



Analysis of Oakland Elections: 1996-2006

A Report by the **Oakland IRV Coalition** (v.3)
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I. Executive Summary

The passage of Measure O, instituting Instant Runoff Voting (IRV) for all local elections, would substantially improve Oakland’s electoral system. First, IRV would increase voter participation. Currently, Oakland consolidates its local elections with the state and federal primary, when turnout is lowest, to accommodate a runoff with the state and federal general election. Because runoffs occur instantaneously under IRV, a second election is unnecessary. Oakland could therefore consolidate its local elections with the general election, which would increase turnout by tens of thousands of voters each election. Had IRV been in place between 1992 and 2004, voter turnout would have increased by an average of 57 percent. Second, IRV would save taxpayer money by eliminating the need for a runoff. Runoff elections, even though consolidated, can cost the city up to \$200,000 for a citywide runoff. This cost is significant because in Oakland, from 1996 through 2004, one in four local elections ended in a runoff. Finally, IRV would repair the broken electoral process for special elections, which only requires a candidate receive a plurality to win. In the past five years, two special elections have occurred, and in both cases the winner had less than 35 percent of the vote. Under IRV, the winning candidate will always receive a majority because voters indicate alternate candidates in case an instant runoff is needed. Additionally, IRV could be a key to improving campaigns for local elected office. By eliminating separate runoff elections, IRV would reduce the need for candidates to seek campaign contributions. It would also shorten the lame duck period, and encourage positive campaigning.

Oakland IRV is a coalition of organizations and citizens committed to ameliorating Oakland’s electoral system through IRV. Our goal is to pass Measure O, which asks Oakland’s residents to adopt IRV for all local elections as soon as technically feasible.

II. Background

On November 7, 2000, Oakland voters overwhelmingly passed Measure I— 72 percent in favor versus 28 percent against— to replace all vacancies on the City Council by special election instead of appointment.¹ Part of the measure stated that “Alternative legal voting methods shall be used to the greatest extent feasible to increase voter participation in special elections including [...] preference voting.” Although Oakland’s charter encourages the use of preference voting, more commonly known as Instant Runoff Voting (IRV), to-date the City Council has not implemented IRV for any special elections and is reluctant to consider its general use.

This position should have been reconsidered, as several elections immediately subsequent to Measure I’s passage have shown. In fact, had IRV been implemented in 2000, Oakland could have increased voter participation, saved taxpayer money, or improved the democratic fairness of *every subsequent local election*. For this reason, California Common Cause, the League of Women Voters of Oakland, Californians for Electoral Reform, and citizens of Oakland formed a coalition to advocate the adoption of Instant Runoff Voting for all local elections. In conjunction with Councilmembers Nancy Nadel and Pat Kernighan, the Oakland IRV coalition succeeded in putting Measure O on the November 2006 ballot, which would replace Oakland’s two-round runoff voting system with an instant runoff for all local elections as soon as technically feasible.

This report is a survey of the past decade of Oakland elections, which examines the results they have produced, and demonstrates how IRV would have improved their outcomes. The past decade of local elections provide a good indication of the benefits IRV could offer if Measure O is passed by the voters in November.

Although IRV has been used internationally for decades, and in San Francisco since 2004, its greatest obstacle has always been voter unfamiliarity. The following description of IRV will therefore serve as a guide to the first time reader, and preface this report on reforming Oakland’s elections:

Under this system [IRV], people vote for their preferred candidate, but also can rank several alternative candidates. If a candidate receives a majority, she or he is elected. If not, then the lowest-scoring candidate is removed, and his votes are redistributed according to his voters’ alternate choice. If a candidate now has a majority, that person wins the job; otherwise, additional instant runoff rounds take place. Instant runoff voting is similar to a normal runoff except that, by getting people’s opinion in advance, it guarantees a majority without requiring a second election.²

III. Increasing Voter Participation

Oakland consolidates its scheduled elections with the state and federal primary so that local runoffs, when required, can be consolidated with the state and federal general election. But because fewer voters cast ballots in the primary, there is a wide turnout gap

¹ An identical measure was passed in March 2002 to fill Mayoral vacancies by special election, again encouraging the use of IRV. Measure H won by an even larger margin.

² The description is taken from an opinion piece written by the author: “A crisis in local democracy,” *San Diego Union Tribune*, December 23, 2005. An excellent visual presentation of IRV may be seen at www.instantrunoff.com.

between a scheduled election and its runoff. For example, in March 2000, 76,317 Oaklanders voted for the City Councilmember At-Large. No candidate received a majority, so a runoff took place in November 2000 where 114,601 voters cast ballots.

Unfortunately, for the majority of Oakland's local elections that do not go to runoff, voter turnout is much lower than would be desired. Tens of thousands fewer voters show up for the state and federal primary than for the general election. Primaries also tend to attract a disproportionate number of partisan and non-minority voters, whereas general elections feature a more moderate and ethnically balanced electorate. The primary, as opposed to the general election, is a poor time to elect Oakland's local officials because voter turnout is less representative in number or demographic to Oakland's actual population.

Because IRV eliminates the need for runoffs, local elections would be consolidated with the state and federal general election in November, when voter turnout is at its highest. Had IRV been used in Oakland since 1992, there would have been an average 57 percent increase in voter turnout.³ Or, put another way, over that time period over 200,000 more Oaklanders would have cast ballots for the local elected officials that represent them.

IV. Saving Public Money

Runoffs, even though consolidated with the general election, mean big costs to the City of Oakland. Deputy City Clerk for Elections Marjo Keller estimates the cost of a runoff to be between \$0.75 and \$1.25 per registered voter, or up to \$200,000 per citywide runoff. These costs are important since, between 1996 and 2006, nearly one out of every four local elections resulted in a runoff.

Because IRV resolves runoffs instantly, without the need for a second election, Oakland could save this money and put it to better use. San Francisco is an example of this: in 2004, S.F. spent a one-time cost of \$2.4 million to implement IRV citywide and, for the first time since 1998, did not have to hold a \$3 million December runoff – a net savings of \$600,000 in its first year.

Oakland's savings might not be as dramatic initially because it could have to pay a one-time cost to implement IRV and educate voters about the new system. Recently, Alameda County entered into contract with Sequoia, its new elections systems provider, to have all voting equipment IRV-ready by 2007 for around \$350,000. This amount will either be paid for by the county, split between all cities in Alameda County, or between the three cities that currently allow IRV in their charters (Oakland, San Leandro, and Berkeley). If Oakland's education costs per registered voter are comparable to San Francisco's, the city can expect to pay \$400,000 – this amount would be recouped by the third avoided citywide runoff election.

V. Ensuring Democracy

A principle of representative democracy is that elected officials take office with over 50 percent of the vote. The majority requirement ensures that politicians act in the interest of their greater constituency, and not simply for the desires of a small subsection of the electorate. Oakland has recognized this wisdom for decades: when no candidate

³ This represents the difference in turnout between Oakland's primary and general election.

receives a majority in a scheduled local election, the top two candidates must compete in a runoff.

However, this rule does not apply to Oakland's "special elections," which are unexpected elections called to fill a vacancy in political office. In these elections, the candidate who receives the most votes wins, even if this percentage falls far short of a majority. For example, less than one year after Measure I passed, Moses Mayne won a special election to fill a vacancy in the City Council with only 33 percent. It was hard to say he represented the will of District 6 voters when 67 percent of them voted for someone else. Because his rival Carol Ward Allen polled so closely behind him, at 31 percent, questions remain as to whether the majority would even have chosen Mr. Mayne in a runoff. Perhaps tellingly, Mr. Mayne lost reelection in 2002 with 35 percent of the vote, which is nearly the same percentage he won by in 2001.

In all, there have been two special elections since Measure I passed five years ago, and in both cases the winning candidate received less than 35 percent. In the most recent special election (2005), Patricia Kernighan was elected to City Council, District 2, with 29 percent of the vote. Like other candidates in this campaign, Ms. Kernighan criticized Oakland's special election law, saying "it is not the most democratic way to count ballots, especially with no runoff."

Ironically, when Oaklanders approved Measure I they gave the City Council the authority to prevent the plurality-winner problem by using IRV, but the Council has chosen not to exercise it. Had IRV been used, the weakest candidates in the special elections would have been eliminated and their votes redistributed until one candidate emerged with a majority. All eight candidates in the recent District 2 special election expressed their preference for IRV, as opposed to letting the will of a tiny plurality prevail.

VI. Improving the Political Process

IRV would improve Oakland's political process in three areas: reducing the cost of campaigns, shortening the lame duck period, and promoting issue-based campaigning. While side benefits of IRV, their effects could improve how Oakland's campaigns are run and won.

When a runoff ensues in Oakland, the top two vote getters must scramble for even more campaign funds. This occurrence, sometimes called the "perpetual campaign," is harsh on poorer or grassroots candidates who have more difficulty raising money. If nothing else, extending the campaign means candidates turn to more special interest groups for funds or dig deep into their own pockets. For example, in the 1994 Mayoral race, challenger Ted Dang took out a \$50,000 loan in the runoff only to lose to incumbent Elihu Harris. With IRV, runoffs do not occur, so campaigning would end with the election as most voters would prefer.

The "lame duck" period is the length of time a politician remains in office after losing reelection but before his successor's inauguration. The expression comes from the perception that losing politicians tend to be ineffective in their final months in office, either because they are looking for new jobs or because other politicians see no need to cooperate with them on legislation. For example, in March 2002, Councilmember Moses Mayne lost his reelection bid to Desley Brooks; however, he remained in office 10 months until Ms. Brooks took his seat in January. A District 6 community newsletter, the

Sequoyah News, opined in 2003 that “not surprisingly, our district has lacked a strong voice in city politics, and matters such as the Leona Quarry appear to have been placed on accelerated schedules designed to take advantage of [the lame duck period].” Under IRV, elections would be scheduled in November, which narrows the lame duck period to only two months.

IRV might also promote more issue-based campaigning, while discouraging personal attacks. Under the present system, candidates that “go negative” may not gain votes as a result, but they can cause their opponents to lose votes. With IRV, however, candidates must compete for a person’s vote *and* a high alternate ranking from their opponents’ voters in case no one receives a majority. As such, candidates have an incentive to avoid personal attacks because this tactic could alienate a voting group whose alternate choices will decide the election. In September 2004, the *New York Times* examined San Francisco’s political campaign season and reported that IRV had introduced “a new civility among the candidates.”

VII. Conclusions

Instant Runoff Voting is a win-win reform for everyone in Oakland. First and foremost, the citizens win because, under IRV, more voters will participate in electing their local representatives. The quality of their vote is also improved, because IRV guarantees that the winning candidate will receive a majority of the vote at the first election. Second, the city of Oakland wins by saving money. Finally, elected officials win as well because the lame duck period is shortened and the harrowing possibility of a second round of campaign financing for the runoff is eliminated.

San Francisco’s recent elections are a model of what IRV could achieve for Oakland. In addition to saving the city hundreds of thousands of dollars, IRV nearly tripled San Franciscan voter turnout over the runoff while guaranteeing that each candidate received a majority. Despite critics’ fears of voter confusion, an exit poll by the Public Research Institute at San Francisco State University found that, after the first IRV election, 87 percent of voters understood IRV at least fairly well. Moreover, 61 percent of voters preferred IRV to the traditional runoff, whereas only 13 percent wanted to go back to the old system.

The advantages of IRV are clear and many; however, changes to the city charter need the due consideration of Oakland’s voters. In Berkeley and San Francisco, voters approved the use of IRV for all elections by popular referendum – Oakland has the chance to do the same with Measure O. Hopefully, the Measure will pass and, within two years, Oakland will become a model city for election reform.