



District-based elections: public comment

1 message

Brennan Long [REDACTED]
To: drawlomita@lomitacity.com

Wed, Oct 19, 2022 at 1:17 AM

Hi,

This is a public comment about districting, not a map submission. Please redirect me or forward this if there is a better email address. Thank you.

I would just like to voice my opposition to the institution of a district-based election system in the first place. I understand this isn't an action Lomita would like to take on its own, but since this is just something that "Lomita has taken steps to consider transitioning [to]" I figured I would submit this comment.

District-based elections (single member districts at least) create a sort of fiefdom system that fragments the city and leaves councillors with de facto near exclusive control over their own district. As we've seen in LA recently, this leads to widespread disfunction; there's also research backing up the "fiefdom" effect (e.g. reduced housing production in cities with district elections). And I fail to see how the current at-large system disenfranchises minority voters. If anything, having multiple single-member districts is less representative of such voters, as [making the inaccurate, but simplifying, assumption that all such voters would like to vote for the same candidate] they would have to form a majority in one of the districts, rather than just getting ~20% of the vote in the single, effectively 5-member district we have now. And if the distribution of minority voters don't form a subdivision of the city into *disjoint* districts (i.e. for each location in Lomita, only one class of minority voters is present), a districting satisfying Section 14040 in the CVRA may be *mathematically impossible* – whereas, in my reading of the law at least (there's the rub), at-large elections in and of themselves don't violate §14040. Using the same assumption as above, members of a minority voter class living in the district different from most other members of that class have their vote "wasted". I would contend, and I think most in Lomita would agree, that this isn't a desirable outcome. Single-member districts leave up to 50%-1 of the population unrepresented; multi-member districts or at-large elections of n councilmembers per k districts leave at most $1/(n+1) \cdot k$ percent of the population unrepresented: for our current system, this is only 16.67%-1.

If this issue is to be addressed, I see two possible solutions that aren't just a copy-paste of the typical badly designed governance systems of cities like LA onto Lomita:

- Increase the number of city councillors such that $1/\#city$ councillors is less than the proportion of the population of the smallest minority voter class, but maintain an at-large election.
- Transition to a district-based system, but make these districts multi-member (with size determined as above, restricting the population considered to just that district). Many European countries have multi-member districts for parliamentary elections. This would solve the issue of majority groups dominating single-member districts while permitting local representation.

Either of these solutions would solve the issues supposedly present in our current at-large elections without introducing the perverse incentives for bad governance present in single-member district elections. One problem with the latter proposed solution is that Lomita is a relatively small city and there may not be enough people willing to run!

Here's a recent article about some OC cities resisting this lawyer's demands: <https://voiceofoc.org/2022/08/more-orange-county-cities-resist-calls-to-switch-to-district-elections/>. Has Lomita contacted any of them? While simply resisting the demands in court probably would not go well as mentioned in the article, I don't see why implementing one of the two solutions I proposed above, as opposed to the detrimental single-member districts this lawyer has (presumably) demanded, would be legally objectionable in any way.

We should not a bad electoral system to be thrust upon us, even if it is for a good cause, when that cause can be addressed in much better and equally simple ways.

Regards,
Brennan Long



District-based elections: public comment, superseding the previous

1 message

Brennan Long 
To: DrawLomita@lomitacity.com

Wed, Oct 19, 2022 at 4:28 AM

Hi,

This is a near-duplicate of an email sent by me a few hours ago. Information in this email supersedes that other email (which does not contain this paragraph), as there were a few minor mathematical errors and some major gaps in my knowledge of California election law in the preceding one.

This is a **public comment about districting**, not a map submission. Please redirect me or forward this if there is a better email address. Thank you.

A summary, as this is long-winded and I encountered many legal issues when researching for this:

- Shenkman & Hughes, PC (henceforth "S&H") have a valid point, and fighting the adoption of single-member districts in favor of the existing at-large block-voting election for council has no chances in court and would be a waste of money.
- However:
 - single-member districts create many perverse incentives that worsen municipal government; and
 - improved voting systems for Lomita are possible that address Shenkman & Hughes, PC's objections without the negative side effects of their proposed single-member district elections.
- In particular, the City should:
 - seek to become a charter city (subject to voter approval), so that more fair electoral systems - which are not currently available to general law cities such as Lomita - may be adopted. If this is possible, the City should adopt such a method (such as multimember ranked choice or STAR voting), and optionally adopt a district-based elections system (though the voting system would also address S&H's concerns), but
 - if the City does not seek to become a charter city, there is no reasonable choice except to adopt district elections; in this case the City should adopt multimember districts with single voting (each voter chooses only one candidate), as opposed to the current block voting system (each voter votes for many candidates, without ranking).
- Finally, the eight possible voting systems and their status under CVRA and California Election Code is presented in an appendix.

I would like to voice my opposition to the institution of a district-based election system, if this system is adopted in the manner typical of Californian cities who have received notice from S&H.

First, I note that much of what S&H claim about at-large elections (e.g. "[a]t-large elections thus allow a majority of voters to control every seat") is a property of the voting system, not of at-large elections. Lomita's current electoral system (if my memory serves me right from last election) is a block voting system [https://ballotpedia.org/Block_voting_system], where voters just select any five candidates without ranking (I may misremember - we may vote one for each seat. The argument follows regardless). S&H's claims *do* indeed hold for block voting at-large elections, and single-member district-based elections do remedy that. However, block voting is an outdated way of running elections and many better methods exist that would permit at-large elections without any such problems - i.e., these methods allow proportional representation in at-large elections. Some common ones are ranked-choice voting and STAR voting [https://www.starvoting.org/multi_winner] (my personal favorite). Indeed, single-seat district elections have many of the same issues S&H are concerned with when conducted with the typical plurality voting system - even in the so-called "majority-minority" districts the redistricting process seeks to create for greater representation. This is because of "vote splitting" [https://www.fairvoteka.org/general_law_cities_should_have_fair_representation_too].

The rub is that Lomita is a general law city, and under the current elections code (as SB-212 (2019-2020) was vetoed by Gov. Newsom; Newsom is generally anti-ranked choice voting and likely to veto any other such bills in the next four years) general law cities may not have the right to conduct cities with other than the plurality (equivalently, block voting when conducted for multiple-member elections) system. Ojai may challenge this, but the legality is unclear [<https://www.vcstar.com/story/news/2022/05/31/ojai-considers-california-first-general-law-city-ranked-choice-voting/9915595002/>] (note: in this article a false distinction is made between ranked-choice voting and district

elections: the voting method and the districting are totally orthogonal concepts). From my reading of the California Election Code Division 10 no system other than plurality voting is possible. As such, I would propose that Lomita seeks to become a charter city. Cities of comparable size have charters, and these are relatively short - Lomita could create one within a few months, including public comment and all. See that of Piedmont, population 10,667: [\[https://piedmont.ca.gov/government/charter___city_code\]](https://piedmont.ca.gov/government/charter___city_code), only 27 pages. The charter would need to include details on the conduct of elections (again, I propose STAR voting for this, but the particulars are not so important).

Back to the districts - single-member district-based elections (which S&H *presumably* propose given what other cities have adopted; I do not have access to the full letter as of writing) create a sort of fiefdom system that fragments the city and leaves councillors with *de facto* near exclusive control over their own district. As we've seen in LA recently, this leads to bad governance and polarization rather than cooperation; there's also research backing up the "fiefdom" effect (e.g. reduced housing production in cities with district elections, because each member will use their *de facto* veto to block housing in their own district with the result that everyone loses). Under my assumption above of adoption of a different electoral system, at-large elections (with a non-plurality voting system, unlike what we have now. Under the current voting system S&H's contentions are accurate) are likely *more* representative of minority voters than single-member district elections. Here's why.

Making the inaccurate, but simplifying, assumption that all such voters would like to vote for the same candidate [this guarantees a worst-case scenario - *anything* in the real world would be equally or more representative of these voters] of they would have to form a majority in one of the districts, rather than just getting ~20% of the vote in the single, effectively 5-member district we have now (due to the issues mentioned earlier, the only way to realistically do this is to limit each voter to one vote for city council. Thus, we must make a further assumption: "vote splitting" losses are evenly divided among the population, not concentrated in one class of voters). Of course, districts are typically divided such that certain districts "belong" to certain classes of voters. However, if the distribution of minority voters don't subdivide the city into *disjoint* districts (i.e. for each location in Lomita, only one class of minority voters is present), a districting satisfying Sec. 14040 in the CVRA may be *mathematically impossible* - whereas, in my reading of the law at least, at-large elections in and of themselves don't violate Sec. 14040 (again - it's only block voting that does so, not at-large elections). Continuing the above assumptions, members of a minority voter class living in the district different from most other members of that class have their vote "wasted". I would contend, and I think most in Lomita would agree, that this isn't a desirable outcome. Single-member districts leave up to 50%-1 of the population unrepresented; multi-member districts or at-large elections of n councilmembers per k districts leave at most $100/(n+1)\% - k$ percent of the population unrepresented: for an at-large system adopting the single-vote voting system, this is only 16.67%-1 (again, for our current combination of at-large elections and block voting, this does not hold).

If this issue is to be addressed, I see two possible solutions that aren't just a copy-paste of the typical badly designed governance systems of cities like LA onto Lomita. In both cases, lacking a city charter the single vote system should be used instead of the current block voting system; but in the long term Lomita should seek to become a charter city so that more fair voting methods are possible.

- Increase the number of city councillors such that $1/\#$ city councillors is less than the proportion of the population of the smallest minority voter class, but maintain an at-large election.
- Transition to a district-based system, but make these districts multi-member (with size determined as above, restricting the population considered to just that district). Many European countries have multi-member districts for parliamentary elections. This would solve the issue of majority groups dominating single-member districts, while permitting local representation. Note that, if multimember districts are adopted as well as a non-block voting system, we need not necessarily have five districts.

Either of these solutions would solve the issues claimed by S&H to be present in our current at-large elections without introducing the perverse incentives for bad governance present in single-member district elections. One problem with the latter proposed solution is that Lomita is a relatively small city and there may not be enough people willing to run!

Here's a recent article about some OC cities resisting S&H's demands: <https://voiceofoc.org/2022/08/more-orange-county-cities-resist-calls-to-switch-to-district-elections/> . Has Lomita contacted any of them? While simply resisting the demands in court probably would not go well as mentioned in the article, I don't see why implementing one of the two solutions I proposed above, as opposed to the detrimental single-member districts S&H has (presumably) demanded, would be legally objectionable in any way.

We should not a bad electoral system to be thrust upon us, even if it is for a good cause, when that cause can be addressed in much better and equally simple ways.

Regards,
Brennan Long

Appendix: each combination of voting system and districting system and their likely status. The **bolded** item is favored by me but difficult to implement, the *italic* items are worse than the bold one but still strictly superior to S&H's presumable recommendation, and the underlined item is S&H's recommendation.

- At large, block voting. The current system, likely violates CVRA.
- *At large, single voting. Likely possible for Lomita to adopt, and likely addresses CVRA concerns as voting is proportional as long as vote splitting is evenly distributed among classes of voters; but may have to argue the case for this to S&H to avoid getting sued.*
- **At large, multimember ranked choice/STAR/etc. voting. Only possible for charter cities to adopt, and very likely addresses CVRA concerns.**
- District, single member, plurality. Presumably proposed by S&H. Addresses CVRA concerns, but creates a "fiefdom"/"member deference" system which has deleterious effects on governance. Note that block and single voting are equivalent when there is just one seat.
- District, single member, ranked choice/STAR/etc. These are not mathematically equivalent to plurality voting in single member districts but only possible for charter cities to adopt.
- District, multimember, block voting. Multiple copies of the current system. Addresses CVRA concerns for the same reason as single member districts do, but because of block voting are effectively no different from single member districts in terms of the majority rule effect (i.e., though representation may be proportional across districts, it is not proportional *within* districts).
- *District, multimember, single voting. Likely possible for Lomita to adopt, addresses CVRA concerns, and allows for proportionality within districts. However, each member would require relatively few votes to win (specifically: in a k district, n member per district election, where P total Lomitians vote, each winner needs at least $P/(nk)$ votes), which could mean that vote splitting and other random fluctuations are more impactful. For example, with three equal population three-member districts, each member would only need roughly 1,000 votes to be elected with a turnout of 9,000 in the city.*
- District, multimember ranked choice/STAR/etc. voting. Only possible for charter cities to adopt, and very likely addresses CVRA concerns.