

**PORTLAND CHARTER COMMISSION
MINUTES of JANUARY 28, 2010.**

Agenda #1: Chair Plumb called the meeting to order and reviewed the agenda .

Agenda #2: Public comment on agenda

Will Everitt – League of Young Voters

- *Supports IRV and would like it offered in Charter
- *With primary and general election same people do not necessarily vote in the two elections.
- *Results are nearly instant; not waiting an additional 5 months after primary
- *League will help city as much as possible if City moves forward with IRV
- *Recommending option that weakest fall away so keep as many 1st choice candidates as possible

Charles Bragdon

- *Favor rank choice voting; should not use terminology of instant runoff voting

Stephen Scharf

- *Do not favor RCV; basically the worst loser decides who wins
- *If you do adopt it, it should be used it for all the seats
- *Issue of at-large versus district; happy with present breakdown but if decide to change it, city should go to all district councilors

Agenda #3: Minutes of December 14, 2009 approved (9-0) (Smith/Mermin/Spritz absent)

Agenda #4: Announcements

Chair Plumb: Comm. Mermin had a conflict and Comm. Smith is recovering from surgery.

*Comm. Gooch – Council granted extension of time to Commission, so preliminary report is due on May 21 and final on July 16.

*Chair Plumb - on long term work plan – included possibility of an additional meeting in March and in April to finish up school and mayoral issues. Public Engagement Subcommittee met and wants to have a meeting in February for the public to bring the public up to date and offer informal conversations for collecting public feedback. Later in May, the Committee suggests a deliberative session in small groups, which would be both open to the public and include some invited participants to create a cross-section of people. Comm. Mermin can explain it better and the Commission does not need to decide on the May meetings until later.

*Comm. Cohen – not fully aware of what is planned but I compare it to a focus group to get feedback; the decision making is still with the Commission. Tool for receiving input.

*Comm. Valleau – ask City Clerk about whether enough time to get all of this done for the ballot.

*City Clerk Linda Cohen – just need to have everything ready for the ballot by the first meeting in September.

*Chair Plumb – plan is to get everything to the Council at first meeting in August.

*Chair Plumb – Joe Gray would like to meet with Commission February 25 to discuss issue of developing the budget with an elected mayor.

Agenda #5: Rank Choice Voting Issue

*Chair Plumb –

-Do we philosophically agree with RCV?

-If so, is it worth the time and money to implement?

Comm. Ranaghan

-Do not favor RCV; but would oppose doing it only for mayor

-Do not think candidate who gets 49% of vote would be very happy if someone else leapfrogged ahead of them

-FairVote is a very small group; and very small base of municipalities using RCV, and some want to repeal

-Money part is important and we need to have a fiscal note on anything that costs money

-Think it's a confusing system

Comm. Chipman

-Strongly support it; a lot of different private groups use it

-Fairer way of doing things

-Allows voter's vote to count to its full potential

-Do not want us to elect anyone with 35% of the vote

-Over last 6 or 7 years have had elections with winner getting less than 50% of the vote

Comm. O'Brien

-I support it; if do go to elected mayor who can promote development and influence the budget, want that person elected by a majority of the voters

- Think the system is fair because last choice candidate is eliminated and those 2nd choice votes then become first choice votes

- Also like that it's voluntary – voter can vote only for 1

Comm. Treverrow

- I support it and support it for all elections

Comm. Gooch

- I support it; it's a more democratic system

Comm. Cohen

- Need to assure we have a majority elected mayor; only two ways to do it, either with 2 elections or IRV/RCV

- Testimony was persuasive that people understood the system

- It will cost money, but not Commission's job to state how it is implemented

- Some of costs are one-time; some are ongoing

- Hope and expectation is that savings will be found elsewhere

- Try it for Mayor and if it works, then it could be extended to other elections

Chair Plumb

- If want the type of mayor with influence we have approved, then need a majority elected mayor.

- Only 2 ways to do it either primary and general election or RCV

- Support the type of RCV as working up from the bottom

- Would like to start with mayor and then see where it goes

Comm. Valleau

- Have not made up mind

- Don't think it's as simple as not having a mandate with less than 50% of the vote; nor that they have a mandate with 60% of the vote.

- For 4 years, mayor only has to convince 4 other council members

- RCV is a synthetic majority

- Finally do not think election technology is on top of this idea

- Running an election is very complex; idea of a central hand count is a terrible idea

- Idea has been around for 20 years, why are so few communities using it?

- If it's in the charter, we'll have it for better or worse; it's a big step

Comm. Davis

- Need to create something that will work well going forward

- See advantage that it helps electorate to consider all of the candidates and to become vested in them
- Not as adversarial an election process
- Striving for broad engagement; sense of buy-in; helps create “vision”; have more choice throughout the process
- Electorate likelier to be happier with outcome; creates more of a collaborative environment than traditional voting.
- Would strengthen “soft” power vision of mayor that we have
- Open as to whether it should be expanded to other offices

Comm. Spritz

- Have shifted ground on it over time
- Originally scornful of it and of the list of cities that have adopted it; but those who have adopted it have been more progressive
- Not sure Portland was ready for it
- Now do support RCV; think it will be wide open field when these elections occur, with multiple candidates
- Support it for the mayor position
- Very heartened by offer of League of Young Voters to help make this work
- Assume that if we pass this in November, 2 years is sufficient time to figure out how to do it

Comm. Gooch

- Thoughts on why so few municipalities have adopted?
 - People who can make the change already hold power and do not want the change
- Idea that majority is synthetic
 - Last person would not have been on ballot at all if use primary and runoff
- Will know whether people support your agenda with RCV
- If it's a good idea, then if worth doing, then let's do it for all

Comm. Ranaghan

- What we have now is democratic
- Be very careful about person with 49% of votes losing because of second choices
- If we have the budget savings, then let's save it
- Let's not spend ½ million dollars on this
- If do it for one race, then do it for all
- Must put in a fiscal note and make sure the numbers are real

Comm. Gooch

- Portland has high turnout for major elections so any way we increase that is good

-Courts that have looked at this has concluded this is “one man one vote”

Comm. Cohen

- Question is will the people of Portland have confidence in person who is elected mayor?
- People want vision to best reflect what the people want
- How do we feel about 31% elected mayor?
- If person is elected with 70% of vote that will better reflect the people of Portland
- Confident we can come up with plan

Comm. Davis

- If talk about costs, think about it as an investment in how we choose our government; it’s a worthwhile investment

Comm. Treverrow

- Potential of RCV for engaging people in the process
- Lets people feel that their views will have representation
- Cannot really talk about today’s costs; they will change

Comm. O’Brien

- Cannot quantify opportunity cost; perception is that Maine State Pier project had no leadership, resulting in political jockeying in selection of firm
- Think they can bring in more economic opportunities for the city
- Want to know that the mayor representing the city has gone through a rigorous process

Comm. Chipman

- A lot of costs are one-time; not a lot of ongoing expense.
- With IRV know how much support a person has going into office
- In terms of expanding it, probably cheaper to do it for every office rather than just for mayor
- Easier to understand if vote same way for all

Chair Plumb

- If going with an elected mayor, then really do have to know that there is at least first and second choice of community, so system matters.
- Feels like an investment we can afford to make

Motion to approve rank choice voting passes 9-1 (Ranaghan)

Chair Plumb

- Methodology: Eliminate person on bottom and work up until have a majority; or

Take top 2 vote getters and allocate rest of votes

Issue of whether it is called Instant Runoff Voting or Rank Choice Voting:
Rep. Diane Russell – Secretary of State has expressed concern about mixed semantics and asked that it be called rank choice voting. At national level moving to RCV terminology as well; just a question of semantics.

Comm. Ranaghan

*What if have tie among candidates – how are votes reallocated

Comm. Gooch

*Just reallocate both of their second place votes

Comm. Davis

*Very unlikely scenario

Chair Plumb

*Will get an answer to that question

Comm. Chipman

*That could happen now with current system

Comm. Valleau

*Where are the rules on RCV?

Comm. Ranaghan

*We need to craft this so it does not change

Motion to approve elimination of person with fewest first place votes and re-distribute votes Passes 9-1 (Ranaghan)

Chair Plumb

*What elections should this apply to?

City Clerk Linda Cohen

*We also administer Portland Water District and Casco Bay Island Transit District elections

Comm. Ranaghan

*We should not dictate this for two separate governmental entities – i.e. PWD and CBITD

Comm. Gooch

*Should apply to Mayor, Council and School Committee

Comm. Chipman

Motion to adopt this type of RCV for Mayor, council, school committee

Discussion:

Comm. O'Brien

*Think it's important to use this system for Mayor to speak on behalf of City of Portland; not same with School Committee and district Councilors

*Should Charter commission prescribe for Mayor and then put it as an option for Council for other races?

Comm. Spritz

*Sounds like we will have two ballots anyway, so long as we do not use it for PWD and CBITD

*Concerned about implementing for all the races, reason we're considering it at all is to have a Mayor with a mandate

*Too much to dictate

Comm. Cohen

*Dilemma of running two ballots would only happen ever 4 years

Comm. Gooch

*Agree with Comm. Spritz

Chair Plumb

*Only reason considering this system is because of recommendation to have an elected mayor

*Plurality voting does permit minority election and maybe that's not all bad

Motion to amend Comm. Chipman's motion to have RCV be optional for Council to approve for races other than Mayor (O'Brien/Davis)

Comm. Ranaghan

*Would open it up to Council manipulation from election to election

Comm. Cohen

*Could do in Charter but think it would lend itself to manipulation in a given year with just an ordinance change

Comm. Gooch

*Agree that it's not a great idea to use an option; need to be clear and unequivocal with voters

Amendment to give Council option of applying RCV to other races fails 10-0

Main motion to apply RCV to mayor, council and school committee offices fails 2-8 (Chipman, Treverrow)

Motion to use RCV for mayor position only passes 9-1(Ranaghan)

Agenda #6 – Issue of ratio of district and at-large councilors

Comm. Ranaghan

- Should also talk about how they are elected, e.g. have “district” councilors that are elected at-large

Comm. O’Brien

- Should also look at the district lines

Comm. Cohen

- Feel strongly about the current system and feel it serves city well
- If go to more districts, government gets more fragmented
- If go to all at-large, then close out possibilities for minority representation
- Favor keeping what we have

Comm. Spritz

- Agree with Comm. Cohen
- Feel that we have a very good system that provides a natural check and balance so that neighborhood representation doesn’t overwhelm city-wide concerns and vice versa
- More districts would lead to balkanization of community
- Do not support looking at this issue

Comm. Ranaghan

- Think it works well now; don’t want much larger council; the districts don’t really represent neighborhoods per se, usually include several neighborhoods

Chair Plumb

- Fought to keep district councilors in 1986, but there are cities which have nearly been destroyed by all district councilors because councilors always voted their district interest

Comm. O’Brien

- What about idea of changing ratio to 6-2-1?

Comm. Cohen

- Issue is whether we want to have discussion of this in the future, hope we don't have to take it up in the future
- All districts look pretty similar in how they're laid out and people in them, even if some are bigger geographically than others
- Current balance works; should not mistake geographic size of district with number of people in it.

Comm. Gooch

- We should leave this issue alone

Motion that issue of redistricting, number of seats, types of seats be taken off agenda

Comm. Ranaghan

- Now will have fewer people in which I have no voice if more district councilors
- Bothers me that I don't get to choose more of the council members

Comm. Spritz

- Would support Comm. O'Brien's motion to have 6-2-1

Comm. Cohen

- Ability of a person to weigh in on those who are council and school committee; compare it to the ratio of voting for federal or state officials
- Once you start tipping away from 4 at-large you change what it takes to get a majority

Comm. Davis

- I am happy with what we have; our districts comprise many different people and neighborhoods; have a section of the city they represent

Comm. Treverrow

- Intrigued by Comm. O'Brien's suggestion; feel there is some merit to continuing the discussion

Motion to take issue of redistricting, number of seats, types of seats be taken off agenda passes 7-3 (Chipman, O'Brien, Treverrow)

Chair Plumb – next meeting will be on legal immigrant voting

Comm. Treverrow

- Ron Hayduk will present for about 45 minutes
- Beth Stickney – from Immigrant Legal Aid

-Gary Wood and Linda Cohen

Comm. Valleau

-Any legal issue with non-citizen voting?

Chair Plumb –

-We will recirculate Gary Wood's memo on legality

Discussion of date for separate public discussion meeting in February - set for Tuesday February 23, 2010.

Extra meetings scheduled tentatively for March 18 and April 1.