

**REPORT TO: PORT CHESTER BOARD OF TRUSTEES AND MAYOR**

**FROM: RESIDENTS VOTING ADVISORY COMMITTEE**

**DATE: MONDAY, APRIL 2, 2018**

**RE: ACTIVITIES AND RECOMMENDATION FOR VOTING METHOD**

### **Introduction**

On February 16, 2018 the Board of Trustees and Mayor of Port Chester passed a resolution to form a committee of resident-volunteers to deliberate on voting systems for the Village stemming from the 2009 US Department of Justice consent decree. The committee was also charged with making a recommendation to the Board on which method to adopt. The methods discussed were three variations of At-large; Cumulative, Limited, and Rank Choice, the fourth was District Voting.

The committee met a total of six times between March 1 and March 28, totaling approximately 12 hours to deliberate. The committee utilized reports on the topic commissioned by the Village, non-partisan external experts on voting, legal counsel expert in voting law secured by the Village, and other Village resources to complete the task.

### **Committee Composition**

The Resident Voting Advisory Committee was initially comprised of 32 residents. With attribution, it decreased to 27. The final make-up of the committee was: 8 women; 19 men; 18 whites; 7 Hispanics; 2 blacks; and ranged in age from 19-93. There were 11 members of Sustainable Port Chester Alliance who participated on the committee. The committee met a total of 6 times between March 1 and March 28, totaling roughly 12 hours of time to deliberate. We utilized modified Robert's Rules approach. Co-Chairs were Joan Grangeniois-Thomas and Gregg Hamilton, both members of Sustainable Port Chester Alliance. Recording secretary was Raul Ortuno, also a member of Sustainable Port Chester Alliance. The committee was budgeted \$6,000 to use toward their deliberations. At the writing of this report, the final amount spent is not yet known. A fair estimation puts the amount spent at \$719.00.

The committee viewed a presentation delivered by FairVote on March 6. On March 26, the committee heard from Paul DerOhannesian, II, representing the law firm of Holtzman Vogel, Josefiak and Torchinsky, which was hired by the Village to counsel them on election law. Dr. Lisa Handley, the political scientist/demographer attended a meeting on March 28, via Skype. This allowed members of the committee to get clarity on a variety of issues. The most pressing issue requiring clarification was the question of whether the Village was permanently barred from using an At-large, staggered system of voting and if the Village would be exposed to a lawsuit or challenge if it did decide to return to that specific system or other at-large, winner-take-all type of system. The response was that the Village is not barred from using that system but if it did, it could be exposed to a lawsuit or challenge. It should be noted that when Dr. Handley was asked if Cumulative Voting was a fair voting method for all the residents of Port Chester, she opined that it was a fair voting method. It should also be noted that Dr. Handley said that District Voting

## **Methodology**

The committee agreed to develop criteria, which was used to compare and contrast the available voting methods. Those attributes were as follows:

- 1) Did it satisfy Article 2 of the Voting Rights Act, for which the Village was found in violation
- 2) Would it create a competitive contest for candidates
- 3) Would it inspire voter turnout
- 4) Would it give satisfaction to the voter that their vote counted
- 5) Associated costs
- 6) Education and ease of use
- 7) Fairness – this attribute was eventually eliminated because the committee felt it was too subjective.

The committee applied each of these attributes to each method of voting that was discussed. Although the discussion yielded many opinions, a method to determine support for one method over another was developed and utilized to distill the deliberations and find consensus within the committee.

At the March 26 meeting, co-chair, Gregg Hamilton distributed ballots that were designed to emulate three methods of voting; Rank Choice, Cumulative voting and Limited voting. As the term of the committee was near its end, the committee needed to take the temperature on how committee members felt about the various voting methods. This effort gave the committee an opportunity to evaluate each voting method. It also gave the committee an opportunity to see which method garnered greater support.

Committee member Lou Russo proposed another semi-quantitative voting method; however, due to the timing of his submittal and lack of time to evaluate further by the committee, it was not utilized.

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## **Findings**

The deliberation and subsequent polling revealed the following:

- Limited Voting Method -- One vote was cast on each ballot for the preferred system option only.
- Cumulative Voting Method -- Three votes could be spread across the 4 election system options.
- Rank Choice Voting Method -- The four election system options were ranked according to preference from 1 to 4 with 1 = preferred method, 4 = least favorite method.

The results of the straw poll were revealed at the final meeting of the committee on March 28. Cumulative Voting was found to have greater support, with District Voting next. Rank Choice and Limited Voting got the least support.

As a result of the polling, two motions were made; one was to eliminate the Rank Choice voting method and the other was to eliminate the Limited Voting method. The motions passed and both methods were eliminated.

As a result of the process of elimination, the committee was left with Cumulative Voting and District Voting as the remaining voting methods. A motion was made to decide between these two methods. The voting associated with the motion turned out as follows:

- Cumulative Voting received 13 votes out of 22.
- District Voting was the dissenting preference with 9 votes out of 22.

As a result of the motion, the committee decided to present Cumulative Voting to the board as the recommended method.

Additionally, Mr. Kissner – President of the Board of Sustainable Port Chester Alliance, excepted the fact, that the majority of the members chose Cumulative Voting and that it was a good thing. Other members who favored Districts also indicated that they would be supportive of Cumulative Voting.

The Committee opted to present their findings as reported herein as being more representative of their view, rather than seeking unanimity in their choice of remedy. Despite differences, the Committee recognized the significance of their role in the process the Board of Trustees promulgated to assist them in the final decision.

## **Conclusion**

The committee faced some challenges during the process. Of note, time did not allow for all members of the committee to become well briefed on the scope of the case against Port Chester. The Board of Trustees denied the request to extend the deadline beyond April 2 to allow for additional time to deliberate the issues. As a result, some members were more familiar with the history of the case against Port Chester, some were better briefed on the voting method options at hand, while others were still trying to understand terms such as Threshold of Exclusion. Short cuts such as establishing a set of ground rules and a genuine desire to collaborate and complete the task worked in the committee's favor.

It should also be noted that several members of the committee preferred commonly used At-large Voting with staggered Trustee terms as a governance method, but voted for Cumulative Voting because of the potential challenge that could be presented to the Village if the aforementioned method was suggested to the Board of Trustees.

As stated earlier in this report, the limited amount of time allotted to this committee prevented a more complete discussion of associated issues, such as potential Board of Trustee term limits, the

effects of staggered Board of Trustee terms, and a discussion of the potential effects of varying the election cycle during the year from its current time.. It is the view of this committee that careful thought and consideration should be made to these and other areas to help increase participation, competitiveness and fairness in the election process.