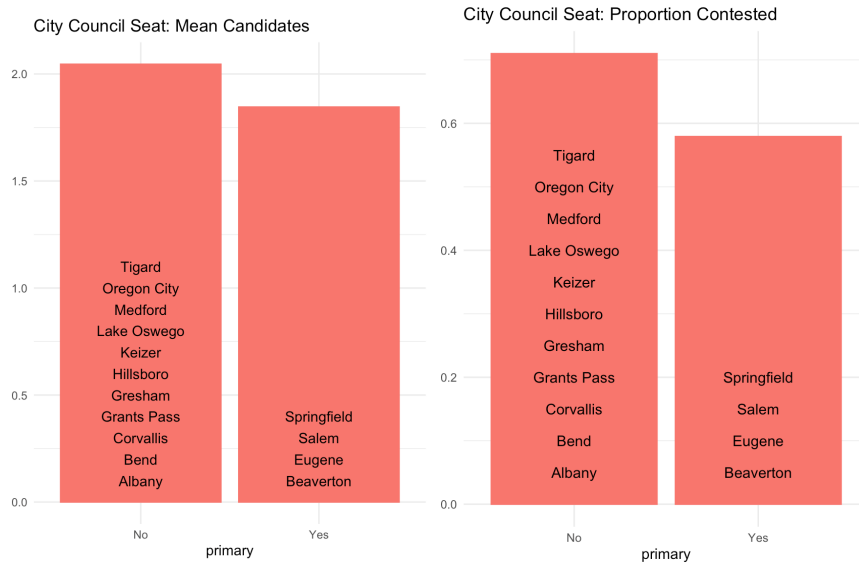
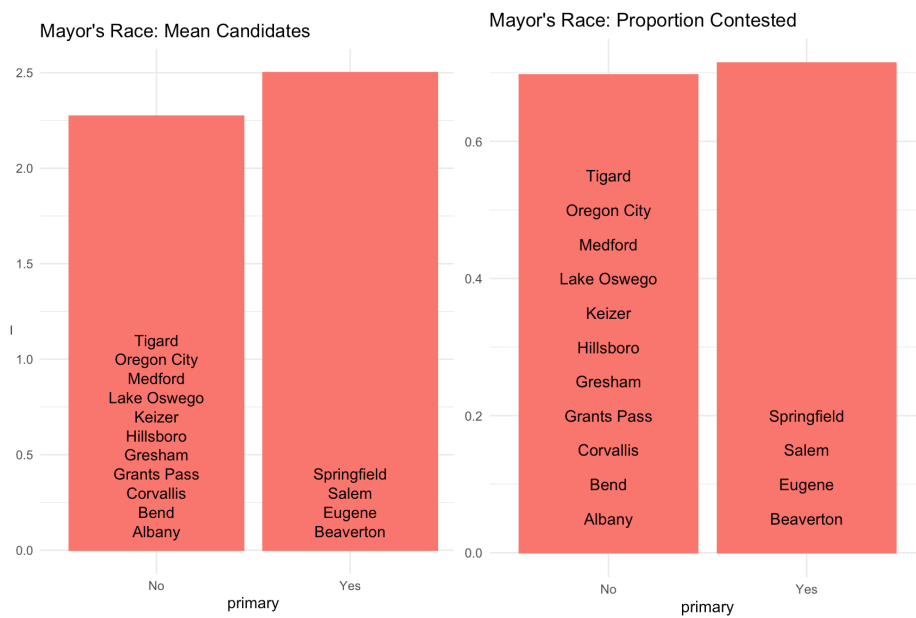


Figure Four: Effects of Primaries on Mean Candidates and Proportion of Mayoral Races Contested

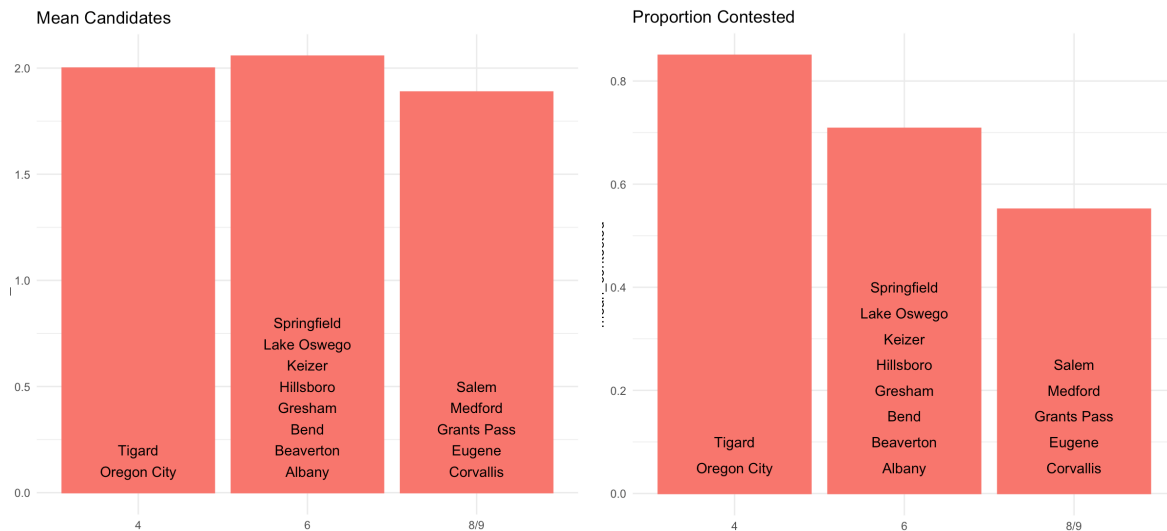


Council Size

City councils in Oregon range from four members to nine members, with a modal size of six. Theoretically, council size could affect electoral competition in two ways. If there is a set pool of candidates in a given city, mathematically a smaller council will result in more candidates per seat. But it is also possible that the size of the council affects the total pool of candidates. On the one hand, a small council means each individual councilor is relatively more pivotal, perhaps attracting a larger pool of candidates. On the other hand, a larger council means that workload could be more distributed, perhaps attracting more individuals for this reason.

As Figure Five demonstrates, the mean number of candidates per seat looks very similar for four and six member councils, with a slight decrease in this figure for councils of size eight or nine. However, these results are not robust to the multivariate model. The effect on the proportion of contested races is more pronounced, with the proportion of contested races decreasing with council size. The variation between these two outcomes suggests that, in larger councils, there is a greater degree of variation between seats for electoral competition—some seats see a large number of candidates seeking office, while others go uncontested, perhaps due to strong incumbents.

Figure Five: Council Size Effect on Mean Candidates and Proportion of Council Seats Contested



2. Do electoral reforms affect the cost of elections for candidates in local elections?

Answer: Although the costs of campaigns in Oregon have increased over time, we find no evidence that electoral systems significantly affect the cost of elections. Other variables, however, do. Unsurprisingly, whether an election is contested is the most important predictor of larger campaign expenditures.

There has been an astonishing rise in the cost of running for office in American politics. The trend is most prominent at the federal level and for state-wide offices, but is increasingly spreading to local races as well. In order to evaluate the effect of election reforms on the cost of Oregon elections, we collect data on campaign expenses from the Oregon Secretary of State Office. We count only expenses incurred during the calendar year of an election, combining expenses for primary and general election campaigns when applicable. Costs were adjusted to inflation and are stated in 2020 dollars.

Table One charts the growth of the costs incurred by races for council and mayor seats, and the totals represent the amount spent by all candidates seeking office combined. Gresham itself had no spending by any candidate until 2018, when races for Position 2 and Position 4 incurred costs (total costs for Position 4 totaled over \$70,000). The year 2020 marked the first Gresham mayoral race in our time series with campaign expenses, totaling an extraordinary \$317,538. Notably, this is the single most expensive race for any office in our data.

Table One: Average Campaign Expenses for Fifteen Oregon Cities

<u>Year</u>	Council: Expenses Per Seat		Mayor: Expenses Per Seat	
	<u>Median</u>	<u>Mean</u>	<u>Median</u>	<u>Mean</u>
2012	\$0	\$891	\$0	\$1,553
2014	\$0	\$3,181	\$75	\$316
2016	\$0	\$6,423	\$4,492	\$33,314
2018	\$618	\$7,104	\$3,807	\$30,401
2020	\$4,535	\$13,190	\$60,004	\$80,440

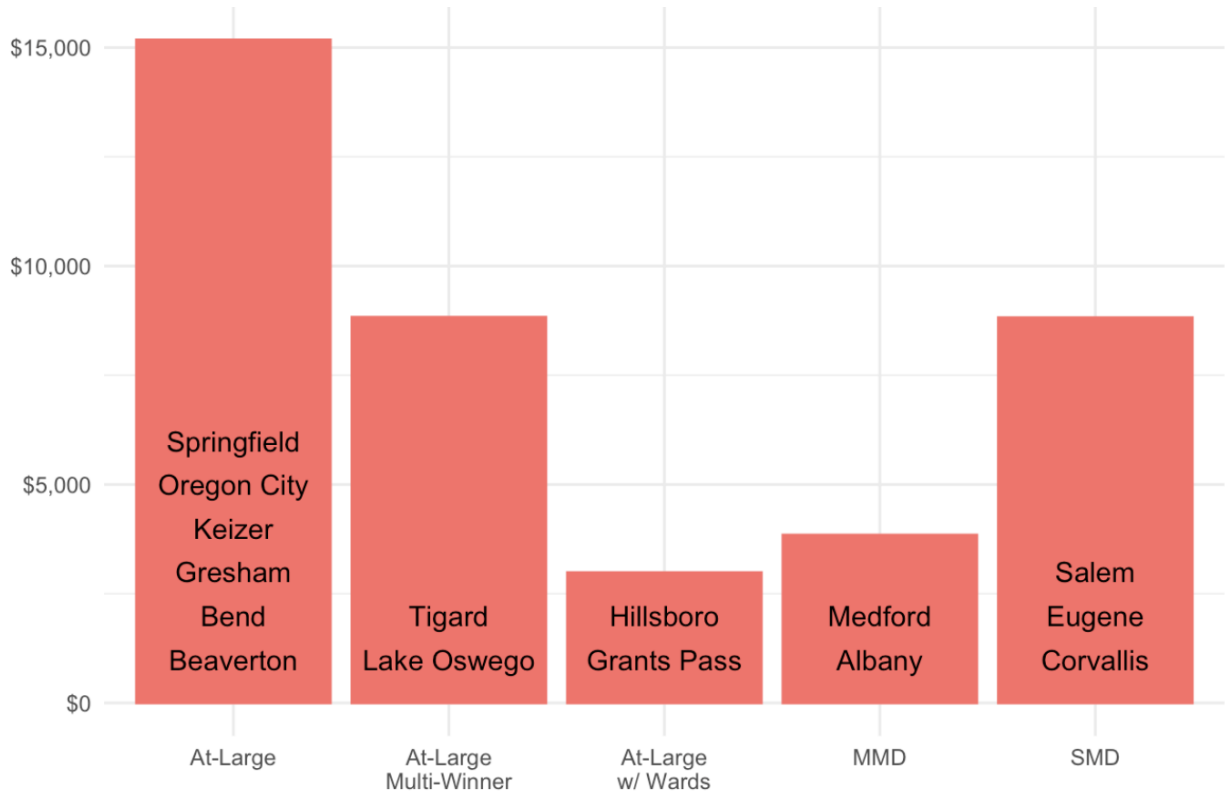
Changes in electoral institutions obviously cannot explain all the growth in campaign costs. After all, cities like Gresham did not change their institutions between 2012 and 2020. However, it still is worth exploring how institutional variation correlates with campaign costs. Intuitively, the single largest determinant of campaign costs will be the existence of electoral competition—one doesn't have to spend money if one is running unopposed. For this reason, we limit our data to only races for office where there was contestation in all figures presented and we control for contestation in the multivariate analysis.

As Figure Six demonstrates, the highest total campaign expenses for city council races were incurred for seats elected by at-large elections. Higher costs relative to district-only races are intuitive, as at-large competition would require larger campaign efforts throughout the entire city. More surprising in our findings are the low costs of elections using at-large systems with wards. There is no theoretical rationale for lower campaign costs in these settings, which suggests other factors are influencing the results, such as lower levels of competition not accounted for by the presence of contestation.

Average campaign costs are nominally higher in both city council and mayoral races that utilize primaries. This is somewhat surprising given that primary races were somewhat less competitive than races determined in the general election. Though we did not collect data on this variable, we suspect that primaries are benefitting incumbent officers, who are more equipped to raise and spend campaign dollars, perhaps scaring away potential challengers. This phenomenon would also explain the negative relationship between primaries and the number of candidates in city council elections.

Using a multivariate analysis, we predict costs of campaigns per council seat as a function of electoral systems, controlling for population, income, time, and contestation. Not surprising, contestation is the most significant predictor of high campaign costs. A city population and the year of the election are also important contributors. At-large systems are predicted to have higher levels of campaign expenses than all other systems, but the difference is not large enough to elicit statistical significance. The finding on primary systems is reversed, suggesting a negative but insignificant effect of primaries on campaign expenditures, once you control for contestation and other factors. Given these mixed and insignificant findings, we make no definitive conclusions regarding the effect of electoral systems on campaign expenditures.

Figure Six: Average Campaign Expenses per Seat in Contested City Council Elections



3. What are the financial costs associated with electoral reforms?

Answer: We limit our answer to an analysis of Ranked Choice Voting (RCV). We cannot give a valid estimate, given that the costs associated with transitioning to RCV depend on a wide variety of factors. That said, we describe the various factors one should consider below, and also touch on the issue of voter knowledge/education for RCV.

To answer this question we relied on two sources of information: a recently published survey conducted by the National Conference of State Legislatures, and an email response from James Morales, Clerk and Director of the Benton County Records and Elections Department (the only county in Oregon to have implemented RCV).

On July 31st of this year, the NCSL released an excellent online report entitled *Ranked Choice Voting in Practice: Implementation Considerations for Policymakers*.² We recommend that anyone interested in RCV administration review the report, though we will summarize its findings here. The survey requested that respondents estimate the costs incurred for a transition to RCV, to quote:

- Equipment changes or software costs needed to conduct RCV elections, if any.
- Costs associated with educating voters on how to cast an RCV ballot.
- Any additional purchases of single-use items like ballot paper, perhaps in anticipation of an increase in ballot spoilage in the first election using RCV, or because RCV ballot items take up more space than plurality ballot items.
- The total cost of labor dedicated to implementing any of the above changes.
- The total cost of labor dedicated to implementing RCV above and beyond the above changes.³

We report their findings verbatim, and suggest the reader focuses on the median costs rather than the average costs, as extreme outliers in either direction may present idiosyncratic circumstances:

“NCSL’s survey found the average cost of switching to RCV was \$154,759 among responding jurisdictions. When the highest (\$1,000,000) and lowest (\$0) amounts were excluded, the average dropped to \$39,673. The median cost was \$17,000. Costs-per-voter averaged 94 cents; the median cost was 43 cents. According to NCSL’s survey, the key factors impacting the cost of switching to RCV included labor, whether any existing equipment needed to be replaced or supplemented, whether legal or public affairs expertise was acquired to ease the transition, and the size of the jurisdiction. Savings are possible if a RCV election can be used to combine two separate elections, such as a primary and a primary runoff.”⁴

As true with any government policy, one may spend as much as budgets allow. Thus, the costs for Gresham to transition to RCV would depend on a number of factors such as how much the

²<https://www.ncsl.org/research/elections-and-campaigns/ranked-choice-voting-in-practice-implementation-considerations-for-policymakers.aspx>

³ Id.

⁴ Id.

City wished to spend on voter education outreach, or how many present city employees would be available to answer phone calls from voters with questions about the process. The NCSL survey reported the following strategies used to educate voters:

- Educational flyers as inserts in absentee ballots sent to voters.
- Printing instructions on completing an RCV ballot on the ballot itself.
- Web dissemination, including through social media platforms like Facebook.
- Newspaper advertisements.
- Conducting a mock RCV election and inviting the public to participate.
- Holding informational sessions at community centers and other local events like farmers markets.
- Publishing a page on RCV on the local election office’s website.
- Producing videos on RCV in partnership with a public affairs company.
- Partnering with community organizations like the League of Women Voters.
- Special training on RCV for candidates running in those elections.⁵

As to voter comprehension of RCV, the NCSL survey concludes that “[l]imited research indicates that while minority groups report lower levels of comprehension on how to vote using RCV, this lower understanding mirrors reduced comprehension rates in elections broadly. Socioeconomic status, relative partisan lean, and sex identification have not been shown to impact voters’ ability to successfully cast a ballot using RCV. Among all groups of voters, only age was tied to overvoting or ballot exhaustion.”⁶ This last point finds support in a 2019 California study that surveyed voters who recently had voted under both RCV and plurality systems.⁷ The study did not find racial disparities in voter comprehension of RCV specifically. It did, however, find that older people were less likely to understand RCV in comparison to plurality systems. That said, the study found that the number of voters who self-reported understanding RCV “not at all” were similar to the number of voters who said the same about other electoral systems.

In addition to the NCSL study, we reached out to the Benton County Records and Elections Department, as this is the one county with experience in implementing RCV. Director Morales began by noting that

“As City governments consider the adoption of Ranked Choice Voting for their elected officials it is vital that they work closely with the County Election Officials that might be affected by their decisions. . . . There are many reasons for this, however, some of the most important are to allow those counties the opportunity to identify cost, time to certify and implement the needed tabulation systems, how those costs are to be funded and who will be responsible for public education and awareness campaigns. . . .”⁸

⁵ Id.

⁶ Id.

⁷ Donovan, Todd, Caroline Tolbert, and Kellen Gracey. "Self-reported understanding of ranked-choice voting." *Social Science Quarterly* 100.5 (2019): 1768-1776.

⁸ Unrelated to the question of financial costs, Director Morales notes that “Another important consideration and Oregon entities move toward the consideration and potential adoption of Ranked Choice Voting is the effect on ballot design, complexity both the voter and the implementing election official, voter fatigue that might result from

Benton County received \$200,000 in pilot funds to implement RCV, of which about half has been spent. Consistent with the NCSL survey, Director Morales noted the following factors to consider when estimating costs of transition, to quote:

- Acquiring or revising the County Vote Tabulation System(s) to tabulate RCV contests
- Obtaining the required State Certification of the Vote Tabulation System for use in Oregon, once it has been revised or acquired.
- Developing a pre-election RCV testing process that ensures the accuracy and integrity of the tabulation system.
- Planning and Implementation of Public Awareness & Education Campaign to help voters understand and vote the RCV contests without errors.
- Materials, supplies and staff time required to support the implementation of RCV process. E.g. Hosting and attending public events.

Finally, Director Morales noted that “Benton County was fortunate in that our Vote Tabulation System Vendor (ES&S) Election Systems & Software had already developed an RCV Vote Tabulation System. As a result, there were no development costs assessed to Benton County for the software, simply the annual license and maintenance costs associated with these systems. Additionally, ES&S paid the cost for receiving Oregon Certification of the RCV Tabulation system, another significant cost savings we were able to secure given the vote tabulation system vendor we had chosen.”

4. How do electoral reforms affect the racial diversity of candidates in local elections?

Answer: We expect that single-member districts would not increase, and could potentially decrease, minority representation in the City of Gresham. There is insufficient evidence to gauge the effect of alternative voting methods or multi-member districts on this question.

The most cited, recent published research on the effect of electoral design on racial representation in US Cities is a 2008 article by Trounstine and Valdani.⁹ This paper compares the effects of single-member districts to at-large elections. This article shows that the relationship between single-member districts and enhanced racial minority representation is driven largely by cities where underrepresented groups are highly concentrated and compose a substantial portion of the population. In particular, their research suggests that single-member districts would not be associated with increased representative diversity in the city of Gresham. Using the measurement of racial concentration used in her paper, the “isolation index”, no minority group in the city of Gresham is sufficiently concentrated to induce increased representation under single-member

too many rankings to consider or an overly complex ballot, perhaps even multiple pages if RCV continues to expand to multiple contests on the same ballot.” Email to Todd Lochner and Ellen Seljan, August 23, 2022.

⁹ Trounstine, Jessica, and Melody E. Valdini. "The context matters: The effects of single-member versus at-large districts on city council diversity." *American Journal of Political Science* 52.3 (2008): 554-569.

districts.¹⁰ Indeed, their model suggests that single-member districts would potentially have negative effects of Black representation given city demographic and residential characteristics.

There exists burgeoning research on the effect of alternative vote methods and racial representation, though few firm conclusions can be made at this point in time. Rigorous research on cities in California suggests a robust increase in the number of minority candidates, but not victors, in cities adopting ranked choice voting.¹¹ Experimental survey work, which uses the same candidate descriptions but varies voting rules, suggests null results on the effect of ranked choice voting rules on the likelihood of supporting candidates of color.¹² Proportional Ranked choice, which was not considered in the previous studies mentioned, has been shown to be associated with the election of minority candidates roughly in proportion to their prevalence; that is, government bodies' racial demographics will mirror the underlying demographics of citizens.¹³ At this point in time, given the current demographic composition of the Gresham City Council, such an outcome could thus theoretically result in a decrease in minority representation

Section Two: Supplemental Questions

1. State Representative Zach Hudson asked for clarification about RCV voting. He proposed the following scenario: A. RCV is the voting method; B. There are three or more candidates for one office in an election cycle; C. The first place finisher in round one does not achieve a 50 + 1 vote majority threshold; D. In the second and subsequent rounds, the second selection of the lowest performing candidate is counted. E. However, he states that the second place choice of the highest place candidate is not counted in determining the ultimate winner. Question: Is that true?

Answer: If we understand the hypothetical, this claim is true. Note that the hypothetical assumes a 50+1 vote majority threshold and a single office. No candidate won the first round, and it remains to be seen how the votes of the second selection of the lowest performing candidate are allocated. Focusing only on the second place choice of the highest place candidate, those second place votes will not be counted, but only to the extent that the first place choice of those voters—the first place finisher in round one—is counted. Put simply: If my first place choice is still “alive” in the process, my second place choice will not be counted. The answer to this question would be different if one were using RCV in a multi-member election—for example, if voters were asked to rank their top three candidates in a multi-member district that elected three members. In that case, if candidate X received more votes than she needed, a fraction of those excess votes would go to other candidates (but again, that depends exactly on how the RCV rules are constructed).

¹⁰ Trounstone and Valdani's model uses data from 7,000 US Cities in the time interval of 1986-2021. Gresham's isolation index for each demographic group is drawn from 2020 Census Data and was calculated by the Diversity and Disparities project at Brown University. This information is available at:

<https://s4.ad.brown.edu/projects/diversity/segregation2020/city.aspx?cityid=4131250>

¹¹ John, Sarah, Haley Smith, and Elizabeth Zack. "The alternative vote: Do changes in single-member voting systems affect descriptive representation of women and minorities?." *Electoral Studies* 54 (2018): 90-102.

¹² Crowder-Meyer, Melody, Shana Kushner Gadarian, and Jessica Trounstone. "Ranking Candidates in Local Elections: Neither Panacea nor Catastrophe." *Available at SSRN 3787548* (2021).

¹³ Benade, Gerdus and Buck, Ruth and Duchin, Moon and Gold, Dara and Weighill, Thomas, Ranked Choice Voting and Proportional Representation (February 2, 2021). Available at SSRN: <https://ssrn.com/abstract=3778021>.

2. Vote Exhaustion in RCV. Representative Hudson asks: Vote exhaustion is a common argument we have heard against RCV. It looks to me that when a ballot is exhausted, that means that the vote has been fully counted to the extent of the data on the ballot. To me, this sounds correct and not something to be avoided or a negative about RCV. Am I missing something? Are there scenarios in ballot exhaustion where a ballot that still has a preference marked for a viable candidate is discarded or not counted?

Answer: This description of RCV is accurate. Whether this is a problem depends on one's perspective. Consider a hypothetical. If there are ten candidates on the ballot and a voter only prefers three, and is completely indifferent to the other seven, then it would make no sense to mark any but the first three candidates. In this situation, the ballot with only three votes would be a perfect representation of the individual voter's preferences. However, it could be the case that the voter has preferences for the first five candidates, but they simply do not want to take the time to mark all five spots on the ballot. If this behavior were widespread, failure to rank could result in an election outcome that does not reflect true voter preferences, only demarcated preferences. One can debate whether this is a problem, as the voter could solve the issue but chooses not to do so.

Instead of a normative debate about voter autonomy, we suspect the concern here relates instead to voter information. If RCV incentivizes more candidates to run, it will require voters to acquire more information about those candidates. Also, as RCV is a more complex voting system, it requires voters to correctly understand how the system works, and to have fully-developed preferences about how to rank the candidates. But if voters do not invest the time and effort to gather this information, they may not vote for the candidate they would have had if the voter possessed perfect information. An analogy to breakfast cereal and consumer choice may be useful. If you have a choice of only four cereals, you probably can make a choice very quickly—and it will be the right choice for you. But if you must choose from twenty cereals, you may suffer information overload, decide it is not worth your time to think through all twenty choices, and just reach for the first one in front of you. (In a voting context, “first one in front of you” might be whatever candidate has the greatest name recognition, the one whose advertisement you most recently saw, etc.) It is difficult to know whether an exhausted ballot is a perfect description of a voter's preferences, or instead an example of a voter who just gave up because the ballot was viewed as too burdensome and confusing. That said, one should remember that the 2019 California study mentioned above found that the number of people who reported understanding RCV “not at all” were similar to those who reported the same result for other electoral systems. As to the question “Are there scenarios in ballot exhaustion where a ballot that still has a preference marked for a viable candidate is discarded or not counted” the answer is no, assuming the ballot is not legally invalidated for other reasons.

3. Spoilage. When comparing RCV to STAR voting, a point of contention we often hear is that RCV has more ballot spoilage than STAR. My understanding is that using STAR voting, if you make a mistake on the ballot it will count as a vote, instead of spoiling. Are there any studies that account for this discrepancy when looking at ballot spoiling rates? My concern is that counting an accident is not better than spoiling a vote, and perhaps is even worse as it misrepresents the voter.

Answer: There are two questions here, one normative and one empirical. The normative question is whether an improperly marked STAR ballot (i.e., a ballot that is counted but does not accurately represent the true preferences of the voter) is better or worse than a ballot that is not counted at all. We cannot speak to the normative question, as people’s opinions about it will reasonably differ. The empirical question is the extent to which RCV results in more ballot spoilage than STAR. This question is difficult to answer because, while it is possible to determine the amount of disqualified ballots under both systems, there is not a good way to determine the number of improperly marked ballots under a STAR system—that would require us to compare what is on the ballot with what was going on in the voter’s mind.

In RCV, ballots are considered spoiled (and not counted) when an “overvote” occurs, defined as when a voter selects two candidates for the same rank. Such error is not possible in STAR voting since equal point scores may be awarded. Most research shows that overvotes occur fairly rarely, generally in less than 1% of ballots cast. For example, overvotes in Bay Area elections ranged from 0.24% to 1.14%, rates similar to traditional plurality election races.¹⁴ These statistics put an upper bound on potential differences in spoilages between RCV (and plurality elections) and STAR voting.

In comparison, ballot exhaustion, which is largely due to “undervoting” occurs at more significant levels. For example, one study of California municipalities showed exhaustion rates ranging from 9.6 percent to 27.1 percent.¹⁵ Other case studies have documented similar exhaustion rates, with undervoting generally increasing with the number of candidates¹⁶. There is not currently any scholarly research that compares undervotes in ranked choice and STAR voting. That said, our professional expectation is that failure to rank and star candidates would occur at similar rates for each voting system, leading to similar rates of countable, expressed preferences between the two candidates left standing in the final round of vote tallying.

4. Election Accountability. One of our concerns when looking at a voting system change is how that change would influence the integrity of the system as a whole. It has been proposed to us that RCV would require single point tabulation, which would eliminate or greatly reduce the ability for multiple points of checks and balances that currently exist in our vote auditing process. Is this true, and to what degree would RCV be limiting the ability for multiple points of voting integrity checks or audits?

Answer: Oregon, like the majority of other states, requires post-election audit procedures. Currently, county clerks may choose from two post-election audit procedures, traditional or risk-limiting audits. In a traditional post-election audit in Oregon, a proportion of precincts are hand-counted to verify the election results. In risk

¹⁴ Neely, Francis, and Jason McDaniel. "Overvoting and the equality of voice under instant-runoff voting in San Francisco." *California Journal of Politics and Policy* 7.4 (2015).

¹⁵ Burnett, Craig M., and Vladimir Kogan. "Ballot (and voter)“exhaustion” under Instant Runoff Voting: An examination of four ranked-choice elections." *Electoral Studies* 37 (2015): 41-49.

¹⁶ Kilgour, D. Marc, Gregoire, Jean-Charles, and Foley, Angele M. (2020), The Prevalence and Consequences of Ballot Truncation in Ranked-Choice Elections, *Public Choice* 184: 197-218.

limiting audits, a random sample of ballots is examined for evidence that the originally reported outcome of the election is correct. Nationwide, traditional audits are more common than risk-limited audits, although the former significantly increased in prevalence since the 2020 election.¹⁷

Risk-limiting audits can occur in Ranked Choice elections, but with two limitations. First, unlike traditional audits, this form of audit cannot validate precinct level results, simply because precinct level results are not meaningful, and hence not tallied, in ranked choice elections. It is possible to do multi-point validation, for example by taking multiple random samples of different precincts or different races, but all verification of election results would necessarily occur at an aggregated level. Second, risk-limiting audit methods are not currently suitable for multi-winner elections, which would require even more sophisticated, statistically-derived audits.

More generally, election audits perform two central tasks: to verify election tabulations and to convince the public of election integrity. Satisfactory procedures can surely be put in place to audit ranked choice elections to achieve the first goal. The second goal, in contrast, depends more on public trust of potentially complex procedures, which is harder to guarantee.

5. Single-winner vs multi-winner. One of the considerations the committee is looking at is changing from a single winner system to a multi-winner system. Would that change any of the above answers, and if so how would it differ?

Answer: As previously indicated, multi-winner elections in Oregon are associated with lower number of candidates and election costs. We additionally note that multi-winner elections will likely increase undervoting. Finally, multi-winner elections in conjunction with alternative voting systems, are more likely to produce proportional, as opposed to majoritarian, outcomes.

Two cities of the 15 comparable cities that we analyzed allow for multi-winner elections, Lake Oswego and Tigard. Our answers above indicate that these multi-winner systems have a slightly lower number of candidates and costs per seat than some other systems in Oregon. We lack sufficient data to determine whether a multi-winner system would affect the racial diversity of candidates.

Our analysis of Oregon election data additionally suggests that multi-winner elections will be associated with a disproportionate number of undervotes (failures to vote). Our expectation is grounded in a comparison of multi-winner city council elections in Oregon, namely those taking place in Lake Oswego and Tigard, to those occurring in at-large races with single-winner elections, namely Bend, Grants Pass, Gresham, Hillsboro, Keizer, and Oregon City. Limiting the data to only those races that occur in a general election on the same ballot as a mayoral election, we find that undervotes occur at rates of 9% in single-winner elections and 36% in multi-winner elections. This analysis uses the total number of votes cast for the mayor's office race as the benchmark by which to calculate undervotes. In other words, if 100 votes were cast for mayoral candidates in total, we would expect on average 91 votes cast per seat in single-winner elections

¹⁷ <http://electionlab.mit.edu/sites/default/files/2019-06/Election-Auditing-Key-Issues-Perspectives.pdf>

and 64 votes cast per seat for multi-winner elections for city council races. Though we do not have the data to test this proposition, we expect that this finding would be further amplified if a multi-winner election was implemented in conjunction with Ranked Choice or Star Voting.

It is also important to note that multi-winner elections, at least when implemented in conjunction with Ranked Choice or Star Voting, have significant implications for fulfillment of the majority criterion sometimes used to evaluate the fairness of an election. Primary elections, and Ranked Choice or Star Voting in single-winner elections, maximize or guarantee the likelihood that a candidate will be elected with majority support, at least among those casting full ballots. In contrast, the lower vote thresholds required in multi-winner elections that use alternative voting methods, will allow for representation from candidates who might not be able to achieve majority support. Whether this is normatively desirable for democracy cannot be objectively evaluated.

6. Districts. Could you provide information on how best to successfully transition to a ward/district system, particularly how to best prevent gerrymandering (for example, some city councils appoint an independent commission to draw the lines after every census, some hire a contractor to do this work, etc.)?

Answer: First, the most important thing to remember is that whoever is charged with drawing district lines—be they a city council, an independent commission, or anyone else—must comply with the rules promulgated by the Secretary of State.¹⁸ These rules prohibit drawing district lines based on partisanship or incumbency protection, as well as specifying other criteria (districts must be contiguous, respect existing geographic and political boundaries, be of equal population, not divide communities of interest, not dilute the voting strength of any language or ethnic minority group, etc.). Second, all of the Oregon cities we examined in Part One allocate redistricting powers to their city councils as far as we are aware,¹⁹ and cities often will seek out community input and/or expert assistance when drawing district lines.²⁰ Third, scholarly research on the merits of having districts drawn by independent commissions is mixed, given the different political contexts in which these independent commissions operate, as well as differences in their enabling legislation. Some studies find that districts drawn by independent commissions produce more competitive elections while others find little or no effect on competitiveness.²¹ Best et al. (2022) found that independent commissions did a better job than state legislatures in preventing partisan gerrymandering in some, but not all, circumstances (but again, partisan gerrymandering is prohibited in Oregon regardless of

¹⁸ <https://sos.oregon.gov/elections/Documents/Directive-Redistricting-2021.pdf>

¹⁹ For example, see Eugene, <https://www.eugene-or.gov/4702/Census-and-Ward-Boundary>; Salem, <https://www.cityofsalem.net/government/shaping-salem-s-future/reports-studies/redraw-ward-boundaries>; Grants Pass, <https://www.grantspassoregon.gov/609/Chapter-III—Form-of-Government>; Medford, <https://www.medfordoregon.gov/News-Articles/Council-approves-ward-boundary-updates>

²⁰ See, eg., Hillsboro.

<https://hillsboro-redesign.prod.govaccess.org/our-city/departments/city-manager-s-office/hillsboro-101/council-wards-redistricting>

²¹ Henderson, John A., Brian T. Hamel, and Aaron M. Goldzimer. "Gerrymandering incumbency: does nonpartisan redistricting increase electoral competition?" *The Journal of Politics* 80.3 (2018): 1011-1016.

who draws the lines).²² Contrary to conventional wisdom, VanderMolen and Milyo (2016) found that independent redistricting commissions had no effect on levels of public confidence about the districting process.²³ Edwards et al. (2017) found that relative to legislatures, independent redistricting commissions drew more compact districts and split fewer political subdivisions. In short, the research does not allow us to make definitive statements as to whether redistricting via an independent commission is better or worse than relying on a city council, particularly when applied to the specific case of Gresham.²⁴

²² Best, Robin E., et al. "Do Redistricting Commissions Avoid Partisan Gerrymanders?." *American Politics Research* 50.3 (2022): 379-395.

²³ VanderMolen, Kathryn, and Jeffrey Milyo. "Public confidence in the redistricting process: The role of independent commissions, state legislative polarization, and partisan preferences." *State and Local Government Review* 48.4 (2016): 236-245.

²⁴ Edwards, Barry, et al. "Institutional control of redistricting and the geography of representation." *The Journal of Politics* 79.2 (2017): 722-726.

Draft

Gresham CRC Review Categories / Priorities

The CRC has identified 44 topics for potential changes to the Gresham City Charter. These in turn were prioritized in by the CRC. In order evaluated this list, the Subcommittee identified several major categories (or buckets) of proposed actions to assist in the prioritization of the topics.

This draft list collates the topics into the major categories. To the extent possible, the priorities shown on the original list were retained under each of the categories. However, the first, second, etc. priority in each category are not of equal importance with the ranking of the next category.

Election Reform —

The Elections category contains all of the topics that are related to the election of City Council.

Priority	Charter Section	Topic	Decision
1	Sec. 7	At-large verses District election for City Councilors.	
2	Sec 8	Plurality verses Majority election of City Council members.	
3	New	Term limits.	
4	New	Campaign funding limits.	
5	Sec. 31 (a)	Special Election triggered if there is a vacancy.	
6	Sec. 9	Vote same year as Presidential Elections.	
7	Sec. 23	Require use of primaries to determine the top two candidates.	
8	Sec. 11 (a)	Update to not disqualify victims of systemic racism in justice system.	

Draft Gresham CRC Review Categories / Priorities

Priority	Charter Section	Topic	Decision
9	Sec. 46	10% of voters to recall elected official too low?	
10	New	Holiday for voting day.	
11	Sec. 27	Change the "tie" voting process.	
12	Sec. 11 (b)	Should a city job disqualify someone from Council?	
13	Sec. 11 (c)	Should elected officials of other districts be disqualified for Council.	
14	Sec. 11 (d)	Should people be able to hold more than one elected office?	

Vision for the Future —

The Vision topics provide context for the role of all residents in defining the nature and quality of life in Gresham — now and into the future — and how government is to serve and implement those goals and aspirations.

Priority	Charter Section	Topic	Decision
1	New	Preamble.	
2	New	Strategic Vision and Plan.	

Draft

Gresham CRC Review Categories / Priorities

Governance —

This category includes a wide variety of topics that address the way Gresham is governed by the City Charter.

Priority	Charter Section	Topic	Decision
1	Sec. 20 (c) (10)	Require Council consent before Manager can disband or reorganize departments.	
2	Sec. 45 A	Change Charter Amendment votes from 60% to majority in order to pass.	
3	New	Gender neutral pronouns.	
4	Sec. 36 A	Urban Renewal Amendments.	
5	Sec. 20 (e)	Change "may appoint" to "shall appoint" Municipal Court.	
6	Sec. 35	Is emergency section sufficient? Add clause about Manager's emergency powers.	
7	Sec. 10 (a)	Change wage to livable salary.	
8	Sec. 10 (b)	Is current employee ratio adequate?	
9	Sec. 20 (e)	Change Manager Pro-Tem term "shall not serve in excess of six months" to "no less than one year."	
10	Sec. 20 (b)	Should Council be able to remove a City Manager?	
11	Sec. 21 A	Should City Attorney be appointed or removed by Council?	
12	Sec. 13	Quorum process seem vague.	

Draft Gresham CRC Review Categories / Priorities

Priority	Charter Section	Topic	Decision
13	Sec. 20 (b)	City Manager term limit?	
14	Sec. 21 A	City Attorney term limits.	
15	New	Anti-discrimination measures.	
16	Sec. 9 (a)	Citizen Advisory Committee requirements.	

Transparency and Accountability —

The Transparency and Accountability category includes a range of topics that are intended to improve the visibility of city government actions, for all the residents.

Priority	Charter Section	Topic	Decision
1	New	City Auditor.	
2	New	Police Oversight Committee.	
3	Sec. 9 (a)	More specific language on Community Involvement.	
4	Sec. 45 B	Change CRC: add number, nomination/selection process?	
5	Sec. 34 (b)	Add digital notice requirement (for access to City Ordinances).	
6	New	Participatory Budgeting.	
7	New	Equity framework and budgeting.	

Draft

Gresham CRC Review Categories / Priorities

Other Issues —

This category captures a variety of other issues that were defined during the CRC review process.

Priority	Charter Section	Topic	Decision
1	New	Public Utilities / Internet	
2	New	Sustainable Industry and Infrastructure.	
3	Sec. 21 (b)	Potential for Prison Reform: Cash Bail.	
4	Sec. 20 (c) (4)	Specify Meaning of "Effectiveness"	
5	Sec. 20 (f) (2)	Specify what "Determination of guilt is established" means.	