Undiluting Hayward's protected groups by thinking outside the lines

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June 2024

Hayward's geography is uncooperative with our voting rights goals.

- The original goal of Hayward's switch to district elections is to empower Voting Rights Act protected groups to elect candidates of their choice.

- The first proposed solution is to make one-member districts where a protected group is a majority.

- In Hayward, this requires tortuous district boundaries connecting distant neighborhoods (as shown).

- Solving the problem requires thinking outside the district lines.

District	Population (2020)		Citizen Voting Age Population (2022)				
	Population	Dev %	% Latino	% Black	% Asian	% MMR	% White
City	163,172		31.5%	12.3%	31.0%	2.3%	20.9%
1	27,211	0.06%	25.1%	8.0%	51.8%	0.9%	12.2%
2	27,319	0.45%	50.5%	12.1%	17.5%	1.6%	14.8%
3	27,192	-0.01%	31.5%	12.3%	30.4%	0.4%	22.8%
4	26,929	-0.98%	34.1%	10.6%	29.1%	2.6%	18.5%
5	27,156	-0.14%	35.5%	10.3%	30.9%	1.5%	19.0%
6	27,365	0.62%	18.7%	19.6%	21.9%	1.2%	36.2%
Ideal Pop:	27,195.33						
Lowest District Dev	-1.0%	https://maphayward.org/june-22-dave-robinson/					
Highest District Dev	0.6%						
Total Plan Range	1.60%	<~~~ A plan range up to 10% is considered legally allowable.					
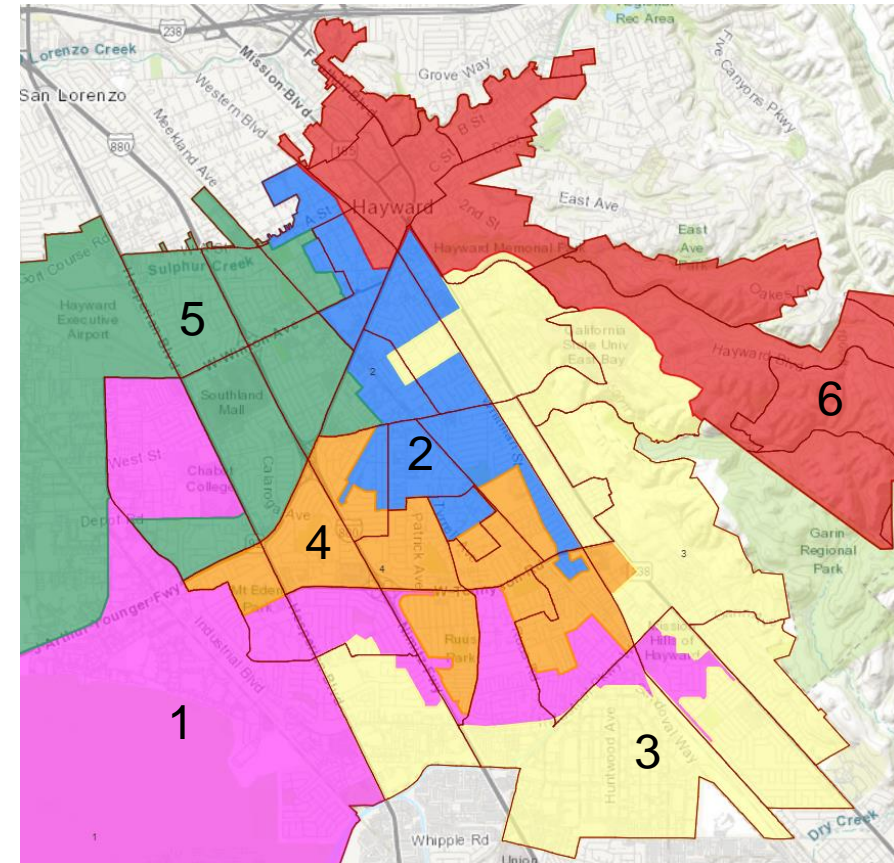
Solution: Elect 2 each from 3 districts.

- 2-seat ranked choice voting elects candidates with at least 1/3 of countable votes.
  - This is slightly more votes than a majority of a single-member district.
  - Each candidate is elected by a separate group of voters.

- 4 candidates could be elected by protected groups instead of 2.

- This works because there is room for everyone to be represented by a council.
  - Makes it a contest between candidates, not voters.

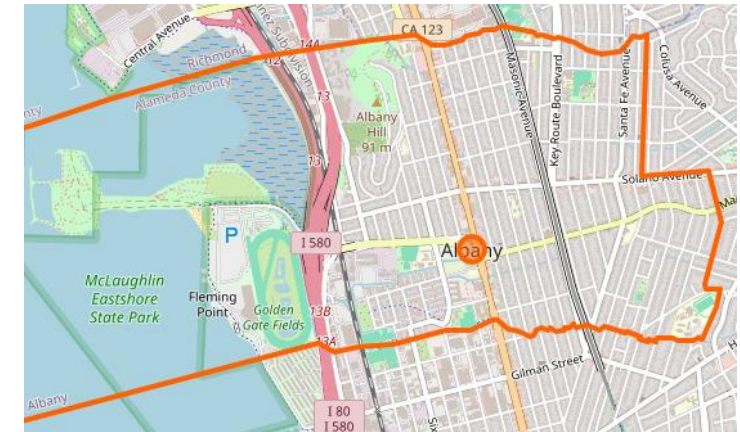- Fewer, shorter district lines minimize splitting of communities of interest.

District	Total Population		Citizen Voting Age Population					
	Population	Dev %	Total	% Latino	% Black	% Asian	% MMR	% White
City	163,531		102820	31.5%	12.3%	31.0%	2.3%	20.9%
1	54,430	-0.15%	34103	34.7%	9.2%	35.6%	1.4%	15.6%
2	54,738	0.42%	33528	26.6%	17.9%	24.1%	1.0%	28.3%
3	54,363	-0.27%	35189	33.5%	9.5%	33.6%	1.6%	18.4%
Ideal Pop:	54,510							
Lowest District Dev %:	-0.3%	https://maphayward.org/june-23-dave-robinson/						
Highest District Dev %:	0.4%							
Total Plan Range	0.69%	<~~~ A plan range up to 10% is considered legally allowable.						
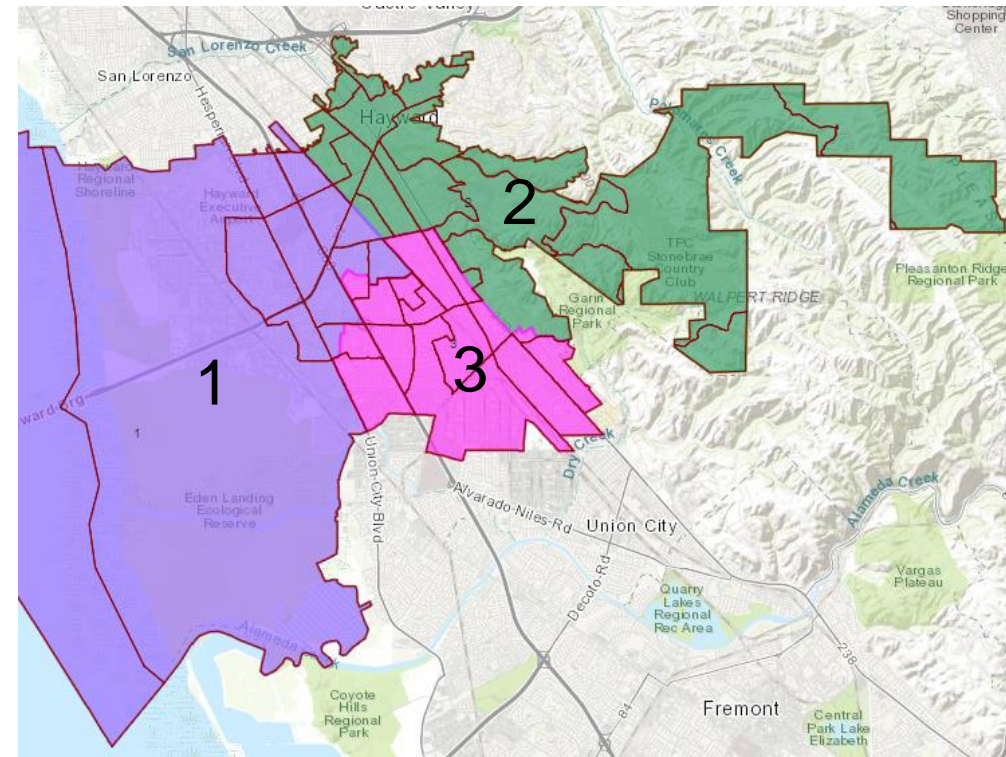
Albany's voting rights solution

- Our neighbors in Albany settled their voting rights case by allowing voters to group themselves without district lines.

- 5-seat city council with staggered terms and appointed mayor.
    - In Hayward, we would elect 2 districts in one election, then 1 district and mayor in another.

- They elected 2 on ranked-choice ballots in November 2022.

Albany City Council					
Number of positions to elect is 2.	1st choice	2nd choice	3rd choice	4th choice	5th choice
John Anthony Miki	⬤	◯	◯	◯	◯
Jennifer Hansen-Romero	◯	⬤	◯	◯	◯
Jeremiah Garrett-Pinguelo	◯	◯	◯	◯	◯
Nick Pilch	◯	◯	◯	⬤	◯
Robin D. López	◯	◯	⬤	◯	◯
Write-In: _____	◯	◯	◯	◯	◯

Albany is a compact city in northern Alameda County. Population 20,271

Openstreetmaps.org

Result: Albany city council, Nov 2022

- Votes count for their highest available ranking.

- Last-place candidates are successively eliminated, and portions of extra votes for winners move to next choices.

- Many in the city are pleased by its voting rights progress.
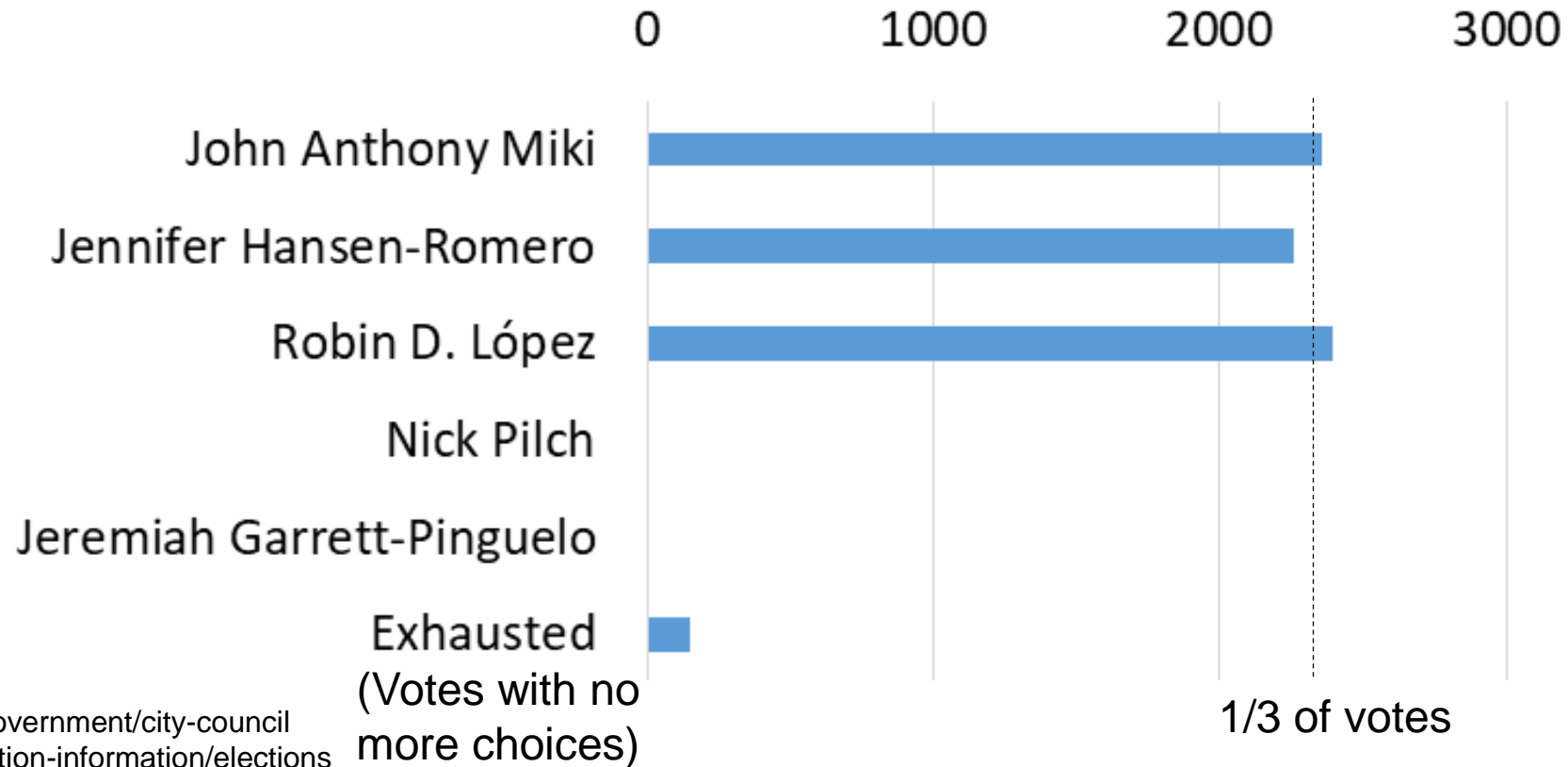
Fremont's voting rights solution

- Our neighbors in Fremont settled their voting rights case regarding Latino voters with 6 districts and an at-large mayor in 2017.

- When voters have more choices, the elected council member often lacks a strong mandate.

- 4 of 7 on the council do not have majority support.

- Did Latino voters benefit from this change?

Fremont Council 2020-2022

Fremont Mayor 2020

1/2 of votes

1/2 of votes
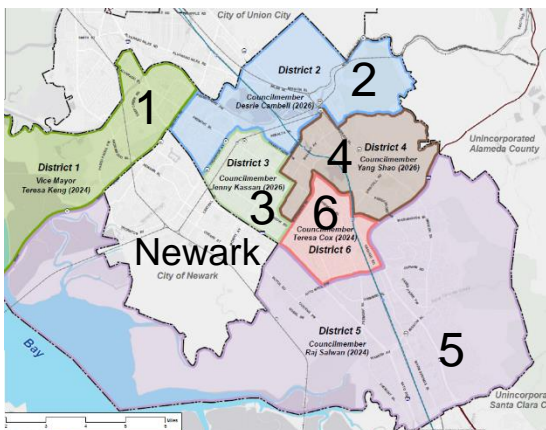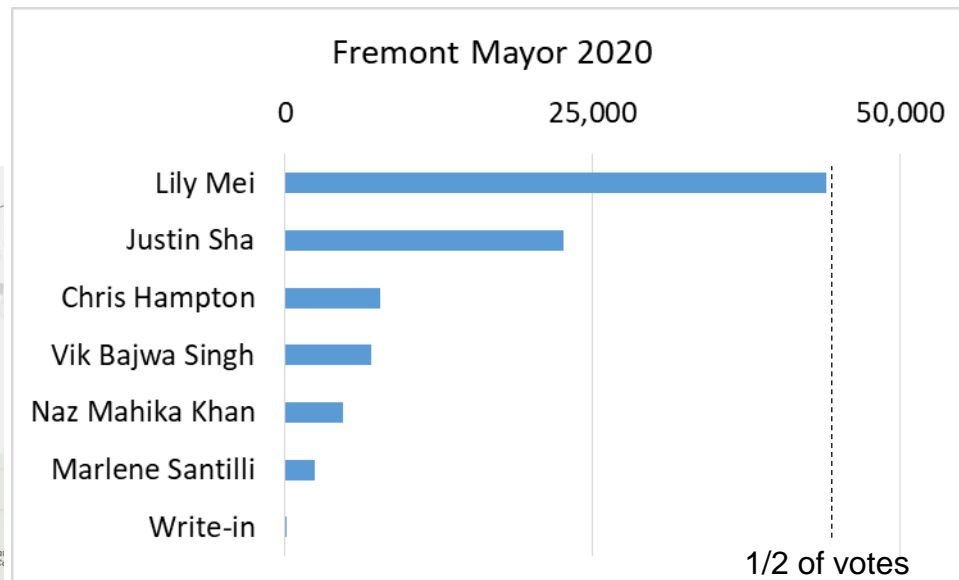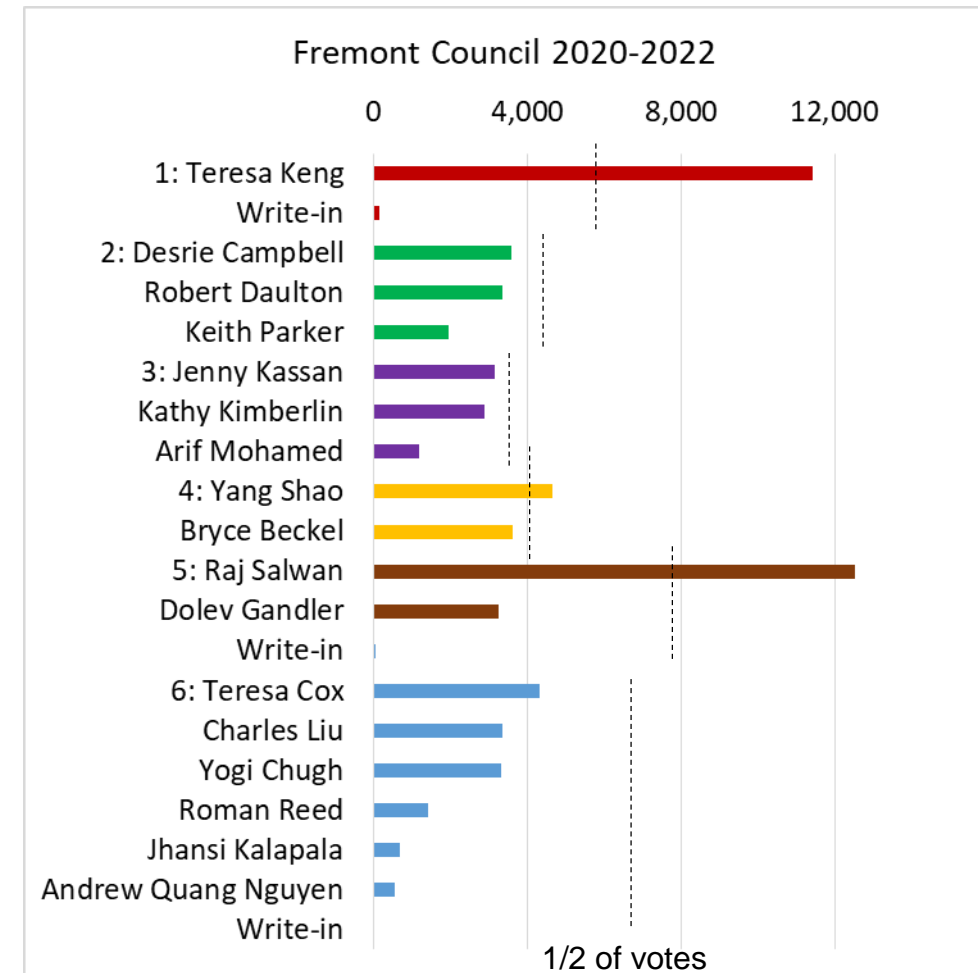
Hey, wait…

- Didn't city attorney Michael Lawson say ranked-choice voting is not an option for Hayward?
  - It would require amending the city's CVRA settlement, which he may find unpalatable.
  - Plaintiff's attorney Scott Rafferty said he is considering 3-district ranked-choice voting in CVRA settlements for San Francisco's school and city college boards. He may agree to the same in Hayward.
- Isn't ranked-choice voting too complicated?
  - Millions of voters worldwide have used it for decades.
  - Millions of ranked-choice votes have been cast in San Francisco, Oakland, Berkeley, San Leandro, and Albany.
  - Error rates do not come close to offsetting benefits.
  - Less complicated, subjective, and technocratic than district line drawing.

How can Black voters elect a councilmember?

- Black voters live throughout the city and don't all fit well into one of 6 districts.

- If we used 7-seat ranked-choice voting, electing all 7 every cycle, and let the council appoint the mayor, voters with 12.5% of all votes could elect a candidate of their choice. Pull in a few multiracial voters and it can be done.

- Latino and Asian voters could still elect 2, and White voters 1.

- This plan is a tougher sell than the others because the city negotiated to keep the elected mayor in the settlement and Mr. Rafferty prefers smaller districts.

- It is an option if the parties change their minds.

- 3 districts could be a good balance.

District	Total Population		Citizen Voting Age Population					
	Population	Dev %	Total	% Latino	% Black	% Asian	% MMR	% White
City	163,531		137434	31.5%	12.3%	31.0%	2.3%	20.9%
1	163,531	0.00%	137434	31.5%	12.3%	31.0%	2.3%	20.9%
Ideal Pop:	163,531							
Lowest District Dev %:	0.0%							
Highest District Dev %:	0.0%							
Total Plan Range	0.00%	<~~~ A plan range up to 10% is considered legally allowable.						

Do larger districts deter candidates from protected groups?

- Theory #1: Larger district areas increase campaign cost and effort.

- Theory #2: Competition drives campaign costs to what the market will bear for a council seat.

- Ranked-choice candidates only need to reach one seat's worth of voters.

- Real-world example from Pleasanton's transition from at-large to 4 districts:

Expenditures by 2020 at-large candidates			Vote %
Balch	$ 37,241.66	Elected	22.26%
Brown	$ 21,530.86		11.44%
Kiziloglu	$ 14,109.31		8.65%
Allen	$ 12,699.02		20.18%
Lee	$ 11,936.34		7.52%
Buna	$ 6,104.00		6.23%
Arkin	$ 5,789.24	Elected	23.59%

Expenditures by 2022 district candidates			Vote %
Wallace	$ 42,995.04	D1	38.74%
Nibert	$ 6,888.67	D1 Elected	61.26%
Yee	$ 34,205.50	D2	23.71%
Liu	$ 17,619.31	D2	33.34%
Testa	$ 4,493.88	D2 Elected	42.94%

https://www.cityofpleasantonca.gov/our-government/city-clerk/elections/
https://www.acvote.org/election-information/elections

- No clear pattern – except 100% turnover of candidate list!
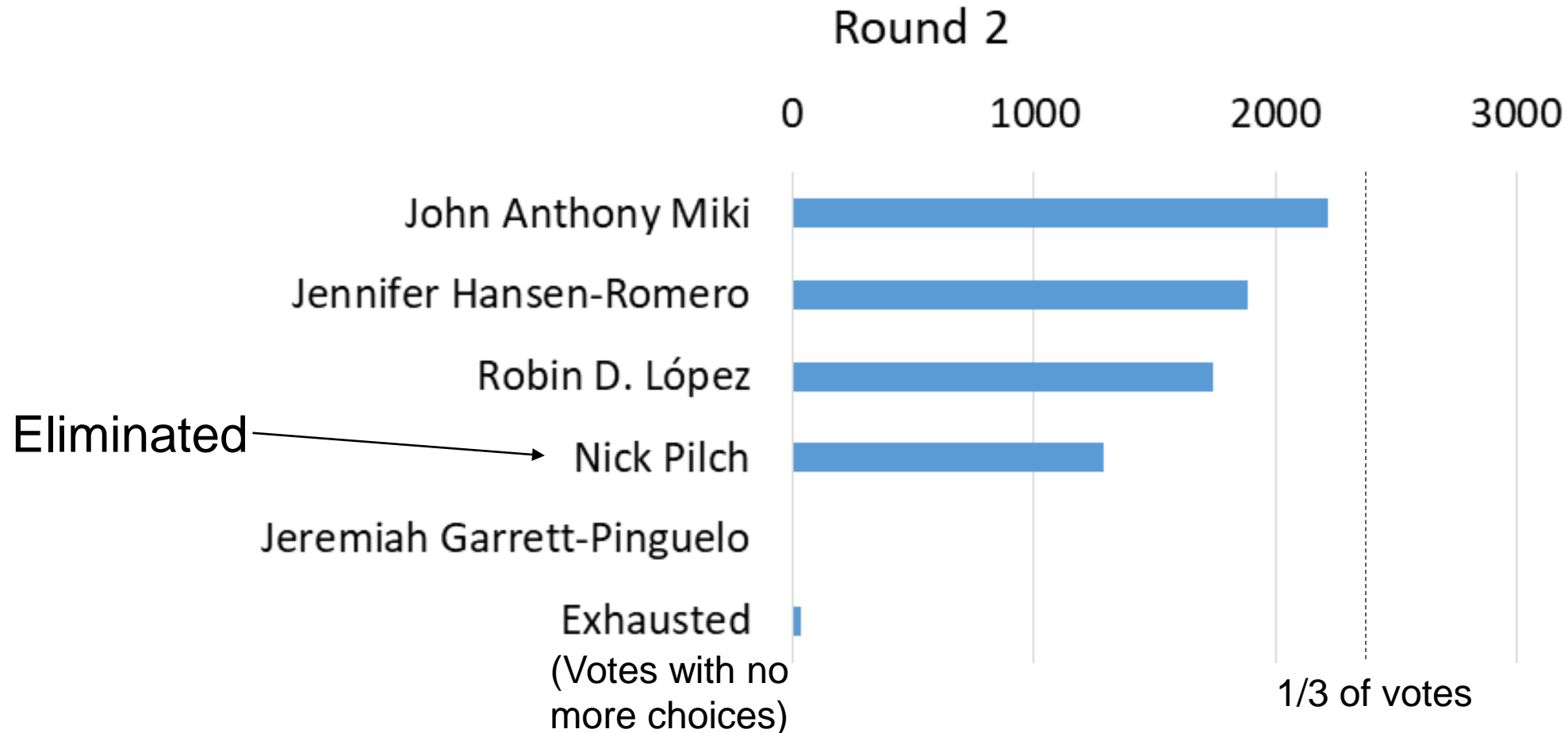
Appendix: Counting Albany's ranked-choice votes

Counting: Albany city council, Nov 2022

- Votes count for the highest valid choice.
- Last-place candidates are sequentially eliminated.

Round 1

Eliminated

1/3 of votes
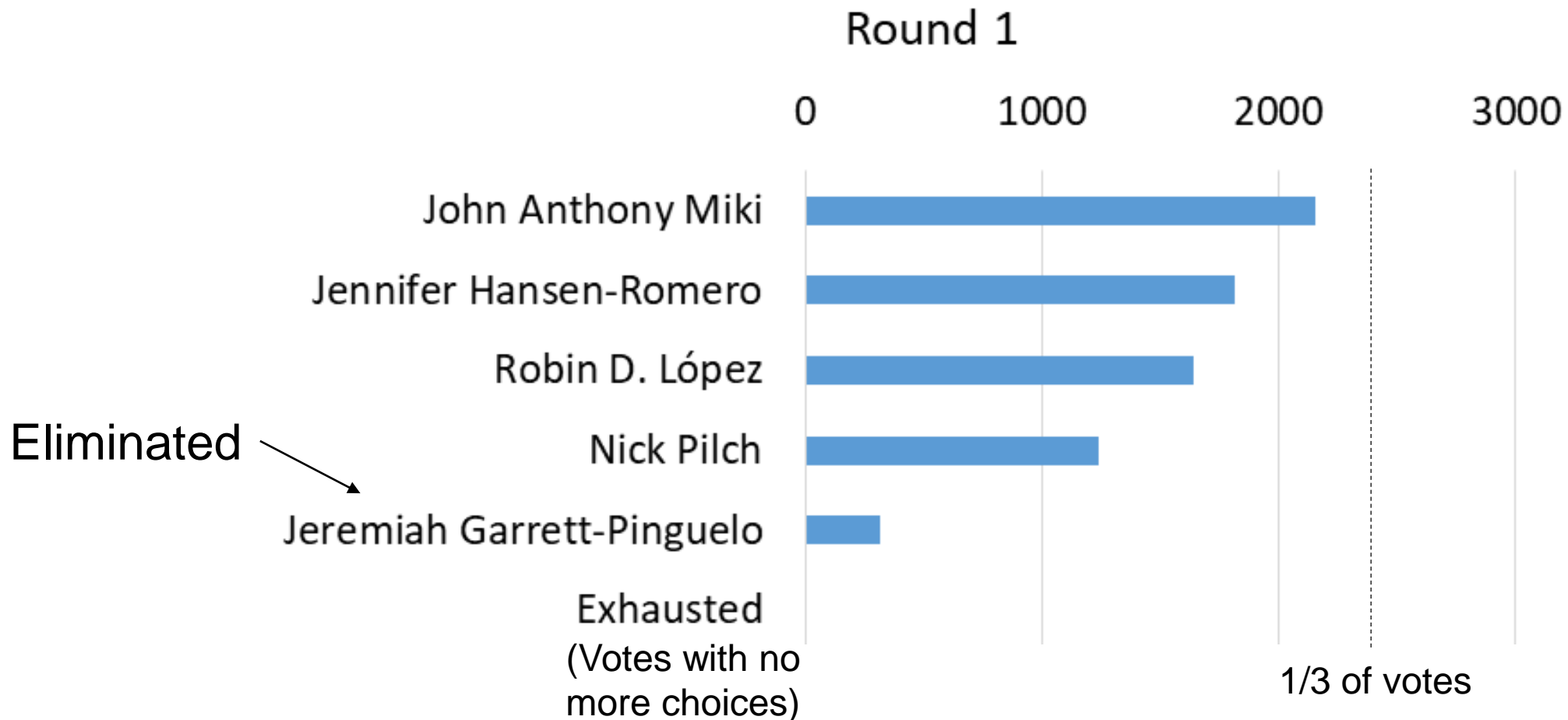
Counting: Albany city council, Nov 2022

- This process removes the tradeoff between having more candidates versus having a winner with a strong mandate ("vote-splitting" or "spoiler" effects).

- Ranked-choice voting can also remove this tradeoff for single-winner elections.

Round 2

Eliminated → Nick Pilch

John Anthony Miki
Jennifer Hansen-Romero
Robin D. López
Nick Pilch
Jeremiah Garrett-Pinguelo
Exhausted (Votes with no more choices)

0   1000   2000   3000

1/3 of votes

# Counting: Albany city council, Nov 2022

- John Anthony Miki is elected.
- Next round: about 80% of each vote for Miki stays, 20% goes to next choice.

Round 3

John Anthony Miki
Jennifer Hansen-Romero
Robin D. López
Nick Pilch
Jeremiah Garrett-Pinguelo
Exhausted
(Votes with no more choices)
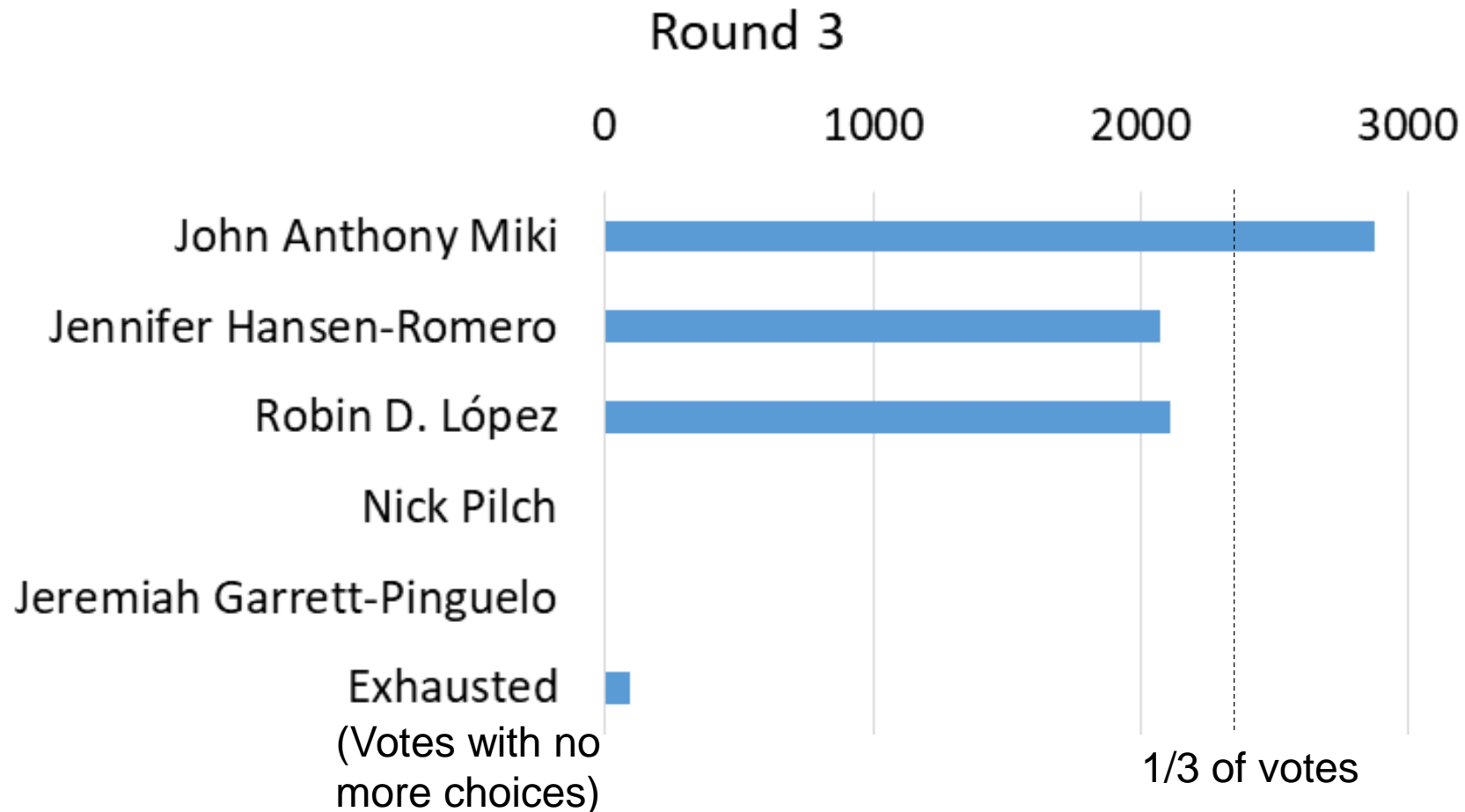
1/3 of votes

Counting: Albany city council, Nov 2022

- López gets more of Miki's surplus votes and earns a seat.
- Each winner has accountable support of a separate group of voters.

Round 4
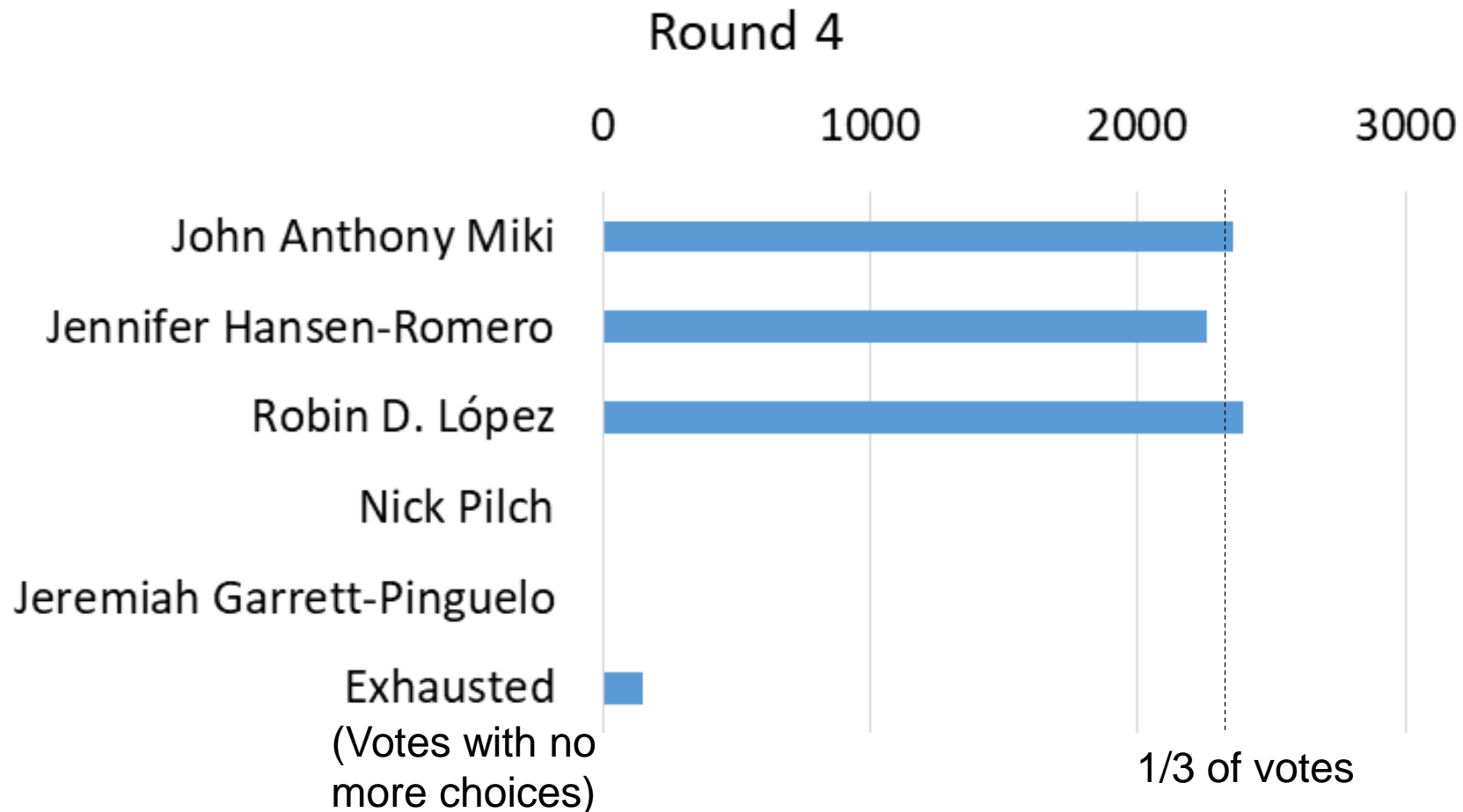
Later appointed to fill a vacancy!

1/3 of votes

Exhausted (Votes with no more choices)

Ranked-choice voting: the big picture

- For a large enough council, **every voter** can be represented by someone who he or she accountably supports, from among ample choices.

- Then, a majority of the council has accountable support of a majority of voters.

- Ranked-choice voting gathers enough preference information to arrange this.

- There is no need to pit voters against each other so that some win and some lose.

- There is no room for systemic racism if we reach this goal.

- There is no need to engineer district lines to achieve a desired outcome.

- More people will vote if they can reliably obtain satisfactory representation from among meaningful options.

- RCV has decades of success in faraway lands like Australia; Ireland; Cambridge, MA; and now one success with multi-winner RCV in Alameda County.