

Re: Charter Commission: Contracts and Communication to Public

Sandra Delvin <[REDACTED]>

Tue 8/10/2021 8:41 AM

To: CharterReview <CharterReview@sanjoseca.gov>

Cc: Quevedo, Matthew <Matthew.Quevedo@sanjoseca.gov>

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Dear Charter Commission members,

I am resending as I had your address incorrect in my first email last week.

Best regards,

Sandra Delvin

On Monday, August 2, 2021, 10:59:30 AM PDT, Sandra Delvin <[REDACTED]> wrote:

Dear Charter Commission,

First, thank you to all of you who for serving on the commission. Your time, research, and thoughtful review of proposals is appreciated as well as your dedication and patience. Your work and obtaining complete and fair input from community is critical to assuring that our city's future is focused on what is best for all of us – not what special interests or political groups want.

It is my understanding that non-profits and CivicMakers have been hired to publicize to the community information about the commission and its activities. While I have limited social media, I am on Nextdoor and Facebook. I have not seen any social media about this commission on either of these medias.

I only heard about your public comment/forum late last week from a friend – not from any media or government effort. I am concerned about the effectiveness of this public outreach.

- What criteria is being used to reach San Jose residents?
- How is success being measured?
- What non-profits are being used? (If you could please send the list that would be appreciated.)
- Are they unbiased and truly reaching all elements of the San Jose community?
- Are the communication campaigns successful? (But my measure that not one neighbor on my street I asked or I knew about the meeting from a media source, then I would say what is being done is not effective.)

This is so important perhaps mailings should to all registered voters or perhaps all households should be considered. Whatever is being done now is not working to assure complete representation of San Jose residents.

Thank you in assuring that you are truly getting input from across the community – not those representing special interest groups.

Again, thank you for your time and energy.

With respectful regards,

Sandra Delvin, PE

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Oppose Change of Mayor Race Timing

Sandra Delvin <[REDACTED]>

Tue 8/10/2021 9:05 AM

To: CharterReview <CharterReview@sanjoseca.gov>

Cc: Quevedo, Matthew <Matthew.Quevedo@sanjoseca.gov>

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Dear Charter Commissioners:

Last week was a very eventful week in San Jose local politics, but the media coverage was very limited. The following summaries three events that occurred (and there may be more):

1. Council Member Matt Mahan held a press coverage on Wednesday, 8/4/2021, at 10 am regarding his proposal on housing including opposing "Opportunity Housing" and streamlining the urban village approval process.

Print media coverage occurred in the SJMN and San Jose Spotlight. (At least that is where I saw it.)

2. Council Member Dev Davis held her campaign kick-off for mayor event on Wednesday, 8/4/2021, in the evening, which included proposals and ideas for the future of San Jose.

The print media coverage occurred in San Jose Spotlight.

3. Council Member Dev Davis earlier in the week released an important memo on local control of land use issues.

I saw no coverage of this memo in the print media.

So, how much less media coverage will occur if the election of mayor was during a presidential election cycle? There would probably be none! Voters will be less informed or aware of the issues. There will be less debates and interactions as people will be focused on the upper elections. There will be less ability for the voters to do research or review positions. This potentially means less real civil engagement.

Efforts on improving voter turnout at all election cycles is a better approach than moving the mayor election to the presidential cycle where the issues will be hidden, not covered, or lost in the ads and the news media.

Please do not make this change. It may sound good, but it is not good for voters, the press coverage, or the future of our city. It is probably moving closer to a "straight ticket vote" process than to an informed vote.

Thank you,
Sandra Delvin, PE

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Public comments on ranked choice voting

Deb Otis <[REDACTED]>

Fri 8/13/2021 7:04 AM

To: CharterReview <CharterReview@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>

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To members of the San Jose Charter Review Commission and City Clerk,

We are writing to follow up on a number of additional points regarding ranked choice voting in San Jose based on other comments the committee has received.

Two-Round Elections Suffer from Turnout Issues and Can Fail to Elect Candidates with Broad Support

In response to concerns over whether San Jose's current two-round primary and general election system effectively delivers majority-preferred winners, we confirm the commission's understanding that elections can often be effectively pre-decided in primary elections, denying a full range of choices to general election voters when turnout tends to be much higher. Using low-turnout primary elections to narrow the field to two candidates artificially limits the choices of general election voters.

In fact, top-two primary elections can sometimes fail to advance a candidate who is the consensus choice of the voters and who has the broadest support. In RCV elections, FairVote analyzes ballot data to track whether each election included a candidate who would win head-to-head against every other candidate in the race, also known as a "Condorcet winner". Most election theorists agree that if such a candidate exists, it is desirable for them to be elected. However, there are cases in which the "Condorcet winner" was in third place after first-choices were counted, but was preferred head-to-head against both of the two front-runners. This occurs when the "Condorcet winner" candidate splits the vote with other similar candidates, dividing their first-choice support. (For more, see *Technical Property in Practice: Condorcet Winners* at https://www.fairvote.org/research_rcvwinners#condorcet_winner).

For example, in San Francisco's 7th supervisorial district in 2020, Myrna Melgar won the RCV election after starting in third place in the first round. If San Francisco used top-two runoffs, Melgar would not have made it to the second round. However, Melgar was the "Condorcet winner", meaning that when compared against either of the two leading candidates, Melgar was ranked higher by a majority of voters who expressed a preference between Melgar and the other candidate. That makes Melgar a clear consensus choice with broad support, but one which a two-round runoff would have failed to elect. A similar scenario occurred in San Francisco district 10 in 2010 where Connie Chan was the RCV winner, and the "Condorcet winner", but would not have made it to the final round of a two-round runoff. We cannot know how often a similar situation has occurred in San Jose elections because we do not have full preference data from voters.

In conclusion, two-round runoff elections can harm general election voters by denying them a full range of choices based on the preferences of a narrower group of voters, and two-round runoffs can fail to advance a popular consensus candidate to the final round. Ranked choice voting solves both of these issues by combining two elections into one and giving voters the chance to express their full preferences.

Recounts and Audits in RCV Elections

Ranked choice voting elections can be recounted and audited with no more time or effort than recounts and audits in traditional single-choice plurality elections. This is because recounting ballots under RCV does not mean conducting the RCV election by hand. Instead, it involves examining ballots one at a time to see which of the competing candidates is ranked higher, a simple one-round process. Theoretically, a recount might occur involving more than two candidates, which would require a more involved process of tallying ballots and comparing them to voting machine vote records, but such a recount has not yet been requested, much less conducted.

Five RCV contests have triggered recounts in the U.S.: The 2010 North Carolina State Appeals Court election, the 2018 Maine Second Congressional District general election, the 2017 Minneapolis Ward 6 Councilmember election, and two district primaries in New York City 2021. While only the North Carolina recount and two New York City recounts examined all the ballots, all proceeded smoothly. The other two recounts ended early when the petitioners withdrew the request after seeing early results from a smaller number of precincts.

Ranked choice voting elections can also be audited using similar procedures for auditing single-choice plurality elections. Traditional and risk-limiting audits have been used successfully on RCV races in California, including the first use of risk-limiting audits for RCV in San Francisco in 2019. (For more, listen to the Ranked Choice Voting Resource Center's podcast *Risk-Limiting Audits of Ranked-Choice Voting* at <https://soundcloud.com/rcvrc/risk-limiting-audits-of-ranked-choice-voting>)

Santa Fe's Ranked Choice Voting Success Story

Regarding the public comments by Terry Reilly on Santa Fe's experience with RCV, we'd like to clarify a few points. First of all, Reilly's assertion that the voting equipment was not certified is false. It was certified to use by the New Mexico Secretary of State's office on September 27, 2017.

Second, RCV was approved by Santa Fe voters at the ballot box, rather than being forced on them by the courts. Voters adopted the new system as a charter amendment by a two-to-one vote in 2008, but the charter amendment indicated that it would only be implemented when the city acquired new voting equipment. New Mexico adopted a new system statewide in 2018 that was tested by a federal lab and RCV-ready. The city voted to delay implementation, in violation of the 2008 charter amendment. As a result, a group of Santa Fe voters sued the city, and a court held in November 2017 that it had to implement the system voters had demanded a decade earlier. This is a case of the courts upholding the will of the voters, not a case of a system being forced on the voters.

The election also resulted in a strong majority win in an election where over 99% of voters cast a valid ballot and 96% of those ballots expressed a preference between the two finalists. Mayor Alan Webber won with 13,088 votes as Reilly claims, but it is misleading to imply that number is problematic. There were just over 20,000 ballots cast in that mayoral election, the highest turnout in over a decade, and the winner's 13,088 votes represent a clear majority mandate.

As noted in my previous comments to this commission, the claim that there was a “600% increase in spoiled ballots” is egregiously misleading. In fact, there were 26 ballots total invalidated due to voter error, meaning that 99.9% of voters who cast a vote for mayor were valid. The “spoiled ballots” cited by Reilly were not invalid ballots. Instead, these “spoiled ballots” are ballots that a voter chose to return for a new ballot. If a voter were to rank one candidate as second choice and then change their mind and ask for a new ballot, that would count as one “spoiled ballot.” In fact, it is likely that every single one of those ballots is from a voter who cast a valid ballot that was counted as intended.

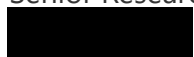
Exit polling in Santa Fe overseen by the University of New Mexico showed that 84.4% of voters found the ballot “not too” or “not at all” confusing, and 70.7% supported continued use of ranked choice voting in their city elections. A far greater share of Santa Fe voters expressed confidence in the city’s RCV elections than had New Mexico voters in a survey of the non-RCV general elections in November 2016. (Learn more at *Ranked Choice Voting in New Mexico* at <https://www.fairvote.org/newmexico>).

Las Cruces NM followed Santa Fe, adopting RCV by a unanimous city council vote in 2019.

Thank you for your time, and we'll be happy to provide more information or answer any additional questions.

Sincerely,
Deb Otis, FairVote Senior Research Analyst

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Deb Otis
Senior Research Analyst



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Letter from League of Women Voters

Carol Watts, President LWVSJSC <[REDACTED]>

Sun 8/15/2021 8:51 PM

To: CharterReview <CharterReview@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>

 1 attachments (86 KB)

Letter to CRC 8_15_21.pdf;

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Attached is a letter from the League of Women Voters of San Jose/Santa Clara about your Commission's work plan.

Thanks to all of you for serving to help shape and strengthen our own community. We share your passion!

Carol Watts
President, League of Women Voters of San Jose/Santa Clara
lwsjsc.org
votersedge.org/ca

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August 15, 2021
lwvsjsc.org

To: Chair Frederick Ferrer, Vice Chair Christina Johnson
and members of the San Jose Charter Review Commission

Subject: LWV Comments on Charter Review Commission Work Plan

The League of Women Voters endeavors to ensure a more equitable and inclusive democracy, encouraging citizens to shape better communities worldwide. We commend each of you on the Charter Review Commission for serving to help shape and strengthen our own community. Based on the [positions formed from our studies on issues](#), we offer these comments:

1. Changes to Government Structure

The League recognizes that each of the different types of local governance structures has the potential to be effective depending on how it is organized. As the Commission considers such changes, we urge you to consider what all successful local governance structures have in common: adherence to principles of effective government organizations and support of democracy, as we have outlined in our new position, (titled "Governance Structure in San Jose" — it begins on page 2 of our [Positions document](#)).

2. Proposed Changes to Voting and Elections

As the Commission continues to look at possible changes to voting and elections in San Jose, we encourage you to consider the factors that the League believes are critical to any voting system:

- Does the system encourage broad voter participation and representation?
- Are the voting tabulations verifiable and auditable?
- Does it encourage sincere voting over strategic voting?
- Is funding adequate for education and expanding voter knowledge?

3. Board of Fair Campaign and Political Practices

We take particular interest in your proposed recommendation to expand the scope and authority of the Board of Fair Campaign and Political Practices. We would like to see all campaign contributions, including those from independent expenditures ("Dark Money"), prominently publicized so that information can easily reach voters. Our concern with the proposals related to the Fair Campaign Board is they may not need to be enshrined in the city charter, but instead could be made in the municipal code.

Thank you for this opportunity to provide some input into the Commission's deliberation. We recognize the significance and impact that your recommendations will have on the future direction for our community. As an organization focused on good government, we continue to encourage you to listen to the community's input, and to take the time to be deliberative and thoughtful in consideration of these changes to the City Charter.

Sincerely,

Carol M. Watts

Carol Watts

President, League of Women Voters of San Jose and Santa Clara