Columbus Charter Review Committee Public Comment

This working document serves as an inventory of public comment submitted to The Columbus Charter Review Committee by submitting to charter@columbus.gov or via the Charter Review Committee Public Comment form at: https://www.columbus.gov/council/Charter-Review/Committee/Public-Comment/

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Jeff Cabot: Charter Review Public Comment

Data from form "Public Comment" was received on 9/22/2016 10:06:14 AM.

Contact the Charter Review Commission

Field	Value
Name	Jeff Cabot
Email address	jeffcabot@sbcglobal.net
Subject	Charter Review Public Comment
Message	I ask that the Charter Review Committee consider proposing Ranked Choice Voting (RCV) as a method to elect members of City Council. The website www.FairVote.org has much information about Ranked Choice Voting, how it works, and the benefits of using such a system. It is currently used to elect the Mayors of Minneapolis and St. Paul and all city officials in Berkeley, Oakland, San Francisco and San Leandro California. It promote friendlier elections and ensures that all voices are heard. I will send an email with some documents explaining RCV.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from jeffcabot@sbcglobal.net on 9/22/2016 10:06:14 AM.

Jeff Cabot: Ranked Choice Voting

From: Jeff Cabot [mailto:jeffcabot@sbcglobal.net]
Sent: Thursday, September 22, 2016 10:28 AM
To: Charter
Subject: Ranked Choice Voting

To the Charter Review Committee:
I have submitted a comment proposing that you consider Ranked Choice Voting to elect Columbus City Council members. Here are some additional materials related to that comment. I hope to appear at a future meeting of the Committee to further this discussion. Thank you for your service.
Jeff

Jeff Cabot
60 E. Broad St. Suite 300
Columbus, Ohio 43215
614-461-8103

Attachment: Ranked Choice Voting Proposed by: Jeff Cabot

Ranked Choice Voting
Proposed by:
Jeff Cabot
258 Winthrop Road
Columbus, Ohio 43214

Here are two additional direct links to Ranked Choice Voting materials particularly dealing with field races. In addition, I propose that Council vacancies be filled by the Committee of Five on the candidate's nominating petition rather than by City Council

http://www.fairvote.org/rcv#how_rcv_works

http://www.fairvote.org/multi_winner_rcv_example

Attachment: Improving Local Elections with Ranked Choice Voting

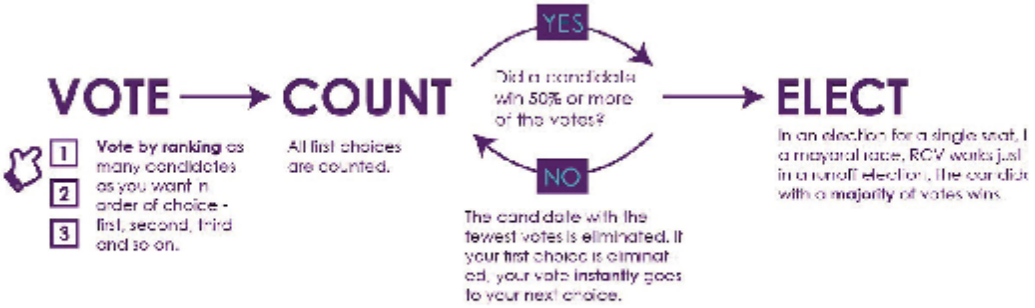
FairVote

Improving Local Elections with Ranked Choice Voting

American communities regularly see dynamic and competitive local elections, with no shortage of motivated candidates seeking office. But the rules governing these elections do not reflect political realities. Under current systems, the candidate with the most votes wins, but in a crowded field the most votes might not be very many at all. When there are three or more strong candidates, supporters of candidates with similar views can "split the vote" rather than unifying behind one candidate. This means that voters have to be strategic-often settling for the lesser of two evils, rather than voting for their favorite candidate.

Ranked Choice Voting

In a ranked choice voting election, voters can rank as many or as few candidates as they want in order of choice. All 1st choices are counted, and the candidate with the fewest votes is eliminated. If a voter's 1st choice candidate is eliminated, their vote instantly goes to their next choice. Candidates with the fewest votes are eliminated until there are two candidates left. Just like in a runoff election, the candidate with a majority of votes in the final round wins.



Eliminates Strategic Voting: Because you can rank your choices, you can vote for your favorite candidate without fear of splitting the vote. If your favorite candidate can't win, your vote goes to the candidate you ranked second, so you don't feel like your vote is "wasted."

Increases Voter Choice: Ranked choice voting opens up politics to more diverse voices, including women, people of color, and independents. When we have the power to rank candidates, new and diverse voices can run without worrying about splitting the vote and playing the role of "spoiler". With more choices, voters can vote for someone they truly believe in, rather than settling for the lesser of two evils.

Preserves Majority Rule: A democracy should reflect the will of the people. Our current voting system rewards whichever candidate has the most votes, even if a majority of voters prefer someone else. With ranked choice voting, only candidates who can garner at least 50% of voter support will win.

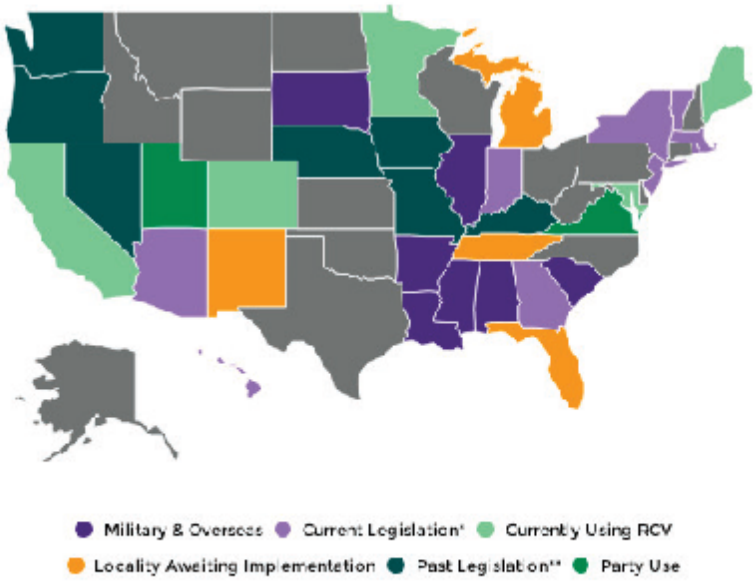
Friendlier Elections: University studies show that ranked choice voting encourages candidates to run more positive campaigns, focus on the issues, and reach out beyond their base.

Attachment: Where is Ranked Choice Voting Used?

FairVote

Where is Ranked Choice Voting Used?

The map below shows the dozens of American communities that have already chosen ranked choice voting as a way to ensure that every voter has a meaningful choice and a strong voice in every election. In addition to the cities and states that already use ranked choice voting or will soon, the map displays the growing number of states where lawmakers have introduced bills to expand its use.



- In **California**, Berkeley, Oakland, San Francisco, and San Leandro all use RCV to elect all city officials.
- Portland, **Maine** has used RCV to elect its Mayor since 2011. In 2016 there will be a statewide ballot measure in Maine to adopt RCV for all state and congressional elections.
- RCV has been used in **Minnesota**'s two largest cities, Minneapolis and St. Paul, since 2009 and 2011, respectively. There is also a bill in the Minnesota House of Representatives that would allow non-charter cities to use RCV in local elections.
- **Alabama, Arkansas, Louisiana, Mississippi, South Carolina,** and Springfield, **Illinois** have all provided ranked ballots to military and overseas voter in runoff elections. Legislators in **Georgia** and **Vermont** introduced bills this year to begin doing the same.
- Cambridge, **Massachusetts** has used the at-large form of ranked choice voting, an American form of proportional representation, to elect its City Council and School Committee since 1941. Cambridge uses no wards or districts, and it is spared the expense of administering primary or runoff elections, as the entire election happens on a single ballot.

Jonathan Beard: Charter Review Public Comment

Data from form "Public Comment" was received on 9/27/2016 1:28:26 PM.

Contact the Charter Review Commission

Field	Value
Name	Jonathan Beard
Email address	jbeard@colscompact.com
Subject	Charter Review Public Comment
Message	Members of the Commission: As the sponsor of the proposed charter amendment that became Issue 1, I write to share my views, which are shaped by 20 years running Columbus's largest community redevelopment effort in the last generation: the HUD-designated Columbus Empowerment Zone -- focused on revitalizing areas of our central city that met federal statutory criteria for "pervasive poverty and social distress." Through this time as president and ceo of Columbus Compact Corporation, the nonprofit corporation that organized and led the federal grant application process and was charged with leading the funded initiative, I came to see the city through the eyes of our marginalized neighborhoods and their citizens, and saw first-hand the deficiencies in our current all at large form of government. The summer of 2010 was violent on E. Main Street, as the young men in our open air drug markets went from slinging dope to shooting at each other; the streets were out of control. I had video cameras installed that captured exactly what was happening on our streets – from the sales to the shootings -- and as I talked to the young men, very few of them wanted the life they were in – they wanted jobs. We had a series of community meetings with a variety neighborhood organizations, agencies, police, MH/SA providers, and a city council aide. Through those meetings, every organization made a series of commitments to work together. The piece city council was to work on was a reform of the city's then-unconstitutional “loitering in aid of drug offenses” law that police had told us were not allowed to enforce to help break up these open air drug markets. We asked the council to amend the law to make it enforceable, so police could issue citations (not arrests), which could be used to disrupt these open air drug markets and steer the young men into jobs and other paid work programs designed to help them move from where they were at. Though we showed council video of drug dealings and shootings, Council balked for well over a year, with council president Ginther saying in the Dispatch that we were engaged in “a political stunt.” We ended up with a tragic video of a young man (Dominique Johnson) from the southside being chased down the street and shot in the back of his head with what homicide detectives – on the basis of a slug pulled the next morning from the door of a home we had just renovated a full block away – said was an AK-47. Dominique had been seen on video selling what appeared to be pills on that corner three weeks earlier. We shared that murder video with council members, and a few weeks later – without any consultation – they passed the same loitering law that they had been refusing to consider previously (with Rick Pfeiffer co-signing and saying it couldn’t be done). The components of the new law were not what we believed addressed the needs and opportunities of our neighborhood -- it appeared to be a hastily-thought out CYA by the council to minimize our claims of council inattention.

Field	Value
	Thoroughly frustrated by the brick wall that had kept the drug markets open and contributed to the murder, as I listened to yet another police helicopter hover overhead after another shooting, I thought “if we had a single council member from this neighborhood, who was seeing what we are seeing, listening to gunshots, seeing blood on the sidewalks (I have pictures), and hearing the helicopters nightly, they would be helping us instead of banding together and fighting what we say are needed improvements.” In fact, one former council member would privately thank me for my work addressing this issue -- which he knew to be important -- but apparently didn't have the courage to say anything in front of his colleagues, as when I came before council he sat in stony silence like the others. That is when I began this effort to have our council elected by districts through the Columbus Coalition for Responsive Government (Fact Sheets enclosed) that resulted in Issue 1 by Represent Columbus, which I co-chaired. I believe Issue 1 failed at the polls because of a deceitful campaign against it, led by city officials with $1 million in corporate contributions that claimed it created $80,000 per year part-time jobs for a 25-person council (Issue 1 did not address council pay at all and called for a 13 member council) and that was led by the party of Trump, rather than by Black folk from the Near East Side concerned about the impact of the lack of representation we experience daily. Issue 1 did not cost $20,000,000 as the anti-Issue 1 campaign claimed by tripling the number of city employees the Issue called for and multiplying that figure by 10 years. The loss was not a reflection of what Issue 1 really did -- it was a reflection of the successful campaign to re-define it as somethnig it was not. The valid reasons behind single member council districts have not changed -- we need better representation. At Large Government Designed to Exclude and Minimize Minorities And this lack of representation not a mistake – at large forms of government were enacted across the country in the late 1800’s and early 1900’s as Anglos (Irish and English immigrants) tried to keep t he reins of city political power from newly arriving immigrants from central and southern European countries who were immigrating and settling into neighborhoods and developing ward-based political power (Germans, Polish, and Italians) and demanding the trappings of that power (i.e., the then-patronage jobs in police and fire that remain disproportionately Irish yet today). [Source: Hofsteader, Richard. The Age of Reform: From Bryan to FDR,” a book that won the 1956 Pulitizer Prize for History]. And as a Black resident, I and others, should be vigorously opposed to a system of representation that ensures all our elected officials remain in a permanent electoral minority (we are 28% of the city’s population) and can only elect the officials who have been presented to us by appointment. After the Voting Rights Act of 1965 was passed, communities across the Deep South changed from their traditional ward-based political systems to at large systems, to maintain majority (white) political power and stop Black politicians from being elected. In 1982 amendments to the Voting Rights Act, Congress recognized at large forms of government for their unlawful “voter dilution” impact on protected classes of citizens (like Blacks), and the Department of Justice subsequently filed more than 300 Section 2 voter dilution lawsuits against localities using at large voting schemes, and cities moved away from them. Detroit, Austin and Seattle were the most recent to change – leaving only Columbus and Portland as American big cities (Top 50) using at large voting. The average top 50 city in America has a 13 member council, with 2 members elected at large and 11 from districts. (Issue 1 sought 3 at large and 10 from districts for Columbus.) But for Dayton, which has the state minimum 5 member council, our 7 member council is smaller than every other major Ohio city – though our population and

Field	Value
	landmass more than double every other city's. We are under-represented, and poorly-represented; you have the opportunity to help change those facts. Blacks on Council We have a majority Black council – all appointed -- which appointment process I have come to believe is in place to forestall Section 2 (VRA) litigation which can be triggered by evidence of "racially-polarized" voting (and if Blacks are winning elections in a predominately white electorate, such evidence is harder to find). Columbus's first Black council member was elected in 1880 (Rev. Poindexter). We went to the all at large format in 1914, and it was 55 years until another Black was elected to council (1969 John Rosemond). Since then, every Black Democratic council member has been initially appointed to office, and runs for their first election as an incumbent with party and establishment support. Fellow committee member (Republican) Jenette Bradley is, I believe, the only Black member since 1969 who has won an election to begin serving, when she defeated Tom Kaplin in 1991 – 25 year ago. We used to talk openly in the 1990's about a "Black male" and a "Black female" seat, and you can trace those appointments (i.e, Espy, Coleman, Boyce. Dispatch articles from as far back as 1968 talk about the party's claims that each would appoint a qualified Negro to the council. Austin, which recently switched from all at large, had what they called "the Gentlemen's Agreement" to hold one seat for a Black candidate and another for a Latino candidate, specifically to forestall Section 2 challenges to their system of elections. And because our Black elected officials are first appointed, and then cannot fund their own citywide elections, they are politically weak and vulnerable to pressure. In the 2011 and 2013 elections, council president Ginther provided 72% of the campaign funding for council members Mills and Tyson, 84% for council member Craig, and 90% for council member Miller. Most recently, both Jaiza Page and Shannon Hardin were city employees who had to give up their city jobs before the election and relied 100% on the establishment's support for their elections and thus continued council paychecks. Do Our Black Council Members Really Have Power to Help Our Community? I see the policy impact of electorally weak Black council members in my job daily over the last 20 years, for instance in the continuing lack of attention given to the city's anemic community development, minority contracting, and job training/placement efforts. In public view, the policy impact is clear looking at current events; although many of us have been writing, talking, and protesting for reform of our policing effort, we don't hear these concerns echoed in a meaningful manner by our Black elected officials. While they will follow Andy Ginther on body cameras and nod and murmur concern, they won't talk publicly about independent investigations of police shootings or outside prosecutors, which as key structural reforms every civil rights group supports. As the political awareness committee co-chair for the Columbus Action Network, I sent the council a letter listing reforms advocated by every national civil rights group after the Michael Brown shooting/Ferguson protests and seeking a review for Columbus – there was no response to these policies from a single member, other than a generic statement that the police chief would be holding meetings and will issue a report (which, if done, was never made public). Further, our African American council members have sat idly by watching government-sponsored de-population of Black folk from the Near East Side, through the demolition of Poindexter Village (a site eligible for listing on the National Registry of Historic Places) -- where all but 2 of the 412 households (90% Black) were relocated from the 43203 and 43205 zip codes (Near East Side) prior to the

Field	Value
	demolition. Seven years of community organizing have not moved a single one of our African American council members to object to what some in our community are calling an "ethnic cleansing" of our historical home. Our Black elected officials are wonderful people, who are locked into an at large system historically and structurally designed to make them impotent (through running in a majority white electorate and being unable to raise funds to run for office without white political and big business support) to address the issues of Columbus's Black Voting Rights Act-covered population. We are locked in a system that was designed to marginalize and exclude minority populations – first the Irish and Germans -- and now the marginalizing effects of this system are hitting Black folk the hardest, as our needs are not even being strongly voiced, let alone addressed – as evidenced by the council's unwillingness to even discuss the #BlackLivesMatters issues, such as the Columbus Action Network's 2015 request through Rev. Joel L. King, Jr. for the city to consider the CAN's proposed 10-Point Policing Reform Agenda derived from the August 18, 2014 "Unified Statement on Policing Reform" adopted by all the major national civil rights organizations. I am submitting a Fact Sheet from the NAACP Legal Defense Fund on At Large voting along with a couple other articles for your review as you head into this effort. I encourage you to read more about Section 2 of hte Voting Rights Act Amendments of 1968, which outlawed At Large voting when single member districts with minority representation could be formed and where there is a history of racially-polarized voting. Also enclosed are articles about Austin's Gentlemen's Agreement , which reserved a Black and Hispanic seat to avert Section 2 Voting Rights Act claims -- similar to what we now do through the appointment process. I urge you to really look at the Austin situation and see its comparison to the Columbus system of appointing and supporting weak Black council candidates as members, who could not otherwise build a citywide constituency or afford to run in citywide elections. The At Large system was reviewed by congress and determined to be a system that likely creates unlawful voter dilution effects. The purpose does not to be intentionally racially motivated, but if the effects result in voters not being able to elect candidates of their choosing -- the system is likely unlawful. Whether or not that is the case in Columbus, there is a clear recognition across the country of the inherent flaws of at large voting,wh ich is why every major city in America has moved away from the system -- whether by litigation by the Department of Justice or advocacy groups like the NAACP Legal Defense Fund, or by citizen initiative as we attempted through Issue 1 (I would note, our charter has never been amended by citizen initiative -- always by a council initiative, so we knew the high hurdle we were attempting to jump). Or Are They Merely Pawns? We should be looking critically on a system of government installed by people of privilege to maintain their power - -why in the world should we be defenders of a discriminatory system? I would note that Hugh Huntington was an original 1914 charter commission leader, which 1914 charter campaign was headquartered in the Chamber of Commerce offices, and that Huntington Bank contributed $50,000 to its defense (against Issue 1). Other defenders of the at large system were AEP, Limited Brands, Nationwide Insurance and other big businesses – those who control the political reins guiding the citizens of Columbus. The two citizens associated with the OneColumbus PAC included Bryan Clarke, Mayor Ginther's aid and political director, who lives in Bexley and who formerly worked for Secretary of State Brunner and was a lead author of a report in favor of fair and competitive electoral districts and James

Field	Value
	Ragland, a recent primary candidate for Mayor who campaign in support of council districts. In other words, the lead non-corporate faces of the "No" vote campaign were paid political operatives who had previously been on record in support of electoral districts. It was not principle-based opposition -- indeed Mr. Ragland tells me his opposition was to what he considered the specific flaws in Issue 1. I hesitate to say this, but I am starting to believe that we are no more than pawns in a game we are only beginning to understand, and that our political leaders may be equally unaware that they are being selected and used to maintain the existing social order. We deserve to have true representation, where the people we elect run in smaller, less expensive, district elections where the interests of our people are of primary importance to them, and when there can be no question of whether they are beholden to large campaign contributors with other interests. Continue the March to Freedom and Equality The march to equality was led by the Black church in the past, and I would ask Rev. Lawes and Ms. Gilyard in particular, on behalf of people of faith and color, to understand this issue and advocate strongly to return Columbus to a district-based voting system (as we had when Rev. Poindexter was elected in 1880) so that our concerns can be addressed in a more fair and equitable political system in our generation. I had been reluctant to air these concerns in public, and did not do so during the Issue 1 campaign, as our Black council members are all fine people and I have hesitated to question their purpose in a system where I believe they are unwitting tools that support a sophisticated political racial dominance. The return to council districts in Columbus need not be a divisive and racially-charged issue -- it could be done simply on the basis of good governance and more fair representation as practiced by every other big city in America; however, with the politicalization of the issue by in-power Democrats (of which I am an elected Central Committee member representing the Near East Side) -- which framed this as a partisan issue designed by "the Party of Trump to create permanent Republican wards" (though the issue was launched by Democrats and supported by the progressive wing of the Democratic Party along with the local Green, Republican, Socialist, and Libertarian parties - my concern about a polarizing public political debate has ended. I believe the commission through its recommendations has the opportunity to consider these issues fairly and move forward in a unifying, constructive, and positive manner to bring a more fair electoral system to a vote in Columbus. Again, out of respect to the fine people who have stepped forward to serve and the Columbus culture which values consensus, I hesitate to raise this issue directly in public and will do so gently, but wanted to make sure my concerns about the racial inequities inherent in at large voting and provide a few examples of their negative impact on the political representation of Columbus's Black community were put before the commission. We can do better, and I believe -- if challenged -- the Voting Rights Act would mandate that we do differently. I thank you for your attention to these important issues and hope the commission moves Columbus from a past designed to achieve racial and ethnic dominance and makes recommendations for the kind of changes appropriate for 21st century America.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from jbeard@colscompact.com on 9/27/2016 1:28:26 PM.

Jonathan Beard: Facts about At Large electoral systems

From: jbeard@colscompact.com [mailto:jbeard@colscompact.com]
Sent: Tuesday, September 27, 2016 1:48 PM
To: Charter
Subject: Facts about At Large electoral systems

Charter Review Commission members:

Please accept the attached Fact Sheets, as well as a FAQ sheet from the NAACP Legal Defense Fund and an analysis of Voting Rights Act litigation by the Michigan School of Law. You will see our all at large voting for council is an anomaly – a product of the distant past when cities were run by the business elite (the 1%). Every other big city in America has moved from this format and provides for representation by council district – in recent years Detroit, Austin and Seattle all changed, leaving Columbus, at #15, as the only big city (Portland is next at the 29th largest city, with 5 members all at large). The average top 50 city in America has 2 members at large and 11 from districts.

Columbus leaders (Democrats) supported moving to districts until they became the solid majority on city council, indicating the opposition is now for political party dominance rather than the hollow claims of policy (see the Fact Sheet about "Traditional Democratic Party Support …" which details how Democrat Mayor Sensenbrenner initiated an effort to get council districts). At large forms of government are discriminatory against minority voting blocks (based on our demographics and geographic concentration, it appears as though African Americans may be the only VRA-protected class – though the VRA is race-neutral).

Please google "Austin City Council Gentleman's Agreement" (some links below) to see parallels between what Austin did to inoculate its system from federal discrimination claims and what Columbus has been doing through the council appointment process: it is time for change. We can create majority-Black election districts to approximate the Black population in Columbus and get beyond this mid-term appointment artifact which weakens the voices of our African American council members.

http://www.oraatx.com/blog/2014/8/19/the-gentlemens-agreement-a-relic-of-austins-racist-past-or-why-did-we-need-to-change-the-system-anyway
http://www.texasmonthly.com/politics/what-nobody-says-about-austin/
http://kut.org/post/hispanic-leaders-call-change-gentlemens-agreement-just-not-yet

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Attachment: Council Governance Nationwide

COLUMBUS COALITION FOR RESPONSIVE GOVERNMENT

A Citizens' Ballot Initiative to reform the Charter of the City of Columbus, to create a more responsive and more accountable Columbus City Council that consists of 4 members elected "at-large" in city-wide elections, and 7 members elected by the residents of each of 7 neighborhood-based Districts.

We are a non-profit Ballot Initiative Committee

1051 E. Main Street
Columbus, OH 43205
(614) 595-2986
www.columbuscoalition.info

JOIN US ON facebook

FACT SHEET ON COUNCIL GOVERNANCE NATIONWIDE

Columbus City Council has seven members elected citywide, and no council members elected from Districts. When this At-Large system was adopted in 1914, the city had a population of 181,500 and covered 24.5 square miles. Columbus is now more than 787,000 residents in more than 225 square miles.

Columbus moved from District-based representation to At-Large representation in 1914 -- like many other cities -- because of the concerns of the power elite about the influence of Columbus's growing immigrant population and the growing influence of the new industrialists in local affairs. Over time, most Cities went back to either all-District representation, or a balance of District and At-Large representation.

Of the 50 largest cities in America, only Columbus, Austin, and Seattle do not elect any council members by District or Ward. In 2009, Detroit voters overwhelmingly rejected its At Large system, and voted to move to a mixed system led of 2 At Large members and 7 District-based members. In 2012, Austin voters elected to move to a system of 10 District-based members and 1 At Large, which will take effect in November 2015.

And now, both Columbus and Seattle voters have District-based governance proposals moving forward by citizen initiated petitions.

Columbus's comparison cities have council bodies as follows:

City	2010 Population	Members At-Large	Members from Districts	Citizens per Member
Columbus, OH	787,033	7	0	112,443
Indianapolis, IN	820,445	4	25	28,291
San Francisco, CA	805,235	0	11	73,203
Austin, TX (voted 11/6/12)*	790,390	1	10	71,854
Fort Worth, TX	741,206	1	8	82,356
Charlotte, NC	731,424	4	7	66,493
Baltimore, MD	620,961	1	14	41,397
Boston, MA	617,594	4	7	56,145
Portland, OR	583,776	4	5	64,864
PROPOSED COLUMBUS	**787,033**	**4**	**7**	**71,548**

Of the largest 50 cities in America, on average, the ratio of citizens represented per council member is 73,093 citizens to every one council member. Of the largest 20 cities in America, the average ratio is 105,551 citizens to every one council member (and when you factor out Los Angeles, which has a much higher ratio than any other city, the average of the top 19 cities is 94,016 citizens per council member). Columbus's ratio of council members to citizens is well above average, and among the nation's highest.

If you average the top 50 cities in America, the average city council has roughly 2 council members elected at-large and 11 council members elected from Districts. Among the top 20 cities, the average council has roughly 2 council members elected at-large, to 14 council members elected from Districts.

Attachment: A History of Traditional Democrat Party Support for a More Open City Council

COLUMBUS COALITION FOR RESPONSIVE GOVERNMENT

A Citizens' Ballot Initiative to reform the Charter of the City of Columbus, to create a more responsive and more accountable Columbus City Council that consists of 4 members elected "at-large" in city wide elections, and 7 members elected by the residents of each of 7 neighborhood-based Districts.

We are a non-profit Ballot Initiative Committee

1051 E. Main Street
Columbus, OH 43205
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A History of Traditional Democrat Party Support for a More Open City Council

"We, the people of the city of Columbus, in order to secure and exercise the powers of local self government under the constitution of the state of Ohio do enact and ordain this charter."

So begins the Charter of the City of Columbus, enacted by the voters in 1914. The Charter became the city's authorizing and governing document following the State of Ohio's enactment of Home Rule legislation in 1912.

But it is not a static document. The charter provided "the machinery with which the people may amend its provisions as future necessity may arise. The people will have the power to change it at any time to suit the requirements of a rapidly growing city, or to correct any possible defects which may develop in the new form of government."[1]

And it has, in fact, been amended 51 times since enactment. Democrats have had a tremendous role in keeping the Charter current and keeping Columbus governance open. Mayor Jack Sensenbrenner became Mayor for the first time in 1954 -- the first Democratic Mayor of Columbus since 1935. Mayor Sensenbrenner is credited with devising Columbus's growth strategy of using water and sewer service as annexation leverage, allowing the city to avoid becoming landlocked by suburbs and retain growing outer areas within the municipal boundaries.

By 1957, Sensenbrenner had commissioned a Charter Revision Committee, which issued its report on December 19, 1958. The Commission stated "the present charter is 44 years old. It is no longer in tune with the times. In its present form it will be an increasingly heavy milestone around the neck of a city struggling with vast new problems."[2] The Commission continued "most important of all, the council, enlarged from 7 to 9 members ... would remain the policy-determining body of the city."

In 1968, the Columbus Dispatch wrote "a proposal to reorganize the Columbus City Council under the old-fashioned ward political plan may be placed on the ballot by the Sensenbrenner administration next May. One of the aims of the proposal will be to provide representation to the Negro minority which now has no voice on the City Council."[3]

Within weeks, Council working with first assistant City Attorney Frank Reda, had prepared several District-based proposals, including three different proposals for 11 members elected to a combination of districts and at-large seats: 5 at large, 5 wards,

[1] The Columbus Citizen. *Columbus Steps Forward*, May 6, 1914, P. 4.
[2] "Report of the Columbus Charter Review Commission to the Council of the City of Columbus, Ohio." December 19, 1958.
[3] Columbus Dispatch. "Ward Council Plan Proposed for City." January 12, 1968, P. A10.

Attachment: A History and Perspectives on Columbus City Council

COLUMBUS COALITION FOR RESPONSIVE GOVERNMENT

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A HISTORY AND PESPECTIVES ON COLUMBUS CITY COUNCIL

In 1912, the State of Ohio adopted "Home Rule" legislation to allow local communities to self-govern. In response, local leaders created a 15 member Charter Commission to develop a City Charter that would provide the basis for "home rule" in Columbus. "The form of charter was left to the judgment of the commissioners, but they were pledged to write into the charter the non-partisan ballot, the short ballot and a more centralized form of government."[1]

This was consistent with the *Progressive Reform movement* sweeping across the nation in the early 1900's, as a reaction to the facts that new immigrant populations were clustering in ethnic neighborhoods and developing Ward-based political power, and that big industrialists and their "new money" and power were becoming increasingly influential in the affairs of local communities. Across the country, "At Large" governance – where Ward politics were replaced by City-Wide politics – became a mechanism preferred by local business and social associations to help them retain the local influence they had long considered to be their province.[2]

A campaign committee led by Columbus attorney Hugh Huntington pushed for adoption of the proposed Charter, which was adopted by the voters in 1914. This new Charter changed the way the City was traditionally governed. In the immediate past, the City Council had consisted of 19 council members: 3 elected at large and 16 elected from Wards. The new council structure created by the new Charter consisted of seven members elected citywide ("At Large"), and for the first time, no members were elected by Ward ("Wards" and "Districts" are interchangeable terms). Terms of office were lengthened from 2 years to 4 years, and the president of council was to be chosen by the members of council itself, rather then by the citizens. Many of these provisions were quite controversial at the time:

> "... I feel that a great injustice will be done to the great mass of our citizens should they be so unfortunate as to have the new proposed city charter foisted upon them. It is not a reform measure, but, on the contrary, it is strongly reactionary. It is distinctly a class charter, opposed to the welfare of the people, conserving the interest of the scholastic and the high class business man. It is, therefore, unfair, un-American and should be destroyed ... evidently the whole intention of these master commissioners is to prohibit the frequency of elections; remove them as far as possible out of the hands of the 'common herd' of mankind; lengthen terms of office, reduce the number of elective officers, and, in a word, establish an aristocratic system."[3]

Fortunately, the charter also provided "the machinery with which the people may amend its provisions as future necessity may arise. The people will have the power

---

[1] The Columbus Citizen. *Charter Adopted by Majority of 1042, Effective in 1916*, May 6, 1914, p. 1. [Emphasis added]

[2] Hofsteader, Richard. *The Age of Reform: From Bryan to F.D.R.*, 1955. (Note: this book won the 1956 Pulitzer Prize for History.

[3] Thomas E. Beall. The Columbus Dispatch: *A Reactionary Charter: To the Editor*, May 3, 1914, p. 5.

Attachment: At-Large Voting Frequently Asked Question

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AT-LARGE VOTING FREQUENTLY ASKED QUESTIONS

What is at-large voting?

Under at-large voting, all voters cast their ballots for all candidates in the jurisdiction. In Beaufort city council elections, for example, all voters cast their ballots for five positions, with the top five candidates who receive the most votes citywide winning seats on the city council.

Why is at-large voting discriminatory?

At-large methods of election are often discriminatory because they, in combination with racially polarized voting, prevent voters of color from electing their candidates of choice where they are not the majority in the jurisdiction. Under this system, the votes of voters of color often are drowned out or submerged by the votes of a majority of white voters who often do not support the candidates preferred by Black voters.

How does at-large voting affect communities of color?

Fewer and fewer districts still practice at-large voting. That is because courts and other decision-makers long have recognized that discriminatory methods of election, like at-large voting, enhance the discrimination that communities of color experience because of socioeconomic and other disparities in life opportunities between Black and white communities.

LDF has long worked to eradicate discriminatory at-large methods of election that dilute the voting strength of communities of color.

How can districts switch from at-large to district-based voting?

Elected officials can call for a referendum on the question of moving from at-large to district voting, and voters can approve a change to the method of election through a referendum. South Carolina law empowers local city councils to take a simple majority vote to change the method of election through a referendum. Alternatively, communities canpetition a city council to put the question of a change to the method of election to the voters. Without action by local municipalities, politicians who choose to maintain at-large voting can face time-consuming and costly litigation.

How are single-member districts created?

To remedy dilutive at-large electoral systems, single-member districts are created by a demographic mapping expert and include at least one district in which voters of color are the majority of the voting-age population in that district. These districts must satisfy all relevant laws and traditional redistricting principles. These districts are not intended to guarantee the election of politicians of a particular color, but rather to empower voters to elect their candidates ofchoice.

Are at-large systems rare or widely-used?

Since the passage of the Voting Rights Act in 1965, numerous at-large systems have been struck down under Section 2 of the Voting Rights Act. Although at-large voting is becoming rarer and rarer, in part due to the advocacy of LDF and other civil rights organizations, such discriminatory election systems remain in some places in our democracy, such as in Beaufort City.

The Voting Rights Act forbids the use of any electoral scheme, such as the at-large method of election, that submerges the votes of people of color in elections that a white majority of voters control. Widely considered the crown jewel of American democracy, the Voting Rights Act is the most effective tool for protecting voters of color against methods of election – like at-large voting – that weaken the voting strength of communities of color.

What are some notable cases that struck down at-large voting?

In a case that LDF successfully litigated, *Dillard v. Crenshaw County, Alabama*, a federal district court found that hundreds of Alabama districts intentionally employed at-large electoral methods to discriminate against Black voters. Because of that litigation, 176 jurisdictions settled and adopted some form of district voting. Following *Dillard*, in which 183 jurisdictions throughout Alabama ultimately abandoned their discriminatory at-large method of elections, few jurisdictions in Alabama still use this potentially dilutive voting scheme.

More recently, in *Georgia State Conference of the NAACP v. Fayette County Board of Commissioners*, LDF successfully challenged the at-large electoral method to the county board of commissioners and board of education in Fayette County, Georgia.

Attachment: Final Report of the Voting Rights Initiative University of Michigan Law School

Documenting Discrimination in Voting: Judicial Findings Under Section 2 of the Voting Rights Act Since 1982

Final Report of the Voting Rights Initiative
University of Michigan Law School

Ellen Katz

with Margaret Aisenbrey, Anna Baldwin, Emma Cheuse, and Anna Weisbrodt

December 2005

Attachment: Voices From The Past

COLUMBUS COALITION FOR RESPONSIVE GOVERNMENT

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VOICES FROM THE PAST:

98 YEARS OF COLUMBUS LEADERS' STATEMENTS ABOUT THE CHARTER AND COUNCIL

1914

- "The laboring men will not be benefited or represented in a council of seven men elected at large, four of whom, at least, will be corporation hand-picked, and will vote as the corporations dictate, as against the interests of the men who work." (The Columbus Evening Dispatch, *Four Times, Form of Government Has Been Changed*, by George D. Jones, former assistant law Director, City of Columbus. May 1, 1914.)

- "... I feel that a great injustice will be done to the great mass of our citizens should they be so unfortunate as to have the new proposed city charter foisted upon them. It is not a reform measure, but, on the contrary, it is strongly reactionary. It is distinctly a class charter, opposed to the welfare of the people, conserving the interest of the scholastic and the high class business man. It is, therefore, unfair, un-American and should be destroyed ... evidently the whole intention of these master commissioners is to prohibit the frequency of elections; remove them as far as possible out of the hands of the 'common herd' of mankind; lengthen terms of office, reduce the number of elective officers, and, in a word, establish an aristocratic system." (Thomas E. Beall. The Columbus Dispatch: *A Reactionary Charter: To the Editor*, May 3, 1914.)

- "Sir: If representative government, whereby a portion of the nation, state and city, chooses men to represent it in congress, the legislature and council, is right, the new charter which provides for election of councilmen at large, is wrong. If representative government is wrong, the new charter is right. It should not take much time for a good American to decide which he thinks is right, and which wrong, and vote accordingly at Tuesday's election." (Ann L. McCoy. The Columbus Dispatch: *A Short Question: To the Editor*, May 3, 1914.)

- "How can the laboring men, who work in shops and factories and along other lines of employment, cease from work and call at the city hall to urge upon city officials and members of council the many improvements which the neighbor hoods in which they live demand and especially when these visits will be made to men whom they have never met and who are not familiar with the localities in which these working men live? The present members of council, elected as they are by wards, can be seen by the people whom they represent at most any hour of the day or night. Their constituents are acquainted with them, as friends and neighbors, and therefore feel free to talk of required improvements or file complaints. (The Columbus Sunday Dispatch. *Vote Against the Charter Because It Will Destroy Home Rule (Political Advertisement)*, May 3, 1914.)

- "The Franklin County Democratic Club requests you to go to the polls and vote and work against the proposed charter tomorrow, May 5th". (Columbus Citizen. *Charter is Adopted by Majority of 1042; Effective in 1916*, May 6, 1914.)

Jonathan Beard: Charter Review Public Comment

Data from form "Public Comment" was received on 10/3/2016 1:56:25 PM.

Contact the Charter Review Commission

Field	Value
Name	Jonathan Beard
Email address	jbeard@colscompact.com
Subject	Charter Review Public Comment
Message	As the Charter Committee considers recommendations to council, it should consider recommending council adopt a serious campaign finance reform effort, which would cap contributions from individuals, limit transfers of money between PACs, and provide for a system of public financing for campaigns for our noncompetitive, expensive all at large elections. The people of Columbus deserve fair and competitive elections to determine the people who will represent us, and the current all at large format where elections are too expensive for all but the council president (who puts himself in jeopardy as he raises money to fund incumbents' campaigns -- what do you think the Redflex bribery allegations were all about?? -- that donation through convicted extortionist John Raphael passed through money to other council incumbents who could not afford the expense of their own elections). The Columbus Coalition for Responsive Government submitted tens of thousands of petitoin signatures for a citizen initiated effort to reform campaign finance laws in Columbus --which lawmaking was authorized by voters in a 1994 charter amendment, but council never enacted legislation to put campaign caps into place. It is time for council to close the ethical hole that unlimited campaign giving brings. Instead of voting on the issue, the council ignored it simply because we had filed the certified precirculation copy of the petition in the city clerk's office instead of the city auditor's office. A copy of a current citizen initiative will be provided to the committee by email. It is past time to take the excessive money out of our local politics. WRITTEN TESTIMONY TO COLUMBUS CITY COUNCIL Jonathan C. Beard November 11, 2013 Today on Veterans Day, we remember that our way of life – including our voting rights which are under attack in many states – have been secured by fellow citizens serving in our armed forces. Today our fight for our franchise is not a fight of physicality, but a fight against apathy and the appearance or reality of undue influence -- both of which undermine our democracy. Too many people think their vote does not matter, and in many cases they are right. At the federal level, gerrymandering of congressional districts has left seats uncontestable, which leads to interparty dysfunction and an inability to govern. Further, corporate special interest group campaign

Field	Value
	contributions have undue influence on the public agenda. At the state level, gerrymandering has lead to single party control of state legislature despite an electorate that is evenly split between the two major parties. At the local level, we maintain At Large elections for City Council which increases costs of running for office, reducing competition. And we see each year – including this year -- that even incumbent council members cannot afford their own elections. In this, the 2013 election cycle, Council incumbents raised $25 to every $1 raised by challengers. In gross numbers, incumbents raised over $375,000, and challengers raised just $16,000. And disturbingly, 70% of all the campaign funding was provided by one Political Action Committee: Friends for Ginther. Friends for Ginther accounted for 62% of funding of Paley Campaign, 72% of Tyson campaign, and 90% of the Miller campaign. When we look at those facts, we don't see fair and competitive elections that Americans have fought for and Columbus residents should expect. $16,000 is not enough money for three candidates to run a competitive campaign across 225 square miles covering more than 800,000 people. Further, the excessive spending by the Council President gives a suspicion of impropriety – a suspicion that votes on council can be influenced by campaign contributions from the council president. This suspicion appears validated when the Council president sponsored Issues 50 & 51 and where every council member agreed with it –even though 69% of the electorate voted it down. We have a problem of representation, and when you follow the money it causes concern. Sadly, this is the best that our current system gives us, so it is past time to look critically at our system of elections. Citizens of Columbus deserve fair and competitive elections, which is why the Columbus Coalition for Responsive Government filed roughly 23,000 signatures in support of a proposed citizen-initiated ordinance -- The Columbus Fair Campaigns Code -- on Thursday. We modeled our proposed ordinance after Austin's campaign finance law. In short, under the proposed law submitted by the people, candidates for Mayor and Member of Council can agree to limit their contributions and expenditures, and in exchange they get access to publicly provided campaign benefits such as debates sponsored by the Community Relations Commissions and aired on the two city-controlled public access stations, access to those same public access stations at nominal cost to explain in detail their campaign messages to the public, and access to a newly established Columbus Fair Campaigns Fund, which would provide partial public financing of campaigns so all candidates could get their messages out without having to spend money on 30-second TV or radio advertising to speak to all of Columbus. In the 2011 election cycle, council members Craig, Klein, Mills reported receiving over $108,000 each from Friends for Ginther. In this cycle, all council incumbent candidates received more than $84,000 each. The questions for voters are "what did that buy?, and does that give me confidence in the independence of my elected officials?" The Coalition would rather have the public support a system of elections where candidates can get more information about their candidacies to the public at a much lower cost, rather than have the council president supporting campaigns with 30-second ads saying incumbents support strong neighborhoods, police officers, and good jobs. The public deserves more from our most important right.

Field	Value
	In a few weeks you will have a chance to vote on the Columbus Fair Campaigns Code. We ask that you do something great for Columbus – this generation and the next – by voting “yes” and strengthening our democracy. We stand ready to answer any questions and provide any assistance in that regard.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from jbeard@colscompact.com on 10/3/2016 1:56:25 PM.

Jonathan Beard: Charter Review Public Comment

Data from form "Public Comment" was received on 10/3/2016 3:22:29 PM.

Contact the Charter Review Commission

Field	Value
Name	Jonathan Beard
Email address	jbeard@colscompact.com
Subject	Charter Review Public Comment
Message	In watching a tape of your first meeting in which you opened to public comment about the scope of your work and public input, following are recommendations: 1. Have a meeting specifically addressing the history of at large voting, and the problems that at large voting exacerbate for minority populations. Invite the NAACP Legal Defense Fund, which has litigated against at large voting systems, to advise the city on the impact of at large voting on minority communities and assess the intent of the 1986 amendments to Section 2 of the Voting Right Act to discourage at large voting due to its unlawful "voter dilution" effect on minority voters. Invite comment on whether Columbus's history of making African American appointments to council (indeed, Ms. Jennette Bradley of this committee is the only African American since Dr. John Rosemond in 1969 to have begun service on council by election) with all the rest being first appointed. Examine the changing perspectives on at large voting of the political parties when they were, and were not, in power. Evaluate if the current Democratic Party defense of at large voting -- though it dilutes the votes of African Americans, a core constituency of the party -- is about strengthening the votes of all citizens or maintaining access to corporate contributions and political power. 2. Have a presentation on the number of Department of Justice challenges to at large voting schemes pursuant to Section 2 of the Voting Rights Act. Evaluate if the appointment process of African Americancouncil members has been the mechanism used by local power brokers to delay Section 2 challenges-- similar to the way the Austin civic and business communities used the "Gentlemen's Agreement" to do the same. 3. Invite the Brennan Center for Justice to advise the committee on recommending changes to the city's campaign finance law,as such changes were authorized by 63% of voters in a 1994 charter amendment with the intent council would adopt legislation to cap contributinos, as was being done at the federal and state levels during that era. The failure to cap led to issues like the questionable $20,000 Redflex contribution which further damaged trust in our city council. 4. Make a recommendation to support council districts, which are opposed strongly by the "in power" political class and its big business benefactors, but which are the norm across the country. Sample maps and demographics for a system with 12 districts will be provided so the committee and public can better envision what such a system could look like. 5. Recommend that council resume televising all of the council meeting, including public comments on non agenda items. A 1994 task force made just that recommendation (ask the city clerk for a copy

Field	Value
	of that report -- I will try to find mine and forward it to the group), though it has been ignored. Council should be held accountable for what citizens in good faith are presenting to them -- things not yet subject to a council vote. People are frustrated as council feigns ignorance of issues and acts like nobody has tried to talk with them, as they did after the protestors embarrassingly overran council for not having listened to them over the previous years. 6. Stop hoarding power: return public access television to the people of Columbus, as intended under the federal telecommunications act. The people of Columbus deserve to have access to each others' unfiltered thoughts and expression. While council spends $1M on CTV-3 (up from $750K two years ago), to self-promote, it denies both access to, and funding for, public access TV. Government should not control and censor mass media, as city council is now doing by withholding Time Warner channel 21.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from jbeard@colscompact.com on 10/3/2016 3:22:29 PM.

Jonathan Beard: Campaign Finance Reform

From: jbeard@colscompact.com [mailto:jbeard@colscompact.com]
Sent: Monday, October 03, 2016 2:01 PM
To: Charter
Subject: Campaign finance reform

Hoping the charter review committee is willing to make a recommendation that council enact an ordinance similar to the attached. Please invite the Brennan Center for Justice to advise the committee on campaign finance reform.

Jonathan C. Beard
President and CEO
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Phone: (614) 251-0926 ext. 301
Fax: (614) 251-2243
www.colscompact.com

Attachment: Initiative Petition

To Enact Chapter 107 and Amend Chapter 2321 of the Columbus City Codes, 1959, To Create A Small Donor Matching Fund Program for Elections to City Offices Funded in Part with Ohio Casino Tax Revenues, Provide Further Regulation of Campaign Finances and Provide Public Election Supports Designed To Increase Competition and Reduce Costs of Providing Information About Candidates to Voters.

INITIATIVE PETITION

Revised Code 504.14. 731.28-731.41, 3501.38, 3503.06
Charter of the City of Columbus, Sections 41 - 47

NOTICE – Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter, is liable to prosecution.

To the City Clerk of the city of Columbus, Ohio: We, the undersigned, electors of the city of Columbus, Ohio respectfully request that the ordinance proposed herein be adopted by the Council or submitted to a vote of the electors of this city for their approval or rejection at the next regular municipal election to be held not less than 60 days nor more than 120 days thereafter;

The following is a full and correct copy of the title and text of the proposed Ordinance:

To Enact Chapter 107 and Amend Chapter 2321 of the Columbus City Codes, 1959, To Create A Small Donor Matching Fund Program for Elections to City Offices Funded in Part with Ohio Casino Tax Revenues, Provide Further Regulation of Campaign Finances and Provide Public Election Supports Designed To Increase Competition and Reduce Costs of Providing Information About Candidates to Voters.

Jonathan Beard: Sample 12 District map and demographics

From: jbeard@colscompact.com [mailto:jbeard@colscompact.com]
Sent: Monday, October 03, 2016 3:25 PM
To: Charter
Subject: Sample 12 District map and demographics

Attached for your consideration is a map of a potential apportionment of Columbus into 12 (single member) council districts, with the existing Neighborhood Area Commission boundaries overlayed (in black). As you can see, much of the city is not represented by an area commission, which have very limited purviews in any case (they are codified as a "recommending body" to council on planning and zoning matters).

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COLUMBUS CITY COUNCIL PROPOSED DISTRICTS

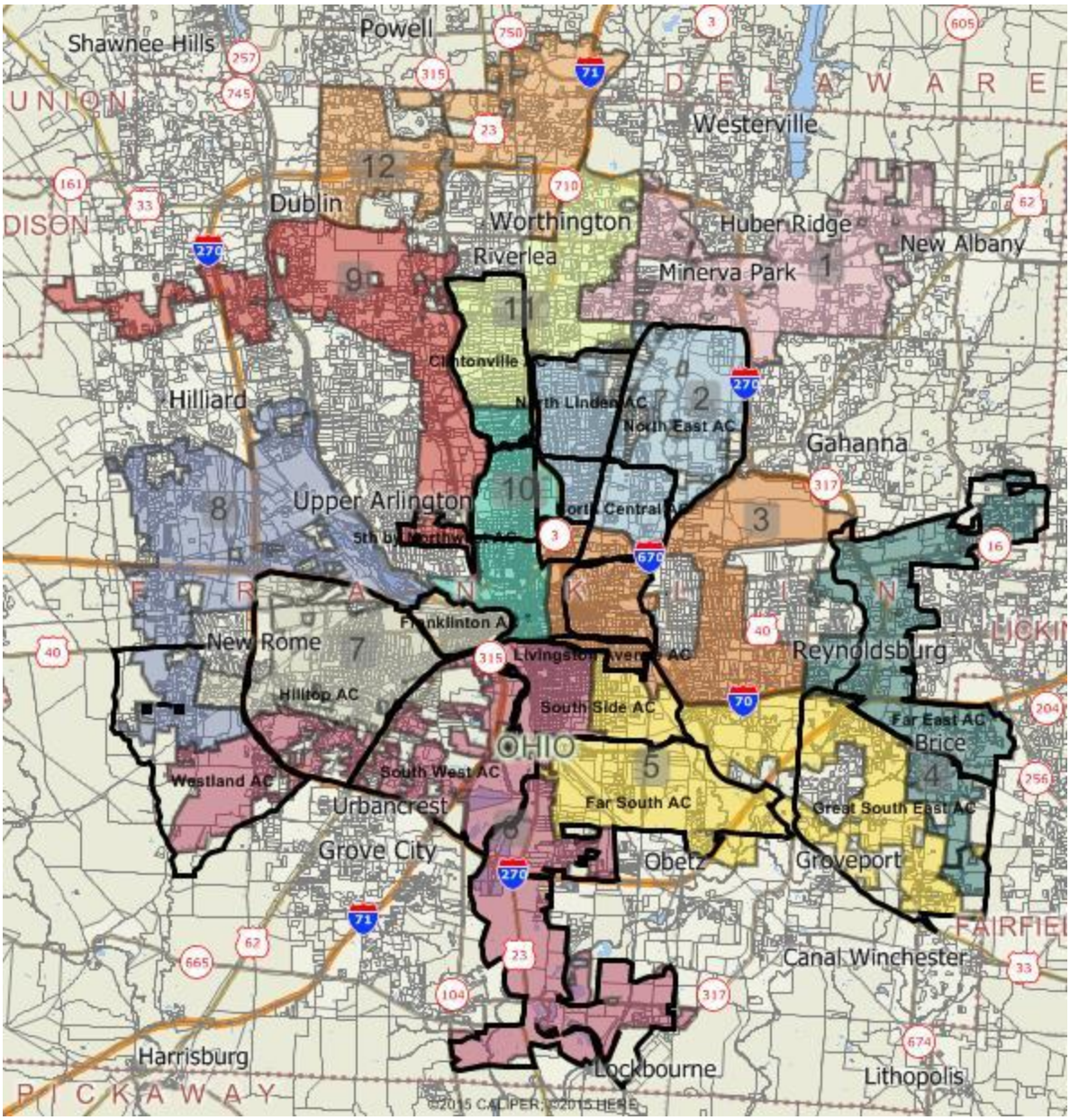
12 District Demographics(Model A)

Council District	Area Sq.Mi.	2010 Population	12 Dist. Mean Pop.	Deviation from Mean	2010 Pop @ Voting Age	2010 White	2010 Black	Percent Black	2010 Am. Indian	2010 Asian	2010 Hawaiian	2010 Other	2010 Hispanic
1	18.1	66,677	65,584	1.7%	50,197	41,373	18,575	27.9%	157	2,871	47	1,401	3,470
2	17.2	66,816	65,584	1.9%	48,167	20,498	41,393	62.0%	162	988	70	1,368	2,628
3	19.4	63,964	65,584	-2.5%	47,821	17,453	41,285	64.5%	231	794	84	1,837	3,231
4	18.3	65,805	65,584	0.3%	48,581	33,691	26,458	40.2%	147	1,386	25	1,613	3,397
5	27.5	63,201	65,584	-3.6%	45,874	25,537	32,432	51.3%	178	1,043	38	1,605	2,955
6	34.4	68,186	65,584	4.0%	50,849	50,885	12,414	18.2%	224	1,025	25	1,318	2,815
7	13.2	66,139	65,584	0.8%	47,147	45,331	12,535	19.0%	292	1,344	92	3,717	6,031
8	22.7	68,138	65,584	3.9%	50,299	53,498	5,369	7.9%	149	3,520	53	3,548	5,893
9	18.7	66,218	65,584	1.0%	56,255	51,250	3,498	5.3%	121	7,974	16	1,501	3,309
10	8.6	66,890	65,584	2.0%	62,975	54,856	5,485	8.2%	161	3,828	16	1,015	2,542
11	13.1	64,447	65,584	-1.7%	50,458	41,654	16,673	25.9%	167	1,430	25	2,280	4,847
12	15.9	62,808	65,584	-4.2%	47,803	49,361	4,452	7.1%	119	5,811	25	1,355	3,482
	227.1	**785,285**	**787,008**		**606,426**	**485,387**	**220,565**	**27.9%**	**2,108**	**32,014**	**516**	**22,578**	**44,600**

Notes:

1) This is a draft showing the city divided into 12 single-member council districts. The proposal will be for 3 members at large and 12 from Districts.
2) The Supreme Court has created doctrine that typically mandates near equally-sized districts (within 10%). This map has all districts within 5% of the 12 district mean size of 65,584 people based on the 2010 census, with the largest District (8) at 68,138 (+3.9%) and the smallest (12) at 62,808 (-4.2%) .
3) Districts should consist of "contiguous" territory to the extent possible or practical, reflected in this map.
4) Sec. 2 of the Voting Rights Act requires an effort to create opportunities for minority populations to elect a candidate **of their own choosing. Only the Black racial group has enough members to create a majority-minority district,** thus it appears that the only VRA covered population is Blacks, so attempts were made to create majority Black districts where practical, without "cracking" or "stacking." Districts 2, 3, and 5 are majority Black (25% of districts) and where if voting was 100% racially polarized, a candidate preferred by Blacks could win. Blacks are 28% of population.
5) Attempts were made to maintain "communities of interest," which is a nebulous concept to be drawn from public input, reflected as Area Commissions.

District 1 is not represented by any area commission.
District 2 includes the North Central, North East, North Linden, and a portion of the University Area commissions.
District 3 includes the Milo Grogan, Near East Area and Livingston Avenue area commissions.
District 4 does not have any area commissions.
District 5 includes part of the Southside Area Commission and Far South Area Commission.
District 6 includes the Soth West Area Commission
District 7 includes the Hilltop and Franklinton Area Commissions and a portion of the Westland Area Commissoin
District 8 does not have any area commissions
District 9 has the Fifth by Northwest Area Commissions
District 10 has a portion of the Univesity area commission
District 11 has the Clintonville Area Commission
District 12 is not represented by any area commission


Shawnee Hills
Powell
UNION
DELAWARE
Westerville
Dublin
Worthington
Riverlea
Huber Ridge
New Albany
Minerva Park
Clintonville AC
North Linden AC
North East AC
Hilliard
Gahanna
Upper Arlington
North Central AC
FRANKLIN
Franklinton AC
New Rome
Livingston Avenue AC
Reynoldsburg
Hilltop AC
South Side AC
Far East AC
Brice
OHIO
Westland AC
South West AC
Urbancrest
Far South AC
Great South East AC
Grove City
Obetz
Groveport
Canal Winchester
Harrisburg
Lockbourne
Lithopolis
PICKAWAY
©2015 CALIPER; ©2015 HERE

Michael Curtin: Charter Review Public Comment

Data from form "Public Comment" was received on 10/6/2016 3:15:18 PM.

Contact the Charter Review Commission

Field	Value
Name	Michael F. Curtin
Email address	mcurtin2323@yahoo.com
Subject	Charter Review Public Comment
Message	I have been asked to present historical background and context on the structure of Columbus City Council.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from mcurtin2323@yahoo.com on 10/6/2016 3:15:18 PM.

Jennifer Grant: Charter Review Public Comment

Data from form "Public Comment" was received on 10/10/2016 3:04:13 PM.

Contact the Charter Review Commission

Field	Value
Name	Jennifer Grant
Email address	jencbus@gmail.com
Subject	Charter Review Public Comment
Message	I want the committee to remember many residents are not represented by area commissions in Columbus. Many people who wanted more city council members, don't have elected representatives to represent their neighborhood, like the area commissions do. Many residents are represented by volunteers who have served for years, not because they're elected by their neighbors, but because their friends on the neighborhood association (they are called "trustees" in my neighborhood, Sharon Woods), continue to appointand/or vote on them to hold the same offices. If you are not a "trustee", you can't vote on neighborhood issues, such as how dues are spent. Many of us also never see our fulltime paid neighborhood liaison at our meetings, even if we spend our evening at a meeting where we can't contribute. So please remember not all residents have representation. Perhaps, pay the fewer city council members as full-time employees, but require that they spend some of that time at area commissions AND associations meetings, to hear residents' concerns monthly. Oh and make sure they're visiting the neighborhood meetings, not just the bigger joint association meetings, like NCC. Regular residents are not invited to those meetings and those meeting times, dates and place are not well publicized because of it. Thank you for your consideration.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from jencbus@gmail.com on 10/10/2016 3:04:13 PM.

Sandy Bolzenius: Charter Review Public Comment

Data from form "Public Comment" was received on 10/11/2016 10:43:35 AM.

Contact the Charter Review Commission

Field	Value
Name	Sandy bolzenius
Email address	Bolzenius.2@osu.edu
Subject	Charter Review Public Comment
Message	Hello, I have three questions: 1. What are the next dates available in which citizens may deliver a public comment before review board? Also, do you have those locations? 2. Are speakers allowed five minutes? 3. Must speakers turn in a written copy of what we would like to say 24 hours in advance? I heard that this requirement had been changed. Thank you, Sandy Bolzenius

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from Bolzenius.2@osu.edu on 10/11/2016 10:43:35 AM.

Tom Dillard: Public Comment

Data from form "Public Comment" was received on 10/11/2016 3:52:58 PM.

Contact the Charter Review Commission

Field	Value
Name	Tom Dillard
Email address	Tomdillard2000@yahoo.com
Subject	Charter Review Public Comment
Message	I plan to offer input at the Oct 27 the committee meeting concerning the power of citizen participation and how it can and will improve the decision making process. I plan to bring a copy of my presentation to the meeting with copies for the committee members. The theme of my presentation is to encourage the committee to adopt practices that allow for citizen participation in the decision making process using the basic decision making model. I will send my attachments to the charter@columbus.gov. Tom Dillard 3226 McCutcheon Place Columbus, Ohio 43219 614-207-1248 tomdillard2000@yahoo.com

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from Tomdillard2000@yahoo.com on 10/11/2016 3:52:58 PM.

Tom Dillard: Attachments for presentation to the Charter Committee

From: Tom Dillard [mailto:tomdillardll@gmail.com]
Sent: Tuesday, October 11, 2016 5:08 PM
To: Charter
Subject: Attachments for presentation to the Charter Committee by Tom Dillard

The attached are handed out for the presentation to the Charter Committee by Tom Dillard at the Oct.27th meeting

Tom Dillard, MSSA, LSW
Tom Dillard & Associates
614-207-1248
tom@tomdillard.org

Attachment: Presentation to the City Council Revision Commission

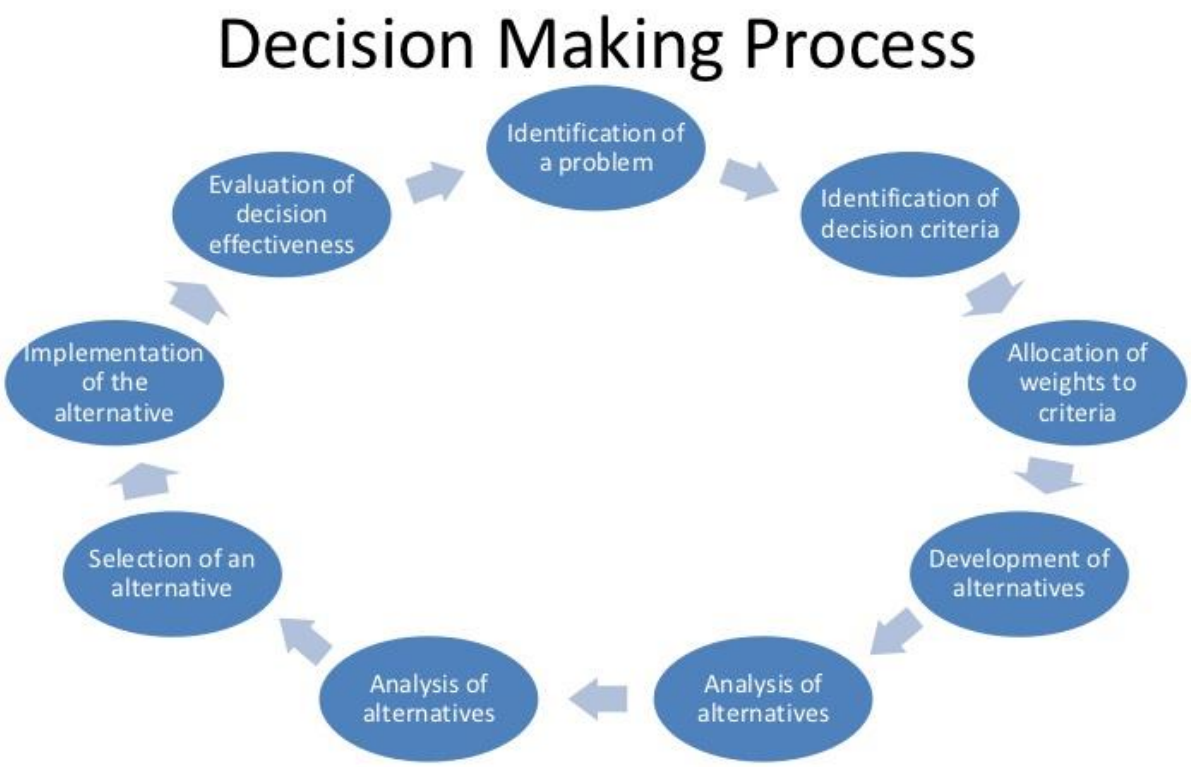
Presentation to the City Council Revision Commission

The rewards for the community, however, can be great. Many of the reasons for the community to embrace participation are reflections of the reasons why policymakers would want it. Some of them are:

- **Participation provides the opportunity to educate policymakers to the community's real needs and concerns.** As we've discussed, when policymakers plan a vacuum, their plans usually fail, because they don't account for the realities of the situation and the real needs of the population they're aimed at. Community members can help policymakers understand their lives - the difficulties they face, the strengths they bring, and what they feel must be addressed.
- **Participation allows community members to help create policy that really works to meet their needs.** By participating in their development, community members can see policies put in place that actually improve their lives, rather than having no effect or imposing added burdens on them.
- **Participation affords community members the respect they deserve.** Rather than being seen as victims or nuisances, community members engaged in a participatory social planning process are seen as colleagues and concerned citizens working to improve their community. They are respected both as human beings - as should always be the case, but often isn't - and for the skills, knowledge, and effort they contribute to the process.
- **Participation puts community members in control of their own fate.** The participatory social planning and policy development process results in citizens deciding what policies will work for them, and gives them the opportunity to change those policies if they're not working. It puts into practice the motto of the Back of the Yards Neighborhood Council in Chicago, founded by legendary organizer Saul Alinsky: "We, the people, will work out our own destiny."
- **Participation builds community leadership from within.** Those who take part in the process both learn and exercise leadership skills, and also start to see themselves as having the capacity to be leaders. The most important step to leadership, and to taking action to influence events that affect you, is to believe that you have the ability to do so.
- **Participation energizes the community to take on other issues or policy decisions in the future, and to see itself as in control of its future.** Thus, the community development process will continue over time.
- **Participation leads to long-term social change.** As community members take more control over more areas of their lives, as a result of the skills and attitudes gained from the participatory process, they will create and institutionalize changes that improve the quality of life for everyone in the community.

Tom Dillard Presentation to the Committee on Oct 27, 2016

Attachment: Decision Making Process



Presentation to the charter commission by Tom Dillard Oct 27th ,2016

Jonathan Beard: Public Comment

Data from form "Public Comment" was received on 10/19/2016 2:17:12 PM.
Contact the Charter Review Commission

Field	Value
Name	Jonathan Beard
Email address	jbeard@colscompact.com
Subject	Charter Review Public Comment
Message	I regret missing the October 13th committee meeting, though I don't regret the reason being in celebration of my 14th wedding anniversary in Savannah. I was pleased to see the video of the meeting, and appreciated Mike Curtin's great presentation on the history of Columbus city council and its size and format. Based on Mr. Curtin's depiction of a weakness of the at large format being the lack of African American representation on council since 1914, Bob Vitale asked a good question of Mr. Curtin -- if there was any evidence of a bias against minorities in the 1914 charter adoption. From our research about the Progressive Reform movement, our understanding is that implicit in many such city reform efforts was an effort of the Irish-Anglo immigrants to eliminate the growing political influence of newly-arriving German and Italian immigrants settling in neighborhoods and developing ward-based political power and the resultant perks of city jobs (i.e., the historic Irish police and fire jobs). In its 1982 amendments to Section 2 of the Voting Rights Act of 1965, Congress went beyond discriminatory intent to looking at the discriminatory effects of at large systems of government. In jurisdictions where there is a history of racially polarized voting, such systems are unlawful for their voter dilution effect on minority populations. Mr. Curtin's testimony alluded to a history of racially polarized voting on this issue in 1968 and 1975. Jenette Bradley asked if Mr. Curtin had information about the demographic of Issue 1 voting. I would suggest that the Issue 1 vote is not reflective of that history in that it was a citizen initiative, versus one proposed by the council, and that the opposition in power (Democrats opposing council districts for the first time in Columbus's history) spent $1 million from the business community in defeating the issue -- 10 times more than the underfunded proponents. It should be noted that Issue 1 came out of the Black community amid our frustration that our community's priorities were not being adequately addressed in the at large format. Mr. Mills asked Mr. Curtin about research on campaign finance. I have done some, and what is stunningly clear is the amount of money needed to win citywide elections, and the fact that Black candidates (in the 2011 and 2013 elections that I studied) in particular are not raising nearly enough money to compete. In fact, the council president has been providing the vast majority of campaign funding for the Black incumbents (from 72 - 90%) of their funding, versus from 52-57% for all White incumbents. Whether they are Black or White, however, it is clear that candidates are overly-dependent on political funding for their elections in this at large system. History has shown us that, except for committee member Republican Jenette Bradley, no Black councilmember has been elected since 1969 without first being appointed. In a city that is evermore Democratic, the fact that a Black council member must first be selected by those in power should be troubling to any person with a love for and an understanding of the democratic ideal. (I limit this discussion to Black and White, because my understanding of the VRA is that given Columbus's demographics and residential patterns, Black electoral power MUST be given consideration under the law. However, the same type of consideration should apply to other minority communities as well.)

Field	Value
	There was discussion about the reasons for changing from at large, when, as Ms. Coe mentioned, a change to council districts has been voted down three times. To be clear, at large systems of government are discriminatory by design, which is reason enough to change. Since the defeat of Issue 1, we have been in touch with the NAACP Legal Defense Fund, which litigates against discriminatory electoral systems like at large systems, to assess the viability of a Voting Rights Act lawsuit against Columbus's at large form of government. The LDF is interested in this issue and is in the midst of an internal review to assess the viability of bringing a challenge. In a FAQ they have released to Columbus as a precursor to their possible involvement (which will be submitted to the committee), the LDF writes "... the Voting Rights Act forbids the use of any electoral scheme, such as the at-large method of election, that submerges the votes of people of color in elections that a white majority of voters control." The LDF further writes"without action by local municipalities, politicians who choose to maintain at-large voing can face time-consuming (e.g., two to five years) and costly litigation (e.g., millions of dollars)." As an Issue 1 proponent, I did not try to make it a racial issue, nor a political issue -- in fact, we tried to diffuse racial tension and/or charges of partisanship by having a Black and White, Democrat and Republican Issue co-chairs. The in power Democrat opponents of Issue 1 reversed course from Mayor Sensenbrenner's distancing itself from politics as relayed by Rep. Curtin, and made it a hyper partisan issue, with false accusations that it was sponsored by the Party of Trump with Koch Brothers support. Certainly providing a form of government that allows for a full expression of political thought where minorities are not always subsumed to a majority White vote -- whether or not a lawsuit is initiated or successful -- is an excellent reason for change. Columbus is not working for all of its citizens. Further, as mentioned above, the cost of at large elections limits competition to those who can access large sums of money -- citizens deserve open, fair and competitive elections, and having less expensive council district elections is simply good for democracy. I have drafted some maps of a 12 district council format which we (a group of us who have been working on this issue) think makes sense along with 3 members at large, which we will submit with demographics to illustrate that such a format would allow for roughly proportionate voting strength for the VRA-covered African American population (i.e., with 100% racially polarized voting, candidates supported by Blacks could win 3 of 12 districts (25% , versus the 28% Black population of Columbus). I urge the committee to look carefully at the intent and the requirements of Section 2 of the Voting Rights Act to ensure Columbus remains in compliance with the letter and the spirit of the law, as it considers changes to our archaic non-representative all at large form of government.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from jbeard@colscompact.com on 10/19/2016 2:17:12 PM.

Tom Dillard: Public Comment

Data from form "Public Comment" was received on 10/24/2016 10:45:00 AM.

Contact the Charter Review Commission

Field	Value
Name	Tom Dillard
Email address	Tomdillard2000@yahoo.com
Subject	Charter Review Public Comment
Message	Citizens Participation in the formation and implementation of policy

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from Tomdillard2000@yahoo.com on 10/24/2016 10:45:00 AM.

Tom Dillard: Handout for the presentation to the committee

From: Tom Dillard [mailto:tomdillardll@gmail.com]
Sent: Monday, October 24, 2016 10:52 AM
To: Charter
Subject: Attached is my handout for the presentation to the committee

Attached is my handout to the committee for my presentation on Oct. 27 at 6:00 pm .

If you have question contact me at the number below.

Tom Dillard, MSSA, LSW
Tom Dillard & Associates
614-207-1248
tom@tomdillard.org

Ruth Parise: Public Comment

Data from form "Public Comment" was received on 10/27/2016 10:10:01 AM.
Contact the Charter Review Commission

Field	Value
Name	Ruth Parise
Email address	ruthap55@att.net
Subject	Charter Review Public Comment
Message	I would like to speak at this evening's meeting. Ruth Parise 4759 Larkin Drive Columbus, OH 43231 I do not represent any organization I am still working on my comments; if I can't complete early enough today, I will bring copies tonight.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from ruthap55@att.net on 10/27/2016 10:10:01 AM.

Jonathan Beard: Public Comment

Data from form "Public Comment" was received on 10/27/2016 4:11:20 PM.

Contact the Charter Review Commission

Field	Value
Name	Jonathan Beard
Email address	jbeard@colscompact.com
Subject	Charter Review Public Comment
Message	TESTIMONY BEFORE THE COLUMBUS CHARTER REVIEW COMMITTEE October 27, 2016 Jonathan C. Beard, 1815 Franklin Park South, Columbus, OH 43205 1. Good evening, I am Jonathan Beard, Co-Chair of Represent Columbus, which sponsored Issue 1 as a citizen initiated charter amendment to reform Columbus City Council, seeking to move it from the archaic at large format to a more modern mixed system with 3 members at large and the rest from district. 2. Issue 1 sought to move Columbus closer to the governing norm of American big cities, which is 13 members, comprised of 2 at large and 11 from districts. 3. Issue 1 was defeated at the polls, in large part because it was successfully mischaracterized by an unmatched $1 million in campaigning by the opposition, which came from the business community and the faction of Democrats in control of the Franklin County Democratic Party. It was absolutely not a proposal for a 25 member council, sponsored by the Party of Trump to create permanent Republican wards, which is how it was successfully framed by the opposition. 4. It was a proposal for a 13 member council, with 10 elected by district and 3 at large. It was sponsored by me, an elected member of the Franklin County Democratic Party from Ward 55 (Franklin Park and OTE), in response to the deficiencies in city government that I have seen through my 20 years of work to revitalize Columbus central city neighborhoods. This is a Democratic initiative as it has been every time it hit the ballot. 5. More specifically, Issue 1 came out of Columbus's Black Community, in response to council's shortcomings in adequately representing the residents and businesses along E. Main Street on the Near East Side during a period of drug related gun violence in 2005. These issues are being echoed today in our community's dissatisfaction over the council's approach to police/community relations today. Because these issues are important, we are preparing another citizen initiated amendment should the council not on its own put an issue on the ballot. 6. We made some mistakes in framing the issue politically, last time: a. First, coming from my experience in Cleveland, we proposed that the council grow or shrink with changes in the city's population. That allowed the opponents to claim that it was a 25 member council that was being proposed – which could happen only if the city's population more than doubled to 1.65 million people. b. Second, some people also thought we should have submitted a map – which is only rarely a part of a charter document. 7. This issue came out of Columbus's Black community, because we are not well-represented under the at large system.

Field	Value
	8. Last time, we did not make this a racial issue because we thought that was divisive, we tried to focus on policy and best practice. 9. Given the divisive campaign run by the anti Issue 1 forces, which turned corporate Democrats and corporate campaign dollars against progressive Democrats, Republicans, Libertarians, Greens, and Socialists – all of whom endorsed the change. I have provided this committee information from the NAACP Legal Defense Fund ("the LDF") documenting how at large forms of government are often in violation of Section 2 of the Voting Rights Act. 10. The Department of Justice says section 2 " is a nationwide prohibition against voting practices and procedures, (including redistricting plans) that discriminate on the basis of race, color or membership in a language minority group. It prohibits not only election-related practices and procedures that are intended to be racially discriminatory, but also those that are shown to have a racially discriminatory result. 11. The NAACP Legal Defense Fund says that "The Voting Rights Act forbids the use of any electoral scheme, such as the at-large method of election, that submerges the votes of people of color in elections that a white majority of voters control. Widely considered the crown jewel of American democracy, the Voting Rights Act is the most effective tool for protecting voters of color against methods of election – like at-large voting – that weaken the voting strength of communities of color. " 12. At the last meeting, you heard Rep. Curtin discuss how it took 55 years after our at large system was installed before another African American Dr. John Rosemond, was elected in our citywide elections. Our first African American was elected from a district in 1880 (Rev. James Poindexter, which buildings named after him were demolished last year). 13. Since Dr. Rosemond was elected in 1969, I believe Jenette Bradley is the only African American initially elected to council – the rest, all Democrats, have all been initially appointed, and run with the financial backing of the Franklin County Democratic party or the council president. In he 2011 and 2013 elections, the Black incumbents received from 73-90% of their funding from the council president – unlike their white counterparts, they were clearly unable to independently raise money and compete in citywide elections. 14. It does not matter to the community or to Section 2 of the Voting Rights Act that we now have a majority Black city council – and they are all good people. The Black community deserves an electoral system that allows us the ability to elect council members of our own choosing, without the approval of white folk. 15. We are finalizing revised ballot language and have started drafting electoral maps and will put this issue back on the ballot within a year by citizen initiative, if -- through the work of this committee -- the council does not act to do so. Council formats with a majority of members elected by district are the norm across the country, and such forms of government are clearly lawful, while our at large council is not clearly lawful -- which is something the LDF is looking at now in consideration of a lawsuit that they say would take 2-5 years, and cost the city millions of dollars to defend against. The Department of Justice initiates about 4 Section 2 lawsuits against municipalities every year, and the NAACP Legal Defense Fund settled a suit that ended at large systems in 176 jurisdictions across Alabama. 16. All of our peer cities have districts: Indianapolis, Baltimore, San Francisco, Boston, Raleigh, Jacksonville, Seattle. In recent years, Detroit, Austin, and Seattle have abandoned their at large formats in favor of more representative systems with districts. 17. Once informed, there is no justification for this committee to continue to support an electoral system that is designed to submerge minority votes, when other options are common. I ask that you consider the discriminatory structure and discriminatory effect of at large voting systems, which courts have determined to be unlawful across the country, I urge this committee to recommend the city support a council elected primarily by district to avoid the time, expense and divisiveness of a court or ballot battle. Thank you.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from jbeard@colscompact.com on 10/27/2016 4:11:20 PM.

Deborah Supelak: Public Comment

Data from form "Public Comment" was received on 10/27/2016 5:12:14 PM.

Contact the Charter Review Commission

Field	Value
Name	Deborah Supelak
Email address	supelak@att.net
Subject	Charter Review Public Comment
Message	Charter Review Committee Hearing Oct 26, 2016 at Tuttle Recreation Center Public Comments submitted by Deb Supelak: I wish to speak to the matter of composition of Columbus' City Council, especially the need to structure Council in such a way as to maximize representation of the public constituencies it purports to serve. The primary argument against any ward-based system in Columbus has been that the city already has regional representation through the Area Commissions. However, I serve on an Area Commission and I have had opportunity at various community events to meet with about 20 other commissioners, representing about 8 or 10 other Area Commissions. Across the board, myself and all the others I have spoken with feel that the Area Commissions fail at achieving representation. The quasi-governmental nature of these Commissions means that there are no formal controls or oversights governing their operation. Some Commissions, I have been told by disgruntled commissioners and community members, are run dictatorially by chairs who unilaterally set agendas, who may shut down discussion of community topics without warning and without recourse. Further, there is no requirement that any recommendation from Commissions need to be formally acknowledged or addressed by City Council. Suggestions which the current Council members do not like are simply ignored. How does that fit with democratic representation of the communities' concerns? It, flatly, does not. To illustrate some of the glaring inadequacies of the Area Commission system, let me use my commission, the University Area Commission (UAC) as an example. Although we represent the most densely populated portion of the entire City, our "elections" scarcely get 2 or 3 dozen residents out to vote in them. The City offers no help in publicizing these commissions and puts no effort into promoting them as a vehicle for public participation in the governing process (except, I should say, for when council members dredge up the existence of the commissions as a last ditch defense when confronted with a public referendum to require wards). The UAC is currently preparing for elections; we have 5 seats open and received only 1 application for a candidate! Out of 10's of thousands of residents in the district! People simply don't know this body exists, so how could they possibly communicate their concerns to it; if the public is not communicating, how can the body represent them adequately?

Field	Value
	Earlier this year, our community submitted a petition to City Council requesting a construction moratorium. The petition was signed by hundreds of residents and more than 2 dozen businesses. City Council had a few closed door meetings with representatives from the community, but took no action on it. The UAC drafted, debated, and passed a resolution requesting the City to honor the moratorium request. The UAC did not even receive acknowledgement of the resolution, and again City Council took no action. If these matters had been brought before Council by a ward-representative in an official capacity, the concerns of the public would have at least had a public hearing with the full due process of required by law; citizens would at least have the opportunity to see council debate and vote on their concerns. Columbus has become one of the very most financially segregated cities in the U.S. under the current City Council structure, and part of that system has relied on the largely secret Area Commissions that are rife with cronyism. We need a new system. We need council members who are appointed for the purpose of representing the concerns that are unique to the various portions of the city.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from supelak@att.net on 10/27/2016 5:12:14 PM.

William Schuck: Public Comment

Data from form "Public Comment" was received on 11/9/2016 1:30:50 PM.
Contact the Charter Review Commission

Field	Value
Name	William Schuck
Email address	ws096@hotmail.com
Subject	Charter Review Public Comment
Message	I respectfully request time (5 to 10 minutes) to present testimony regarding a hybrid Council proposal (written copy will be submitted). I am available only on Nov. 10 (any time) and Nov. 17 (not before 7:30 pm). Thank you.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from ws096@hotmail.com on 11/9/2016 1:30:50 PM.

Deb Roberts: Location Revision

From: Deb Roberts, Mobile Food Truck Conference & Expo [mailto:mzdoodah@earthlink.net]
Sent: Thursday, November 10, 2016 7:57 AM
To: Charter
Subject: location revision

If you are going to send out a notice that the location has change, why don't you also update the page?

Deb

Deb Roberts
Columbus Mobile Food Conference & Expo Event Coordinator
Office/Cell: 614-228-1868
www.ColsMobilefoodConf.com

Jessica Clinger: Charter Review Public Comment

Data from form "Public Comment" was received on 11/15/2016 12:35:52 PM.
Contact the Charter Review Commission

Field	Value
Name	Jessica
Email address	jessica.n.clinger@gmail.com
Subject	Charter Review Public Comment
Message	I attended the Charter Review Committee meeting on November 10th at Barack Rec Center. The presentations regarding the appointment process were very good and the discussion was thought provoking. I thought the ideas discussed by the committee regarding a "guardian" or "caretaker" model of appointments were very intriguing and I hope the committee will hear more information about this possible model of filing vacancies. I would like to see the committee continue to seek improvements to the appointment process which would address the cycle of appointments in recent years and advantage of incumbency when candidates run to fill the vacancy. Thank you.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from jessica.n.clinger@gmail.com on 11/15/2016 12:35:52 PM.

Isaiah St. John: Charter Review Public Comment

Data from form "Public Comment" was received on 11/16/2016 2:01:03 AM.

Contact the Charter Review Commission

Field	Value
Name	Isaiah St. John
Email address	isaiah.stjohn@gmail.com
Subject	Charter Review Public Comment
Message	I urge this committee to recommend immediate reform of the Columbus Charter to eliminate the discriminatory structure of city council with all at-large seats. We need a ward system so that all communities within Columbus are represented in City Hall. It is to the shame of our city that we have not already taken this action.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from isaiah.stjohn@gmail.com on 11/16/2016 2:01:03 AM.

Felicia A. Saunders: Public Comment

Data from form "Public Comment" was received on 11/16/2016 2:13:56 PM.

Contact the Charter Review Commission

Field	Value
Name	Felicia A. Saunders
Email address	easthavencivicblockwatch@gmail.com
Subject	Charter Review Public Comment
Message	Hello, I am the President of the Easthaven Civic Association. I have asked for a Community Recreation Center for the southeast side of Columbus for four years. The Easthaven community has a neighborhood park located on Weyburn Road with plenty of land around it, the park is also next to the Easthaven Elementary school. I was told four years ago, that it take lots of planning for a new center. 1st question: How much more planning does it take to get a community recreation center in Easthaven or in the mall area? 2nd question: I put in a request three years ago for sidewalks for Petzinger Road, starting at Wadsworth to Courtright Road. When will the community see that development? 3rd question: We have had a drug house at 2346 Weyburn Road for over four years. It has been hit by SWAT last year but it is still in operation, the dealers are walking down to our park (where our children play) to sell their drugs. Now we have more drug houses trying to start up in Easthaven. What is it going to take to get this house shut down? 4th question: What is the city dumping at Westfall located on Petzinger Road? I will provide you with a letter from one of our neighbors that live in the area at the meeting tomorrow. Other concerns: Easthaven Elementary school needs a new building or at less air conditioning in the school. Will the City repair curves in our community. All children will not go to college, could the city develop more trade and vocational training? Thank you for the neighborhood police safety cameras coming to the eastside of Columbus, I look forward to there arrival.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from easthavencivicblockwatch@gmail.com on 11/16/2016 2:13:56 PM.

William Schuck: Schuck testimony for 11/17/16

From: W [mailto:ws091@hotmail.com]
Sent: Wednesday, November 16, 2016 1:37 PM
To: Charter
Subject: Schuck testimony for 11/17/16

My testimony to the City Council Review Commission on 11/17/16 is attached. Reminder: I will not be able to arrive before 7:30 pm.

William Schuck

Attachment: Schuck Testimony-11.17.16

COLUMBUS CHARTER REVIEW COMMISSION
TESTIMONY OF WILLIAM SCHUCK
NOVEMBER 17, 2016

Thank you for serving on this Commission and for the opportunity to present suggestions regarding City Council.

I am William Schuck, a resident of Northwest Columbus for 32 years. I previously served on the Columbus Development Commission, was on the Board of the Northwest Civic Association, and represented portions of Columbus in the Ohio House of Representatives for 14 years. This does not make me an "expert", but provides some familiarity with the City, some of its neighborhoods and how Council serves them, and the dynamics of representing more than 100,000 constituents. I am appearing as an individual citizen interested in improving City governance, and do not represent any other person or organization.

Look to the Future

This Commission can help Columbus meet challenges it will face in coming decades by recommending a Charter revision for a larger, hybrid City Council.

The City has grown too big and complex for at-large Council members to know a meaningful proportion of their constituents or intimately know neighborhood needs. Not far from where I live, school children walk in a busy street because there is no sidewalk. I recall a recent member of City Council asking, "Where is Don Scott Airport?" *All* areas of the City need proper attention to be safe, prosperous, and attractive.

Diversity makes the City more dynamic and resilient; the same is true of City Council. Making City Council more inclusive through district representation can give residents a greater sense of being represented personally. A more personal "stake" in the City will enhance citizen participation.

Council Structure

The key to making a hybrid Council work is to balance competing considerations: (a) a Council big enough to include districts vs. not so big that it invites gridlock or creates excessive costs; (b) districts small enough that representatives can know a significant proportion of constituents vs. districts large enough that they are not dominated by parochial concerns; (c) a global perspective (at-large) vs. local/regional needs (districts).

The arrangements that best achieve this balance are: (a) 13 members, with 7 at-large and 6 districts; or (b) 11 members, with 6 at-large and 5 districts. This would move Columbus from one of the smallest Councils among large cities to the mean (a majority of U.S. cities with a population of 700,000 to 1,000,000 have 11 or 13 Council members). The initial target population of districts (approximately172,000 for 5 districts or 143,000 for 6 districts) is large enough to ensure substantial diversity and small enough that a district representative can know a significant percentage of his/her constituents and their concerns.

A smaller district population (6 districts) would enable district representatives to be closer to their constituents, and this consideration will increase in importance as the City grows.

Also, adding 6 districts would not require a change in the existing at-large seats. However, a larger population (5 districts) may better accommodate various apportionment factors. Either alternative could workd and would be an improvement over the current Council structure.

Global Outlook

There is a concern that district representatives may be overly parochial or engage in vote swapping ("you support my local project and I'll support yours"). The following elements would tilt Council toward a holistic perspective:

- Require a majority of Council members (6/11 or 7/13) to be elected at-large.
- Require the Council President and President Pro Tem to be at-large members.
- Prioritize local projects according to objective criteria, similar to the Ohio Public Works Commission.
- Adopt an "anti-logrolling" rule comparable to the Single Subject provision of the Ohio Constitution (Art. II Sect. 15(D) requires a reasonable relationship between subjects in legislation that is not an appropriation measure). Courts invalidate legislation on this basis only if there a "manifestly gross and fraudulent" violation of the rule, so legislative bodies have extremely wide latitude in dealing with various issues in one piece of legislation.

Apportionment Process

Boundaries of Council districts should be drawn to serve the community, not promote the interests of candidates, incumbents, political parties, or special interests. The following would provide an objective, transparent, non/multi-partisan apportionment process:

- Have the Mayor appoint an Apportionment Board comprised of Columbus voters with demonstrated knowledge of and commitment to the City. Require the Board to have political, demographic, and geographic balance. Exclude from the Board public officials (except Notaries and military), City employees, contractors, and lobbyists. Authorize the Board to retain expert assistance with legal and technical aspects of apportionment. Disband the Board when its job is done (appoint a new Board for each decennial reapportionment).
- Make the Board's apportionment software available to the public. Hold several hearings at times and places convenient to the public. Invite members of the public to submit apportionment plans. Evaluate proposals from the public and the Board according to the criteria below and submit up to 5 of the best plans to City Council, which would enact one of them.
- Apportionment should use federal census data, prevent Gerrymandering, and comply with Federal law. Require districts to be approximately equal in population (+/-5%) and have boundaries that are compact and contiguous, do not divide a precinct, do not divide a ward more than once, do not consider the political affiliation of residents, and do not consider the political affiliation or residence of incumbents or candidates.

Area Commissions and civic associations that perform comparable functions play an important role in the City, and some traditional neighborhoods have a strong sense of identity. An argument can be made that these areas should be kept intact in drawing Council district boundaries. However, this may run counter to other apportionment criteria (districts as close in population as possible, using existing wards and precincts, and compliance with federal law).

Also, it can be argued that dividing a neighborhood between two districts increases the neighborhood's representation on Council. Rather than making this an apportionment requirement, it *may* be better to make it a goal (keep such areas intact to the extent practicable). Reasonable minds can differ; this question should be thoroughly studied and debated to determine the community's wishes and what is doable.

It has been suggested that voters should be able to review Council district maps before a charter amendment goes on the ballot. This lacks merit for two reasons: (a) district maps do not belong in the Charter; (b) the maps would either be hypothetical (mere possibilities) or arbitrary (drawn by a few self-selected individuals). A better approach is to adopt a permanent apportionment process as discussed above, and let the best maps emerge through competition.

Timetable

Place the proposed Charter amendment on the ballot in November 2017, to go into effect

for Council races in 2019 and the Council seated in 2020. This will provide ample time for legal and technical review, public debate, and implementation.

Historical Concerns

Certain concerns have arisen in previous efforts to create Council districts. Responsible reform should address these issues.

There may be a perception that a small Council comprised solely of at-large members is necessary to the City's growth and prosperity. Many successful large cities (growing economy/ population and high performance/satisfaction rating) have a council comprised of 11 or 13

members, some or all of whom are elected from districts. To the extent that cities with a substantially larger council tend to lag, that is not relevant to this proposal.

Safeguards against parochialism and vote-swapping are discussed above.

It has been argued that a voter who may be subject to taxation should be able to vote for or against all elected representatives who can vote to impose the tax. This rationale is sound,

but goes only so far. Each member of the General Assembly can vote to impose taxes, but a voter can vote for only one State Representative and one State Senator. This is how republican government works when there is a large number of citizens. The target population of a Council district would be somewhat greater than a State House district (approximately 118,000), so the proposed arrangement is not novel. Requiring a majority of Council to be at-large members helps mitigate this concern.

One may ask why Council districts should be considered when voters have previously them, including overwhelmingly just a few months ago. The answer is twofold:

- The City has grown and changed significantly since the last time (1968) voters considered a proposal with (some) features similar to this proposal.
- The recent ballot initiative was deeply flawed and did not offer workable reform. Presentation at a special election fostered low voter participation. Debate took on a strained quality and most voters chose not to register their opinion. As a result, I do not believe that election accurately measured the considered views of most Columbus voters. A thoughtful proposal and healthy debate might, or might not, produce a different result; the only way to find out is to give voters a fair opportunity to pass judgment.

Conclusion

This Commission can help City Council become more inclusive by recommending a hybrid Council with 11 members (6 at-large and 5 districts) or 13 members (7 at-large and 6 districts). That will help Council meet the challenges of coming decades by being more diverse and responsive to neighborhood s.

The keys to making a hybrid Council work are balance (a Goldilocks approach – "not too be big and not too small, just right"); promotion of a global perspective; and an objective, transparent apportionment process that is as non-political as practicable and invites public participation. I believe this proposal meets these goals in principle; some details remain to be worked out and it is probable that improvements can be made, but perhaps it can serve as a starting point.

Should this Commission decide not to advance a particular hybrid Council plan at this stage, I encourage support for a process to develop one or more alternatives and place it/them before City leaders and the public for evaluation.

Thank you for your consideration. I am happy to take questions.

# # #

Sandy Bolzenius: Charter Review Public Comment

Data from form "Public Comment" was received on 11/16/2016 3:54:56 PM.

Contact the Charter Review Commission

Field	Value
Name	Sandy Bolzenius
Email address	bolzenius.2@osu.edu
Subject	Charter Review Public Comment
Message	My name is Sandy Bolzenius. My address is 88 West Blake Avenue, Columbus, Ohio 43202. I am a member of the Columbus Community Bill of Rights. I will be speaking on Thursday, November 17 about protecting our water, soil, and air from fracking waste. Thank you for this opportunity.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from bolzenius.2@osu.edu on 11/16/2016 3:54:56 PM.

Alex Kass: Speaking at tomorrow's Charter Review Committee Meeting

From: Alex Kass [mailto:alex@democraticvoices.com]
Sent: Wednesday, November 16, 2016 4:00 PM
To: Charter
Cc: Michael Branche Jr.; kleft06@gmail.com; Michael Stinziano
Subject: Speaking at tomorrow's Charter Review Committee Meeting

Hello!

I'm writing on behalf of the Franklin County Youth Council to request that one or more of the youth council members be on the agenda tomorrow to offer public comment at the Charter Review Committee meeting. Either Michael Branche Jr. only, or both Michael Branche and Kimani Leftridge would speak to the reasons why the committee should recommend the inclusion of youth seats on area commissions.

The Franklin County Youth Council's address is that of United Way of Central Ohio - 360 S. Third St., Columbus, OH 43215.

If the statements are done before noon, one of us will email them over. Otherwise, we will bring the requisite copies.

Please let me know if this is confirmed!

Thanks and see you tomorrow,

--
Alexandra Kass
Executive Director, Democratic Voices
(614) 403-1717
@AKtweets4 @demVoices
demVoices on Facebook

Joseph Sommer: Charter Review Public Comment

Data from form "Public Comment" was received on 11/17/2016 11:24:06 AM.

Contact the Charter Review Commission

Field	Value
Name	Joseph Sommer
Email address	jcsommer@aol.com
Subject	Charter Review Public Comment
Message	Charter Review Committee: I'd like to share with you an experience I had several years ago. It contributed to concerns I have about Columbus City Council's operations. And I think it points to some of the reforms needed for those operations. The incident occurred at a political event in Columbus. The persons at a table with me included then-City Council Member Eileen Paley and Council's then-Communications Director John Ivanic. I asked Ms. Paley some questions about whether, as a Council Member, she would support city funding to restore a particular public service. She replied that she didn't know the answers to my questions. Mr. Ivanic jumped into our discussion and told her twice in an authoritative tone: "The answer is no." I was bothered by that exchange. Mr. Ivanic had not been elected to public office. But he was dictating to an elected City Council Member what her position is on a city issue. His attitude clearly was that Ms. Paley didn't need to think about the issue, research it, consider what I thought about it, or look into what other constituents might think. In his view, all she needed to know was that he, as Council's spokesman who reported to the Council President, had told her what her position is. And she apparently had no objection to this treatment. Within a few days after witnessing that exchange, I sent an email to Ms. Paley about it, and I copied the offices of the other Council Members and Mr. Ivanic. No response was provided to me, even though I was expressing a very serious concern about how Council operates. I still have the email, if you would like to see it. In trying to understand on my own what was going on at the table, I note three factors that not only applied to Ms. Paley's situation but also normally apply to the other Council Members. First, she was initially appointed to City Council by the Council President and other Council Members, not elected by the voters. Second, in subsequently running to retain the office, she received a significant amount of her campaign funds from the Council President's PAC (reportedly 52% in one campaign). Third, as shown in several of the countywide political races this year, the Council President apparently has much influence over who will be endorsed by the Franklin County Democratic Party and thus appear on its sample ballot - which can make or break a person's political career. That all amounts to immense power the Council President has over the Members' political futures. With the Council President possessing so much leverage over the Members, it's not surprising that there's almost no debate on issues that come before Council (even on issues that are highly

Field	Value
	controversial among the public), almost all of Council's votes are 7-0 in favor of whatever the Council President wants, and Council's Communications Director felt he could publicly dictate to a Member what her position is on an issue. But having Council Members who are mere puppets of the Council President - rather than free persons who objectively think for themselves and listen to their constituents - is obviously inconsistent with how American democracy is supposed to operate. And as the old saying goes, if two people always agree, one of them is unnecessary. To help correct this situation, I hope the Charter Review Committee looks for ways to help make the Council Members less reliant on the Council President and his PAC for the attainment and retention of their offices. It seems that if some Council candidates ran in districts, this would reduce their campaign costs and their need to rely on the Council President for financial and other support. Moreover, campaign finance reform (including public funding of Council campaigns) could also help lessen the candidates' need to turn to the Council President for funding. Both of these steps would likely make the Council Members more independent of the Council President, increase their ability to think for themselves, and allow them to give stronger consideration to the views of their constituents. Perhaps those results are a reason why virtually all other large American cities include some form of district representation on their city councils. And it may be why some progressive cities (including Seattle recently) have instituted campaign finance reform. These features of city governments appear to be "best practices." Thank you for considering this information. If you have any questions, please do not hesitate to contact me. Joseph Sommer 5672 Great Hall Court Columbus, OH 43231-3067 614-226-1685 (cell)

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from jcsommer@aol.com on 11/17/2016 11:24:06 AM.

Reverend Charles Wilson: Charter Review Public Comment

Data from form "Public Comment" was received on 11/17/2016 3:50:52 PM.

Contact the Charter Review Commission

Field	Value
Name	the Rev'd Charles Wilson
Email address	stphilrector@gmail.com
Subject	Charter Review Public Comment
Message	Hello, I am thankful that this process is underway. I support changing the structure of City Council's current configuration and hope the end process moves us into ward seats for Council. By doing this, I feel there would be greater direct accountability of council members to their constituents, but also accountability for the neighborhoods as to the city as a whole. Currently there is no end point for accountability or clear understanding of who is in charge. Thank you and I would appreciate the opportunity to participate in these discussion as you move forward. Peace. Charles Wilson +

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from stphilrector@gmail.com on 11/17/2016 3:50:52 PM.

C. Sunny Martin: Charter Review Public Comment

Data from form "Public Comment" was received on 11/17/2016 4:29:50 PM.

Contact the Charter Review Commission

Field	Value
Name	C. Sunny Martin
Email address	Sunny@csunnymartin.com
Subject	Charter Review Public Comment
Message	For a significant amount of years Columbus City Council along with the Franklin County Democratic Party has been actively engaged in the disenfranchisement of the citizens of The City of Columbus. At issue is the practice of appointing individuals who are lock-step inline with the Democrat Party leadership. By the prearranged shuffling, vetting and/ or appointment of those hand picked by Democrat Party leadership it circumvents the input from the voting public to elect others of independent thought! In my honest opinion, the City of Columbus' Mayor's office, the Columbus City Council, along with the Franklin County Democratic Party have been operating much like a cartel, advancing a co-horted agenda without much input from the citizens. Additionally, all running for office and receiving the endorsement and financial funding of the party! C. Sunny Martin

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from Sunny@csunnymartin.com on 11/17/2016 4:29:50 PM.

Denise Benning: Charter Review Public Comment

Data from form "Public Comment" was received on 11/17/2016 6:33:43 PM.

Contact the Charter Review Commission

Field	Value
Name	Denise Benning
Email address	neasy4@yahoo.com
Subject	Charter Review Public Comment
Message	We do not sanction discrimination in Columbus, and it is incumbent upon this group to recommend immediate change. When will there be change and not just conversation?

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from neasy4@yahoo.com on 11/17/2016 6:33:43 PM.

Amy Harkins: Charter Review Public Comment

Data from form "Public Comment" was received on 11/18/2016 9:58:41 PM.

Contact the Charter Review Commission

Field	Value
Name	Amy Harkins
Email address	Amy.harkins@gmail.com
Subject	Charter Review Public Comment
Message	I would like to share my support of the 7 District plan for the charter review committee's consideration. I think it is important to have local representation in our neighborhoods that is publicly elected and representative of the neighborhood's demographics. In a diverse, progressive city, we are woefully behind the times in this regard.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from Amy.harkins@gmail.com on 11/18/2016 9:58:41 PM.

Julie Eichorn: Charter Review Public Comment

Data from form "Public Comment" was received on 11/19/2016 1:25:13 PM.

Contact the Charter Review Commission

Field	Value
Name	Julie Eichorn
Email address	jeichorn0531@gmail.com
Subject	Charter Review Public Comment
Message	I am very much in support of council districts or wards. I am a former ward councilwoman from another city. I feel that the ward or district breakdown results in fairer and more accurate representation across the city. We have folks who are not represented at all on our current council and areas of town that are not represented. This has resulted in neighborhoods being left behind for improvements and economic development Also our current system of appointments to council is grossly unfair as you can pick who will be selected based on whose inner circle the candidate belongs. Our current system does not work, it does not represent the entire citizenry of Columbus and should be changed.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from jeichorn0531@gmail.com on 11/19/2016 1:25:13 PM.

Erik Clarke: Charter Review Public Comment

Data from form "Public Comment" was received on 11/23/2016 11:23:40 AM.

Contact the Charter Review Commission

Field	Value
Name	Erik Clarke
Email address	ErikClarke50@gmail.com
Subject	Charter Review Public Comment
Message	First of all thank you for all of your hard work on this committee; I believe what you're doing is of the utmost importance in uniting our communities and ensuring that our local government continues to function at it's most effective level. I wanted to offer a public comment to you advocating that you find a balanced approach as you provide a recommendation to the mayor, city council, and the voters of Columbus. The scope of city council is reasonably large and I can imagine a challenge for existing members of council to keep up with community challenges and opportunities. For this reason, I hope you will consider adding additional seats to city council. An expansive ward map may, however, pose additional challenges to the business of city council through complexities in setting the boundaries of the map, expanding the map according to population, or detailed rules as to how the map would change over a period of time or conditions. I hope you will consider either a small set of wards [four?] or adding additional at-large positions to city council- if that is the course of action you take. I wish you luck as you wrap up your charter review and hope you take into consideration the success and long-term stability of our existing system as you form your recommendations. Best, Erik Clarke

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from ErikClarke50@gmail.com on 11/23/2016 11:23:40 AM.

Kalitha Williams: Charter Review Public Comment

Data from form "Public Comment" was received on 12/9/2016 1:54:56 PM.

Contact the Charter Review Commission

Field	Value
Name	Kalitha Williams
Email address	kalithawilliams@hotmail.com
Subject	Charter Review Public Comment
Message	Where are the comments that were offered by members of the public? They are referenced in the minutes, but I cannot find them on the website.. If possible email me all of the presentations and public comments

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from kalithawilliams@hotmail.com on 12/9/2016 1:54:56 PM.

Joseph Sommer: Professor Tokaji's Nov. 17 presentation

From: jcsommer@aol.com [mailto:jcsommer@aol.com]
Sent: Monday, December 05, 2016 12:12 PM
To: Charter
Cc: Cox, Joshua T.; tokaji.1@osu.edu
Subject: Professor Tokaji's Nov. 17 presentation

Charter Review Committee:

I attended your Nov. 17 meeting and reviewed the video of Professor Daniel Tokaji's presentation, which I appreciated. He prefaced his remarks by saying he had been asked to speak "about the federal law constraints on redistricting." He said he would therefore address "four different kinds of federal law claims that . . . sometimes are used to challenge redistricting plans at the local level as well as at the state and federal level."

Information about those federal claims is certainly helpful to the Committee's considerations. But I don't think it goes far enough. Also relevant to the Committee's decisions are the likelihood such claims would be made against Columbus and how difficult avoiding them would be if Columbus were to add district representation to City Council. Because those matters involve facts specific to Columbus, perhaps the City Attorney's Office is the best one to address them. As a Columbus resident and an attorney, however, I would like to make the following comments about them.

The four federal claims

One person, one vote

One of the possible claims that Professor Tokaji addressed involved the "one person, one vote" requirement under the Equal Protection Clause of the U.S. Constitution. As he explained, it requires districts to be drawn to include approximately equal populations. It also requires the lines to be modified after each decennial census so that the districts continue having approximately equal populations. Professor Tokaji said the courts generally allow districts to deviate in population size by no more than 10%. Thus, if the districts are drawn such that their sizes accord with what the courts have directed, there should be virtually no chance of this type of federal claim being brought against Columbus.

Partisan gerrymandering

Another possible claim that Professor Tokaji discussed was partisan gerrymandering, i.e., the drawing of districts to favor a certain political party. In the professor's 2013 book *Election Law in a Nutshell*, pages 69 to 76 discuss a number of factors that can be taken into account in drawing districts. Some of the factors are sometimes set forth in laws on the subject. Professor Tokaji explains on page 75: "Supreme Court precedent requires federal courts to respect state law regarding the criteria to be used in drawing district lines."

As for the likelihood of a successful legal challenge based on partisan gerrymandering, Professor Tokaji indicates in his book, as he did in his talk, that the judicial decisions are confusing. Then he says on page 92: "Whatever the current law on the subject, most commentators believe it unlikely that the Supreme Court, as currently constituted, will hold any plan to be an unconstitutional partisan gerrymander. While technically leaving the door open to such claims, it is unlikely to allow anyone to pass through."

Thus, a legal challenge on this basis also appears to have little chance of success. The possibility of a challenge being brought could be reduced even more - and probably eliminated - by having the law contain requirements

preventing partisan gerrymandering when district lines are drawn. A number of jurisdictions around the country have such requirements.

Minority vote-dilution and racial gerrymandering

The other two possible federal claims discussed by Professor Tokaji were minority vote-dilution claims under the Voting Rights Act and racial-gerrymandering claims under the Equal Protection Clause. Regarding minority vote-dilution, Professor Tokaji explained that Section 2 of the Voting Rights Act, as amended in 1982, prohibits district lines from being drawn such that a discriminatory result based on race occurs. Section 2 says whether a violation occurred is decided "on the totality of circumstances."

As for racial-gerrymandering claims under the Equal Protection Clause, Professor Tokaji indicated that race can be the predominant factor in drawing district lines only if narrowly tailored to serve a compelling interest. Otherwise, the use of race as the predominant factor violates the Equal Protection Clause, which guarantees "the equal protection of the laws."

Chapter 6 of Professor Tokaji's book discusses both minority vote-dilution and racial-gerrymandering claims. The final two paragraphs of the chapter provide possible guidance on how the claims can be avoided. He says on page 146: "So long as a state or locality can point to a non-racial, political justification for drawing lines, it is likely to prevail." He adds that although race may sometimes need to be considered to avoid violating the Voting Rights Act, government may not go too far in drawing lines based on racial considerations.

The U.S. Department of Justice's website gives additional information about the interplay between the Voting Rights Act and the Equal Protection Clause in drawing district lines. The DOJ states: "While it remains legally permissible for jurisdictions to take race into account when drawing election districts, the Supreme Court has held that the Constitution requires a strong justification if racial considerations predominate over traditional districting principles. One such justification may be the need to remedy a violation of Section 2 of the Voting Rights Act. While such a remedy may include election district boundaries that compromise traditional districting principles, such districts must be drawn where the Section 2 violation occurs and must not compromise traditional principles more than is necessary to remedy the violation."

In view of the information from Professor Tokaji and the DOJ on minority vote-dilution and racial-gerrymandering claims, district lines should be legally valid if "traditional districting principles" are used in drawing them and a "non-racial, political justification" for them can be shown. For race to be allowed as the predominant factor in drawing district lines, there would have to be a compelling interest such as a need to remedy a finding of racial discrimination. And the departure from normal districting principles could be no greater than necessary to serve the compelling interest.

It appears that with appropriate governing provisions placed in the law and adequate legal advice, Columbus could draw district lines such that the likelihood of federal challenges on these two grounds would also be extremely low.

Federal lawsuits are not a problem for numerous other cities having district elections

Other local governments in Ohio have apparently been drawing district lines without incurring federal challenges. In response to a Committee Member's question about whether Ohio municipalities or counties have had federal claims made concerning their district lines, Professor Tokaji identified the only one he knew of as Euclid. He said strong evidence of racial polarization existed in that city, and the successful lawsuit was brought by the DOJ. With many other Ohio local governments seemingly avoiding the lawsuits, Columbus should be able to do the same.

If there is still concern about federal lawsuits, the Committee might want to have its researchers examine how often cities in Ohio and across the country have been sued over the drawing of district lines. Nationwide, 48 of the

50 largest U.S. cities must redraw their city council districts every 10 years. It would be interesting to know the number that have been subjected to any of the four federal claims. And for the ones that have avoided lawsuits, or a sample of those cities, it could be helpful to know their procedures for doing so.

Conclusion

In the absence of a showing that Columbus is unable to draw district lines in a manner that many other cities have apparently done without being sued, these federal lawsuits appear highly unlikely to be brought if the city were to adopt council districts. They thus may warrant little weight in the Committee's evaluation of districts. Additionally, the possibility of federal challenges could be reduced even more by placing in the law the appropriate factors that should and should not be considered by the body drawing the districts, by ensuring that the body has appropriate legal counsel available, and by making the body nonpartisan.

As I mentioned above, the Committee may want to consult with the City Attorney's Office about these matters. I have copied Joshua Cox, the Chief Counsel in that Office, on this email. I have also copied Professor Tokaji in case he has additional comments.

Thank you for your work and for considering my views.

Joseph Sommer
5672 Great Hall Court
Columbus, OH 43231-3067
614-226-1685 (cell)

Jonathan Beard: Info for charter committee

From: Jonathan Beard [mailto:jonbeard1964@gmail.com]
Sent: Sunday, December 11, 2016 11:10 PM
To: Charter
Subject: Info for charter committee

Please see attached Fact Sheets from Columbus Coalition for Responsive Government, prepared in 2011. Thank you.

- Jon Beard
614-395-1946

Attachment: A History and Perspectives On Columbus City Council

COLUMBUS COALITION FOR RESPONSIVE GOVERNMENT

A Citizens' Ballot Initiative to reform the Charter of the City of Columbus, to create a more responsive and more accountable Columbus City Council that consists of 4 members elected "at-large" in city-wide elections, and 7 members elected by the residents of each of 7 neighborhood-based Districts.

We are a non-profit Ballot Initiative Committee

1051 E. Main Street
Columbus, OH 43205
(614) 595-2986
www.columbuscoalition.info

JOIN US ON facebook

A HISTORY AND PESPECTIVES ON COLUMBUS CITY COUNCIL

In 1912, the State of Ohio adopted "Home Rule" legislation to allow local communities to self-govern. In response, local leaders created a 15 member Charter Commission to develop a City Charter that would provide the basis for "home rule" in Columbus. "The form of charter was left to the judgment of the commissioners, but they were pledged to write into the charter the non-partisan ballot, the short ballot and a more centralized form of government."[1]

This was consistent with the *Progressive Reform movement* sweeping across the nation in the early 1900's, as a reaction to the facts that new immigrant populations were clustering in ethnic neighborhoods and developing Ward-based political power, and that big industrialists and their "new money" and power were becoming increasingly influential in the affairs of local communities. Across the country, "At Large" governance – where Ward politics were replaced by City-Wide politics - became a mechanism preferred by local business and social associations to help them retain the local influence they had long considered to be their province. [2]

A campaign committee led by Columbus attorney Hugh Huntington pushed for adoption of the proposed Charter, which was adopted by the voters in 1914. This new Charter changed the way the City was traditionally governed. In the immediate past, the City Council had consisted of 19 council members: 3 elected at large and 16 elected from Wards. The new council structure created by the new Charter consisted of seven members elected citywide ("At Large"), and for the first time, no members were elected by Ward ("Wards" and "Districts" are interchangeable terms). Terms of office were lengthened from 2 years to 4 years, and the president of council was to be chosen by the members of council itself, rather than by the citizens. Many of these provisions were quite controversial at the time:

> "... I feel that a great injustice will be done to the great mass of our citizens should they be so unfortunate as to have the new proposed city charter foisted upon them. It is not a reform measure, but, on the contrary, it is strongly reactionary. It is distinctly a class charter, opposed to the welfare of the people, conserving the interest of the scholastic and the high class business man. It is, therefore, unfair, un-American and should be destroyed ... evidently the whole intention of these master commissioners is to prohibit the frequency of elections; remove them as far as possible out of the hands of the 'common herd' of mankind; lengthen terms of office, reduce the number of elective officers, and, in a word, establish an aristocratic system."[3]

Fortunately, the charter also provided "the machinery with which the people may amend its provisions as future necessity may arise. The people will have the power

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[1] The Columbus Citizen. *Charter Adopted by Majority of 1042; Effective in 1916,* May 6, 1914, p. 1. [Emphasis added]

[2] Hofsteader, Richard. *The Age of Reform: From Bryan to F.D.R.,* 1955. (Note: this book won the 1956 Pulitzer Prize for History.

[3] Thomas E. Beall. The Columbus Dispatch: *A Reactionary Charter: To the Editor,* May 3, 1914, p. 5.

- "When you've got a couple hundred thousand dollars in the bank, it's a lot easier to just pull the wagons in a circle and wait until that last two weeks for a media blitz, ' he said. 'I had difficulty in engaging the opposition in any meaningful discussion of the issues ... The people who can solve the problem are the people who benefit most from the status quo.'" (The Columbus Dispatch. Quoting Richard Whitehouse, Republican candidate for City Council, in *Lazarus, Others Sound Reform Call on City Elections,* December 13, 1993.)

1994

- By 1994, even the Columbus Dispatch Editorial Board wrote about a proposed campaign finance reform initiative for Columbus City Council: "Cynicism about government at all levels has been growing for some time. Certainly the huge amounts of money that grease the election process result in many citizens believing officeholders do the bidding of their powerful supporters, and the average citizen has almost no voice." (The Columbus Dispatch. *Campaign Gold – Council Working toward Election Reform,* July 21, 1994.)

1998

- A City-appointed Charter Review Committee held a public hearing and "most of those who spoke - from neighborhoods on the South Side, East Side, Far West Side and Clintonville - said they want council members who represent their slice of the city and some members who represent the city at large." (The Columbus Dispatch. *Ward-Government Idea for City Has Its Constituency,* June 24, 1998.)

- Former councilmember Portman reiterated, "Seven council members for a city this size is ridiculous, you can't possibly be in touch with citizens regularly. You can't rely on your aides completely, and you can't rely on the commissions. I feel that the most practical solution would divide the city into districts, and to prevent conflicts, you should have a certain number of at-large members to balance it out." (The Columbus Dispatch, June 24, 1998.)

- "Columbus voters ought to reflect upon several questions. Does this tightly controlled, one-party legislative body impact the city's growth and competitiveness? Can council members appointed to office by their fellow members and re-elected as part of a "team' possibly have sufficient independence to think "out of the box" or aggressively oppose other council members? Can this tiny body of seven people really reflect the needs of a community nearly three-quarters of a million in size? Finally, when more than 90 percent of council membes who have served since 1985 have ben appointed to their seats and then run as incumbents a year or two later, is new talent and fresh thinking being sacrificed for party loyalty?" (Ernie J. Shannon, *Columbus City Council,* October 2009.)

2010

- Former Columbus City Council President John Kennedy said of a discussion of District-based governance: "it's a fair issue to look at as the city grows." (The Columbus Dispatch. *Group's New Push: Columbus Council Elections By District,* November 5, 2010.)

2011

- Finally, Columbus -- the largest city in Ohio by both population and geography -- has a smaller council than Akron, Canton, Cincinnati, Cleveland, Parma, Toledo, and Youngstown. Among Ohio's largest cities, only Dayton has a smaller council than Columbus. (The Columbus Dispatch. *Only Inconsistencies Rule in Big-City Councils,* May 1, 2011.)

1991

- Councilmember Maury (M.D.) Portman advocated for an expansion of Council to 9 members, saying "the council is going through the motions of trying to represent all of the city ... I think the city has just grown too big to be represented by seven members. With the annexation of a chunk of southern Delaware County, the city is even bigger ... seven council members for almost 700,000 people is ludicrous. One council member represents 100,000 people? We're out of date." (The Columbus Dispatch. *9-Seat Council Pushed,* June 13, 1991.)

1993

- A five member Charter Review Commission initiated by Mayor Rinehart, Council President Lazarus, and City Attorney O'Brien recommended further studying the size and composition of council. (The Columbus Dispatch. *City Charter – Council Submits, Voters Decide on Revisions,* March 21, 1993.) [Note: This recommendation was dismissed by City Council and never brought to a vote.]

- "The open forum at the end of each Columbus City Council meeting should continue to be televised, a task force has concluded. 'A responsive governing body will place a high value on the involvement of citizens in the legislated process,' concluded the panel, headed by Councilwoman Jennette Bradley. 'This language ... guarantees those permitted to speak before council the right to be televised on the public access channel.' In the past, Columbus City Council has provided an opportunity for citizens to express their opinions about proposed legislation at council meetings and public hearings, the task force said, it is the opinion of this committee that this citizen involvement should continue." (The Columbus Dispatch. September 11, 1993.) [Note: Council woman Bradley was the last Republican on Council. Council terminated the "right" for citizens to speak in open forum at the end of council and have that speech broadcast on the public access channel. In addition, Council has terminated and continues to refuse to provide funding for Public Access Television, over the objections of many citizens.]

- "The high cost of running for the Columbus City Council, which has nearly doubled in four years, has renewed calls for city campaign finance reform. The trio of incumbents who won this year spent an average of more than $155,000, according to campaign finance reports filed Friday. The losers in the six-way contest spent an average of about $25,000 ... 'It really cuts out the people who want to run and want to serve, who do not have the resources to put the money in it ... you don't need to be raising a half-million dollars for that kind of position,' Sams said, 'electing some council representatives from wards would cut down on the need for huge campaign bankrolls as well a give neighborhoods a greater voice on the council.'" (The Columbus Dispatch. Quoting Ron Sams, Republican candidate for City Council, in *Lazarus, Others Sound Reform Call on City Elections,* December 13, 1993.) [Note: campaign finance reform was never enacted by City Council. In 2011 elections, incumbents raised and spent over $790,000, while the challengers raised and spent $240,000 combined. Campaign finance reform exists in other At Large cities; however, such as Austin, TX.]

- "Salerno said campaign finance reform is needed to level the playing field for challengers, who usually have fewer connections with high-powered contributors. 'If it takes six figures to win elections locally, you're just going to continue to have incumbents win', Salerno said. 'It doesn't allow the public the access they should have to the challengers." (The Columbus Dispatch. Quoting Amy Salerno, Republican candidate for City Council, in *Lazarus, Others Sound Reform Call on City Elections,* December 13, 1993.)

1958

- The City-appointed Charter Revision Committee reported that "Columbus has been growing with ever-increasing rapidity, both in area and population, and the present Charter is no longer in tune with the times," and recommended "an increase in the size of Council from 7 to 9." (*Report of the Charter Revision Committee to the Council of the City of Columbus, Ohio,* December 19, 1958.)

1968

- Mayor M.E. "Jack" Sensenbrenner declared that "we need representation of every segment of the City of Columbus," as he supported a 13 member Council where a majority (7) was elected from Districts. (The Columbus Dispatch. *13 Member Council On May 7 Ballot,* March 5, 1968.)

- The Columbus Area Chamber of Commerce passed a resolution in support of the 13 member, District-led council proposal, saying "approval of the proposed amendments would provide area representation on a proportionate population basis, whereby citizens in every part of the city would have assured access to their elected councilmen." (The Columbus Dispatch. *C of C Alters Stand on Charter Change,* April 29, 1968.)

1975

- Councilmember Dr. John Rosemond, the first African American elected to council under the At Large scheme, endorsed a Charter Amendment placed before the voters to form an 11 member council consisting of 6 Districts during his run for Mayor against Republican Tom Moody. Both he, and the amendment, were soundly defeated. [Historical note: the first African American councilmember was Rev. James Preston Poindexter, elected in 1880 when Columbus had a 19 member council, with 3 elected At Large and 16 elected from Wards (Rev. Poindexter was elected from the 2nd Ward). After the 1914 change to an At Large system, it was 55 years before another African American was elected to council, in the person of Dr. Rosemond in 1969.] (The Columbus Dispatch. *Expanded Council Put to City Voters,* July 22, 1975.)

- "Under existing regulations, about half of the television time, including the prime-time hours, is supposed to be made available for public use. The other half of the time is to be used by the city for television government information and city council meetings. Much of the public use is expected to be informational programs by social service groups, educational groups, and scouting organizations. However, individuals will also be given the chance to broadcast their own shows and viewpoints." (The Columbus Dispatch. *Fight Brews Over Control of City Cable TV Channel,* February 23, 1981.) [Note: City Council has eliminated all funding for public access television, and refuses to reinstate the funding and the public's access to the mass media station the public, through the City of Columbus, owns. Instead, CTV-3 operates with programming controlled exclusively by city government and no public programming.]

Attachment: Voices From the Past

COLUMBUS COALITION FOR RESPONSIVE GOVERNMENT

A Citizens' Ballot Initiative to reform the Charter of the City of Columbus, to create a more responsive and more accountable Columbus City Council that consists of 4 members elected "at-large" in city-wide elections, and 7 members elected by the residents of each of 7 neighborhood-based Districts.

We are a non-profit Ballot Initiative Committee

1051 E. Main Street
Columbus, OH 43205
(614) 595-2986
www.columbuscoalition.info

VOICES FROM THE PAST:

98 YEARS OF COLUMBUS LEADERS' STATEMENTS ABOUT THE CHARTER AND COUNCIL

1914

- "The laboring men will not be benefited or represented in a council of seven men elected at large, four of whom, at least, will be corporation hand-picked, and will vote as the corporations dictate, as against the interests of the men who work." (The Columbus Evening Dispatch, *Four Times, Form of Government Has Been Changed*, by George D. Jones, former assistant law Director, City of Columbus. May 1, 1914.)

- "... I feel that a great injustice will be done to the great mass of our citizens should they be so unfortunate as to have the new proposed city charter foisted upon them. It is not a reform measure, but, on the contrary, it is strongly reactionary. It is distinctly a class charter, opposed to the welfare of the people, conserving the interest of the scholastic and the high class business man. It is, therefore, unfair, un-American and should be destroyed ... evidently the whole intention of these master commissioners is to prohibit the frequency of elections; remove them as far as possible out of the hands of the 'common herd' of mankind; lengthen terms of office, reduce the number of elective officers, and, in a word, establish an aristocratic system." (Thomas E. Beall. The Columbus Dispatch: *A Reactionary Charter: To the Editor,* May 3, 1914.)

- "Sir: If representative government, whereby a portion of the nation, state and city, chooses men to represent it in congress, the legislature and council, is right, the new charter which provides for election of councilmen at large, is wrong. If representative government is wrong, the new charter is right. It should not take much time for a good American to decide which he thinks is right, and which wrong, and vote accordingly at Tuesday's election." (Ann L. McCoy. The Columbus Dispatch: *A Short Question: To the Editor,* May 3, 1914.)

- "How can the laboring men, who work in shops and factories and along other lines of employment, cease from work and call at the city hall to urge upon city officials and members of council the many improvements which the neighbor hoods in which they live demand and especially when these visits will be made to men whom they have never met and who are not familiar with the localities in which these working men live? The present members of council, elected as they are by wards, can be seen by the people whom they represent at most any hour of the day or night. Their constituents are acquainted with them, as friends and neighbors, and therefore feel free to talk of required improvements or file complaints. (The Columbus Sunday Dispatch. *Vote Against the Charter Because It Will Destroy Home Rule (Political Advertisement),* May 3, 1914.)

- "The Franklin County Democratic Club requests you to go to the polls and vote and work against the proposed charter tomorrow, May 5th". (Columbus Citizen. *Charter is Adopted by Majority of 1042; Effective in 1916,* May 6, 1914.)

to change it at any time to suit the requirements of a rapidly growing city, or to correct any possible defects which may develop in the new form of government."[4]

And the Columbus City Charter has, in fact, remained a living document, having been amended 61 times over the past 98 years. However, the 7 member At Large Council provision remains in place today, despite the huge changes in the City over that period of time. When this At Large system was adopted in 1914, the city had a population of 181,500 that was concentrated in 24.5 square miles. Columbus is now over 787,000 residents in 225 square miles. Despite those changes, we retain this archaic structure of 7 members elected At Large on Council.

Over the decades, studied efforts of reform have been undertaken to better match city governance with our growing community and the evolution of good governance concepts in America, but these efforts have been defeated. In 1958, when the City had an area of 86 square miles and a population of 475,000, the *Report of the Charter Revision Committee to the Council of the City of Columbus* said, "the present charter is 44 years old. It is no longer in tune with the times." The Committee thus recommended adding two members to City Council, to move from 7 to 9 members, but Council did not move it to the ballot. In 1968, the Democratic City Council and Mayor Sensenbrenner attempted to update Council, this time by sponsoring a 13 member council with 7 district and 6 at large seats, which ultimately failed at the ballot. In 1975, Councilmember John Rosemond, who was running for Mayor at the same time, sponsored an eleven member Council reform with six seats from Districts and 5 seats At Large, which was defeated by voters. In 1993, there was another effort by a Charter Review Committee to revamp City Council, which included recommendation to study enlarging and/or moving to a District-based Council, which was rebuffed by the City Council and never placed before the voters.

These rejections of a District-based City Council leave Columbus in a small minority among American big cities. The average council of the largest 50 cities is comprised of 13 members: with 2 members elected At Large, and 11 members elected from Ward/Districts. More specifically, the cities Columbus most frequently compares itself to, have the following Council structures:

- Indianapolis has 29 members: 4 members At Large, and 25 from Districts;
- Charlotte has 11 members: 4 members At Large, and 7 from Districts;
- Boston has 11 members: 4 members At Large and 7 from Districts;
- San Francisco has 11 members, all 11 from Districts;
- Portland has 11 members: 4 members At Large, and 7 from Districts;
- Fort Worth has 7 members, all 7 from Districts.
- Austin has 7 members: all 7 At Large. However, the City – led by its Mayor -- is currently promoting charter change proposals to increase to either 9 or 11 members, with either 6 or 8 Districts respectively.

Clearly, the Columbus City Council, with 7 members elected at large and no member elected from Districts, is an outdated, aristocratic anomaly. After 98 years with this system, it is clearly appropriate to re-examine the rationale for maintaining a system that was designed to centralize power and designed to dilute citizen participation in the affairs of local governance. Citizens of Columbus deserve a form of government that is responsive and accountable to its people.

[4] The Columbus Citizen. *Columbus Steps Forward*, May 6, 1914, p. 4.

Will Petrik: why a modern city council would give people and neighborhoods a stronger voice at City Hall

From: Will Petrik [mailto:will.petrik@gmail.com]
Sent: Sunday, December 11, 2016 11:25 PM
To: Charter
Subject: why a modern city council would give people and neighborhoods a stronger voice at City Hall

Dear Columbus Charter Review Committee,

My name is Will Petrik, and I am a member of Yes We Can Columbus.

Columbus is a tale of two cities. One Columbus thrives with access to good jobs and opportunities. The other Columbus has one of the highest infant mortality rates in the country, while 1 out of 5 children are food insecure.

Columbus is the only city among the top 25 without district representation. That means each City Council member represents the entire city of Columbus - over 200 neighborhoods and nearly 850,000 residents. The system isn't set up to represent neighborhoods, and everyday people and communities aren't being heard.

I'm writing to share a number of articles that I found in my research about the strengths of council districts and hybrid council systems (a mix of council districts and at-large council members)

I found that a modern City Council system with a mix of council districts and at-large council members will give more everyday people and neighborhoods a stronger voice at City Hall. Here's how:

The Impact

- ***More accountability*:** District council members will be more accountable for results in the neighborhoods they serve (http://www.seattletimes.com/opinion/guest-what-seattle-city-council-district-elections-will-bring/).
- ***Better public services*:** Neighborhood services will be stronger and more responsive.
- ***Increased access to services*:** Residents of Columbus would be able to call an office responsible for their neighborhood and responsive to specific neighborhood concerns – whether it's a broken streetlight, a dangerous pothole, a barrage of burglaries, or neighborhood violence (http://www.sfgate.com/politics/article/Why-district-elections-3197988.php).
- ***A stronger voice for neighborhoods***: Neighborhood Area Commissions, civic associations and other neighborhood groups will be in a stronger position lift up the needs of their community and hold their representative accountable

(http://www.yeswecancolumbus.org/we_can_give_every_neighborhood_a_voice_in_columbus).

- ***Increased diversity*:** More communities will be at the table and directly represented. More creative ideas will emerge through a diverse group of new leaders.
- ***Increased participation*:** Voting by geographic locale lowers the barrier to run for office and encourages more people to launch campaigns (http://www.seattletimes.com/seattle-news/politics/candidates-who-filed-to-run-in-key-area-races/).

We need to come together to transform our political system to make sure our council members focus on families and neighborhoods rather than lobbyists and wealthy donors.

- Will

Will Petrik
Organizer, Yes We Can Columbus

Columbus Resident
350 East Tompkins, Unit B
Columbus, OH 43202

--

Will Petrik

I believe in: *people* **|** *community* **|** *social justice* **|** *love* **|** *the creative process*
What do you believe in?

Cell: (614) 507-8941

Will Petrik: council district research from City of Seattle, Office of City Auditor

From: Will Petrik [mailto:will.petrik@gmail.com]
Sent: Sunday, December 11, 2016 11:58 PM
To: Charter
Subject: council district research from City of Seattle, Office of City Auditor

Dear Columbus Charter Review Committee,

In my previous email, I referred to an op-ed in the Seattle Times (http://www.seattletimes.com/opinion/guest-what-seattle-city-council-district-elections-will-bring/).

The op-ed mentioned a study commissioned by Seattle regarding districting vs. at-large elections. I reached out to the office of City Council member Tim Burgess who sent me the attached document.

The document outlines research conducted by the City Of Seattle's Office of the City Auditor on six cities that elect some or all council members by district.

They contacted each city and asked them 16 questions that were developed by the interdepartmental team for district elections. They received written responses from five city council offices and one executive office (Austin City Manager's Office). They also obtained helpful information from the audit offices of two of the cities (i.e., Austin, Oakland).

Please review for a narrative summary of the key points they learned about these cities, followed by a table comparing the responses each city provided to the 16 questions.

- Will

Will Petrik
Organizer, Yes We Can Columbus

Columbus Resident
350 East Tompkins, Unit B
Columbus, OH 43202

--
Will Petrik

I believe in: *people* **|** *community* **|** *social justice* **|** *love* **|** *the creative process*
What do you believe in?
Cell: (614) 507-8941

Attachment: 2014.04.11 Council Districts Research Summary - final - City of Seattle - Office of City Auditor

City of Seattle
Office of City Auditor

MEMORANDUM

Date: April 8, 2014

To: Tim Burgess, City Council President

From: David G. Jones, Seattle City Auditor

RE: Research on How Similar Cities Operate Their District Election Systems

Seattle City Council President Burgess asked our office to conduct research on six cities that elect some or all councilmembers by district. The following table shows the cities we were asked to contact and some of their characteristics.

City	State	Population (2010 Census)	Total Council-members	District Council-members	"At Large" Council-members	Population per District	Strong Mayor Form of Govt
Austin	TX	790,390	10	10	0	79,039	NO
Boston	MA	617,594	13	9	4	68,622	YES
Denver	CO	600,158	13	11	2	54,560	YES
Jacksonville	FL	821,784	19	14	5	58,699	YES
Oakland	CA	390,724	8	7	1	55,818	YES
San Francisco	CA	805,235	11	11	0	73,203	YES
Seattle	**WA**	**608,660**	**9**	**7**	**2**	**86,951**	**YES**

We contacted each city and asked them 16 questions that were developed by the interdepartmental team for district elections. We received written responses from five city council offices and one executive office (Austin City Manager's Office). We also obtained helpful information from the audit offices of two of the cities (i.e., Austin, Oakland).

Below is a narrative summary of the key points we learned about these cities, followed by a table comparing the responses each city provided to the 16 questions.

David G. Jones, City Auditor
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Narrative Summary of Key Findings from the Six Cities We Contacted

1. **Budgets are not organized by district.** None of the cities we contacted organized their budgets by district.
2. **Demographics are tracked by district for redistricting purposes every 10 years**. Half of the cities track demographics specifically by district.
3. **Councilmembers have one office funded by city funds**[1]. In Boston, some councilmembers use campaign funds to maintain a district office in addition to their city-funded downtown office.
4. **Constituent Services**. For the most part each councilmember office handles its own constituent services. All six cities have either a 311 system or some other single point of contact for services. The City Council may want to consider whether it should procure a case management software system that can be used by all council offices.
5. **City council communications with constituents.** All the cities reported multiple communication methods including web pages, e-newsletters, direct mail, public hearings, and town hall meetings.
6. **At-large councilmember duties.** None of the cities have any official differentiation of duties between district and at-large councilmembers.
7. **Council president.** None of the cities require the council president to be from an at-large position.
8. **Voting restrictions.** Each city reported that the only limit on councilmember voting was compliance with the ethics code: councilmembers (and all employees) must not have a personal financial interest in any action taken. See links in table below for more information.
9. **Boards/Commissions representative of districts.** Four of the six cities do not require equal district representation for citizen-led boards or commissions.
10. **No executive functions or executive staff organized by district.** None of the cities reported any executive staff or functions divided by or specific to districts.
11. **Legislative staff directing executive staff.** Oakland and San Francisco explicitly prohibit this. Other cities reported informal influence of councilmembers or legislative staff on executive staff.
12. **Council Committees.** In all six cities, committees are structured by issue area, not geography.
13. **Legislative aides per councilmember**. Number of aides varied from 1 to 3 per councilmember. Most reported equal budgets to be spent at the discretion of the councilmember, which could result in variable staff sizes depending on salary and hours worked.
14. **Council Central Policy staff.** Four of the six cities have some form of central policy staff that works for the city council as a whole. None of the city councils with central policy staff assigns them by district. One of the city councils assigns by subject matter, one by committee, one through a central coordinator, and San Francisco (who contracts for the service for $2 million a year) uses a formal motion of the board to request analysis. Compared to the current ratio of 17 central staff to 9 councilmembers in Seattle (1.88), the other cities have the following ratios: Boston – .85, Denver – .46, Jacksonville – .21, Austin – 0, Oakland – 0.

15-16. Challenges and ideas for improvement. Jacksonville commented on this question, saying there is an ongoing challenge of distributing resources equitably, taking need into account, vs. providing each district with equal funding. Austin and Denver mentioned that the redistricting process can be difficult.

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[1] One Oakland councilmember has an additional office using an "insignificant" amount of city funds.

Research on How Similar Cities Operate Their District Election Systems

Summary Table

		Austin, TX	Boston, MA	Denver, CO	Jacksonville, FL	Oakland, CA	San Francisco, CA
1.	**Budget**: Is the proposed and/or adopted city budget (capital and/or operating) organized according to election district?	No.	No.	No.	No. Capital projects are notated by district, but funds are not allocated based on districts.	No.	No.
2.	**Demographics**: Are there any demographics that are tracked by election district?	No. Some was done as part of creating the districts.	Yes. http://www.cityofboston.gov/images_documents/Redistricting_tcm3-10195.pdf http://www.cityofboston.gov/images_documents/Comparison_data_tcm3-10197.pdf	Yes. By Denver Office of Information Technology http://www.denvergov.org/Portals/695/documents/COUNCIL_TOTS.pdf http://www.denvergov.org/citycouncil/DenverCityCouncil/AboutUs/tabid/436356/Default.aspx http://www.piton.org/census2010/	No, though the Planning and Development Department can roughly approximate districts using GIS and census data.	Yes. http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak041955.pdf http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/CityCouncilRedistricting/index.htm http://www.oaklandvotes.org/socio-economic-district-remap-plans-for-oakland-city-council-and-the-oakland-school-board/	No. Councilmembers can request this type of analysis from the Office of Legislative Analysts, though the data does not exactly correspond to supervisorial district boundaries. http://www.sfbos.org/index.aspx?page=1224
3.	**District Offices**: Do any of the District Councilmembers have an additional office within their district? If so, where are they typically	Not implemented yet.	Some do, some don't. Commercial space Campaign funds, not city funds.	4 district councilmembers have offices in downtown central council office. 7 district councilmembers have offices in their districts.	District offices are prohibited by ordinance.	As a general rule no. One councilmember (councilmember Desley Brooks) has an office in the district costing "so little it is insignificant. It's	No.

Research on How Similar Cities Operate Their District Election Systems

Summary Table

		Austin, TX	Boston, MA	Denver, CO	Jacksonville, FL	Oakland, CA	San Francisco, CA
	located (rent commercial space or in city-funded facilities such as recreation or service centers?) How are they funded? Do Councilmembers have regularly scheduled "office hours"? Is the office staffed with someone (e.g., an administrative staffer) during regular business hours to assist drop-ins?		Some do, some don't. City Hall offices have admin staff during regular business hours.	2 At large councilmembers have offices in downtown central council office. Only one office per councilmember. Trying to locate them in city facilities; otherwise it is leased commercial space. Part of each member's annual budget (all city funding) is designated for rent. Some have office hours. Yes. Each member has at least one aide.		out of the generosity of someone in the district. It is not a market rate rent. But the money comes out of the district budget." Varies by councilmember. At least one advertises regular office hours at 4 cafés in the district, once each month at each café. Another has monthly meetings at various locations in the community. Another holds posts regular office hours at their office.	
4.	**Constituent Services**: Who handles constituent services? Does the City have a single customer service phone number for citizens to call? Does the City Council have its own casework management software?	Handled by individual Council office. City has 311 system. Yes. City has casework management software shared among departments and	Generally the individual councilors' offices have designated staff that handles constituent services. Some offices have a point person for a given area of their district or a designated staff person depending upon	A lot of what the council members' aides do is this. However the work load on that has decreased since we got Denver 3-1-1. Citywide Customer Service: 3-1-1; online, by mobile app, by phone.	Most calls go to administration's citizen help line, then move on to their councilmember when the administrative response is not to their satisfaction. Jacksonville has a	Council aides handle constituent services. Citywide Customer Service: 510-444-CITY; online, by phone, by email, by mobile app. Due to budget cuts the City no longer logs calls.	Each Supervisor's office responds to constituents in its district. 3-1-1 Customer Service No. No.

Research on How Similar Cities Operate Their District Election Systems

Summary Table

		Austin, TX	Boston, MA	Denver, CO	Jacksonville, FL	Oakland, CA	San Francisco, CA
	Is it shared or integrated with any casework software used by the Executive departments?	executive staff in the City Manager's Office.	topic. Mayor's 24 Hour Constituent Services; online, by phone, mobile app, mobile city services truck, twitter, in person (City Hall). No. Mayor's Office maintains a central tracking system when executive departments are involved. No.	This is handled by the Call Center, under Technology Services. No. They each have their own systems for tracking the constituent cases. No, they each have their own, but they can log into the 3-1-1 data to monitor cases.	centralized call center (904-630-city) that answers citizen calls and refers them to the proper department for tracking and action. Citizens can also use the city website. No. All issues of this type are integrated into one system for tracking purposes. Council Staff has access to log issue into the system for Administrative support to address the problem. Council does not have a separate system. No.	No, council does not have its own case management software.	
5.	**Constituent Communications:** How are key projects or proposed city laws communicated to citizens in each election district?	Not implemented yet.	The executive departments notify the councilors' offices when proposing development activities in their districts. Also, all Council meetings and hearings are publicly noticed and recorded. Individual council offices	Multiple methods. Most of them have a monthly E-newsletter; some distribute hard copy newsletters. Most of them use all kinds of social media.	Multiple methods: citywide press release, direct mail to residents within 350 feet of a project, town meetings, public hearings, newspaper ads, meetings are on line & streamed, and communications to	Multiple methods. Email distribution, social media, community meetings, electronic newsletters, neighborhood groups, etc.	Each supervisor has a webpage on the Board of Supervisors website.

Research on How Similar Cities Operate Their District Election Systems

Summary Table

		Austin, TX	Boston, MA	Denver, CO	Jacksonville, FL	Oakland, CA	San Francisco, CA
			also do press releases if a particular subject matter is of interest to them.		neighborhood associations and community groups.		
6.	**At Large Duties**: Do the At Large Councilmembers have different duties from the District Councilmembers, such as intergovernmental relations?	Not implemented yet.	No.	No, though the At-large members do tend to be the ones who represent Council on boards/commissions beyond the local level.	No.	No.	N/A; no at-large councilmembers.
7.	**Council President**: Must the Council President be from an At Large position?	N/A. The Mayor is elected at large and is a member of the City Council. Austin has a City Manager form of government.	No.	No.	No.	No.	N/A; no council president.
8.	**Voting for their Districts**: Is there an ethics code and/or law that limit District Councilmembers from voting on matters in which they have a financial interest? If so, how does the law deal with matters that affect the elected official and his/her constituents, such as a major new development proposed for the district?	Yes. Applies to all councilmembers. Austin City Code, Chapter 2-7-63 Prohibition on Conflict of Interest. http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas?f=templates$fn=default.htm$3.0$vid=amlegal:austin_tx$anc	Yes. Applies to all councilmembers. Massachusetts State Ethics Law, 268A:19 http://www.mass.gov/ethics/laws-and-regulations-/conflict-of-interest-law.html	Yes. Applies to all councilmembers. Denver Code of Ethics, Sec. 2-61. Conflict of interest while employed. http://www.denvergov.org/Portals/5/documents/Code-2012Changes-FINAL.pdf	Yes. Applies to all councilmembers. Rules of the Council, 4.602 http://www.coj.net/city-council/docs/councilrules/rules-of-council.aspx	Yes. There is a conflict of interest policy. Public ethics site: http://www2.oaklandnet.com/Government/o/CityAdministration/d/PublicEthics/o/CityStaffandOfficials/index.htm	Yes. California Political Reform Act; Section 87105: Manner of Disqualification http://www.fppc.ca.gov/index.php?id=51
9.	**Boards and Commissions:** Are any citizen boards or	Not yet implemented.	No.	No.	Only one: the council on elder affairs	No. As a practical matter, councilmembers are	Yes, there are some but it is not typical.

Research on How Similar Cities Operate Their District Election Systems

Summary Table

		Austin, TX	Boston, MA	Denver, CO	Jacksonville, FL	Oakland, CA	San Francisco, CA
	commissions required to have residents from each election district? Are there special citizen-led commissions or councils that advise the city government or Councilmembers on district-based issues or recommendations on how to allocate resources?		There are neighborhood groups that advise the Boston Redevelopment Authority on development and zoning issues in their respective neighborhoods.	Not specific to council districts, although there are several committees/task forces/ etc. established to advise the city government on various issues/activities. There are also Registered Neighborhood Organizations (Ron's), some more active than others, and Council members use those groups as sounding boards about issues.	Otherwise there are no council district-specific advisory bodies.	permitted to appoint members and usually appoint members from their districts. No. http://www2.oaklandnet.com/Government/o/Mayor/OurPartners/BoardsandCommissions/index.htm	No.
10.	**Executive Functions:** Are any executive department or other functions divided geographically to match the election districts? Do any of the executive departments have staff dedicated to resolving problems according to each of the election districts?	Not yet implemented.	No. The Department of Neighborhood Services facilitates citizen input and participation through service requests, neighborhood meetings organized through neighborhood coordinators. No.	No. No.	No. No.	No. No.	No. Unknown.
11.	**Legislative Staff Directing Executive Staff**: Is there a process by which Councilmembers and/or	No. Legislative staff, or rather Council staff, cannot direct Executive	Yes. The Administration (Mayor's Office) maintains a central tracking system	No. Nothing official beyond the annual budget process and consultations	No. Informally, councilmembers or their staff may call the mayor's	No. The administration is working on how to create a clearer process for	No. Refer to Good Government Guide, Part I, Section VIII, pages 25ff:

Research on How Similar Cities Operate Their District Election Systems

Summary Table

		Austin, TX	Boston, MA	Denver, CO	Jacksonville, FL	Oakland, CA	San Francisco, CA
	their staffs can request executive department employees to work on resolving neighborhood-based problems?	staff to do anything. Council can direct the City Manager to take action, but only by resolution.	when contacted by an individual councilor's office and executive departments are involved. The individual councilor's office will work with the relevant executive department regarding the matter. Also, under the Boston City Charter, Section 17F, the City Council may request specific information from the mayor on a municipal matter within its jurisdiction.	on annual work plans. Members can and do appeal to the Mayor to address certain district issues, and sometimes that will result in actions.	office or administrative department to report a problem, and may convene meetings with administrative personnel and citizens.	councilmembers and administrative staff to work together on district projects. The Oakland Charter, section 812, prohibits councilmembers from giving orders to "any subordinate of the City under the jurisdiction of the City Administrator...nor shall they attempt to coerce or influence the City Administrator or such other officers..."	http://www.sfcityattorney.org/Modules/ShowDocument.aspx?documentid=686.
12.	**Council Committees:** Are any City Council Committees structured in a way to reflect the geographic election districts and/or to address issues geographically?	Not implemented yet.	No. The standing committees of the City Council are not structured in a way to reflect the geographic election districts.	No. Committees based on city departments, functions, issues, etc.	No response. Not apparent from web site http://www.coj.net/city-council/docs/committee-rosters.aspx	No. Committees are typically 3-4 councilmembers, all from different districts.	No. Council committees are typically 3-4 councilmembers, and they come from different election districts.
13.	**Legislative Staff**: In your current budget year, how many paid Legislative Aides does each Councilmember have or what is the personnel budget for each Council office?	3. Each Council office has two council aides that focus on policy issues, and one constituent services liaison. Each office budget is equal.	The number of legislative aides for each councilor's office depends upon the discretion of the individual councilor's office. Each councilor's office receives	1-2. The Council district budgets are equal and it is up to each member how that budget is allocated. Most of the members currently have 2 aides	1. Each councilmember is allowed one staff assistant up to a maximum budget that is the same for every office.	The budget indicates each council office gets funded for 2.12 staff positions. Some have several part time employees, some only full time employees.	3. Each Supervisor has three Legislative Assistants (Aides). N/A.

Research on How Similar Cities Operate Their District Election Systems

Summary Table

		Austin, TX	Boston, MA	Denver, CO	Jacksonville, FL	Oakland, CA	San Francisco, CA
	Do the district and at-large members have different numbers of aides or different personnel budget amounts?		$206,250 dollars per year and the president's office receives $247,500 dollars per year to pay such salaries according to the rules of the City Council.	although a couple only have 1 fulltime aide.			
14.	**Central Policy Staff:** Does the City Council have a separate "central" policy staff that works for the Council as a whole? If so, what is their personnel budget and how many paid positions do they have? How is their work allocated? Does each election district have a central staff member assigned to it in order to track issues by district?	No.	Yes. The policy is driven by an individual councilor. Central staff works with that councilor and staff on the matter. The total annual salary for central staff collectively is $818,002.00. There are 11 employees on Central Staff. The work is allocated by subject matter, committee assignments or according to a project basis. No.	Yes, Legislative Services has 3 Legislative Analysts, a Director, the Council Secretary, and receptionist/secretary/general helpmate. Six paid staff positions. Work allocated mainly by committee assignment. There are 6 standing committees and 2 "Special Issue Committees. No, work is divided among the Analysts by Committee assignment. Generally, the division of labor is that the Legislative Services staff does policy work and the	Yes. http://www.coj.net/city-council/docs/orgchart.aspx http://www.coj.net/city-council/staff---contact-information.aspx This organization chart shows a chief of research and 3 research assistants reporting to the Director/Council Secretary. Centralized budgeting is used for all council expenses which is the responsibility of the Director/Council Secretary.	No.	No. The Board of Supervisors Budget & Legislative Analyst provides independent fiscal & policy analyses, special studies and management audit reports on City departments and programs to the Board of Supervisors. The Board contracts for the services. Contract for FY 13-14: $2 million. The Budget Analyst's responsibilities are defined as follows: http://www.sfbos.org/index.aspx?page=3703.

Research on How Similar Cities Operate Their District Election Systems

Summary Table

		Austin, TX	Boston, MA	Denver, CO	Jacksonville, FL	Oakland, CA	San Francisco, CA
				district aides do constituent services work.	No, each district does not have a central staff member assigned to it to track issues by district.		
15.	**Challenges**: Are there any challenges that your city experiences as a result of the district structure, such as allocating resources in an equitable manner and/or addressing citywide priorities? If so, have there been discussions or plans for how to address these issues?	Not implemented yet.	The district and at-large structure provides representation for all neighborhoods in the city. The City Council has formed a Special Committee on Charter Reform to examine the current governance structure in the City. Note this committee was not created in response to concerns about council districts.	Not really. It seems to work well. We have two At-Large positions that bring a city-wide view to the debates, and all areas of the city have a direct representative. Very democratic. The hardest issue is when we have to redistrict following each US Census!	The fundamental challenge is competition for limited resources among districts when district conditions and needs vary widely. There is continual debate over the proper way to allocate resources—by equal, fixed amounts per district or according to demonstrable need.	No response.	No response.
16.	**Advice for Seattle:** For how long has your city had geographic election districts for its city councilmembers? If it converted from at-large to districts within the past decade or so, is there a consensus in the city about	Not implemented yet.	The City of Boston has operated with the nine district councilors and four at-large members since 1982.	Denver has had districts since before mid- 20th Century. Following the 1970 Census, we added 2 to bring the total number of districts to its current 11. In Denver, there is no discussion about getting	No response.	No response.	In 1977, San Francisco went from at-large to district elections. In 1980, the voters amended the Charter to go back to at-large elections in November 1980. In November 1996, the

Research on How Similar Cities Operate Their District Election Systems

Summary Table

		Austin, TX	Boston, MA	Denver, CO	Jacksonville, FL	Oakland, CA	San Francisco, CA
	what it should have done differently when it converted? What recommendations do you have for Seattle?			rid of the districts, but some people would like to do away with one or both of the At-Large positions. I disagree with that – we need the citywide perspective on Council, too.			voters approved a Charter amendment calling for district elections starting in November 2000.

Will Petrik: research comparing campaign spending for 19 major cities with at-large, districts

From: Will Petrik [mailto:will.petrik@gmail.com]
Sent: Monday, December 12, 2016 12:14 AM
To: Charter
Subject: research comparing campaign spending for 19 major cities with at-large, districts

Dear Columbus Charter Review Committee,

This is my last email for the evening. I attached an academic study that I think you will all find of interest to the conversation about modernizing our city council system.

This master's thesis from the University of Washington looks at 19 major cities (including Columbus) and compares campaign spending for cities with at-large, district, or mixed representation.

While campaign spending has gone up in elections everywhere since the Citizens United decision from the Supreme Court, the study found that at-large candidates spend $76,000 more than district candidates.

The cities studied were Albuquerque, Austin, Baltimore, Boston, Charlotte, Columbus, Denver, Detroit, El Paso, Fort Worth, Indianapolis, Jacksonville, Las Vegas, Louisville, Portland, San Francisco, San Jose, Seattle, and Washington, DC.

In an all at-large system, candidates have to raise enough money to reach an entire city. In a council district system, they only have to raise enough to reach that ward. It follows that campaign spending would be less overall in a ward system than an all at-large system.

According to the research, many cities that had an at-large system have been changing to a ward or mixed system. The research also found that switching to a ward system increased the amount of minority representation.

Thank you all for your service and for carefully considering all of this research.

- Will

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Will Petrik

I believe in: *people* **|** *community* **|** *social justice* **|** *love* **|** *the creative process*
What do you believe in?
Cell: (614) 507-8941

Attachment: Malinowski-Capstone

https://www.uwb.edu/getattachment/policystudies/why-policy-studies/student-work/malinowski-capstone.pdf

Lou Jannazo: Comments on Number & Nature of City Council Reps

From: Ann Laubach and Lou Jannazo [mailto:Jannazo@att.net]
Sent: Monday, December 12, 2016 9:28 PM
To: Charter
Subject: Comments on Number & Nature of City Council Reps

December 12, 2016

Dear Friends,

First, a complaint. An article in today's Dispatch said there was disappointment with the turnout at meetings held to get comments on the expansion of Council to include wards. My wife and I read the Dispatch daily as well as the Booster. We also have good friends that work for the City and are on area councils. The first we have heard of anyone from the City was seeking comments was in today's paper. The e-mail address for comments was found on page B, 3. I don't know what the City is doing for outreach but I would posit it was darned little. Learning that there is an e-mail address from page B, 3 is not exactly skywriting it at an OSU football game.

Some comments:

- The current system is so inbred that it is borderline corrupt. Everybody who runs for Council is an incumbent because they are appointed by the rest of the Council before they ever face the voters. As anyone knows, inbreeding leads to a paucity of new thinking at best, and idiocy at worst.
- The current system is not representative. There are hardly ever any Republicans on council because the city-wide nature of the voting makes it hard for the minority to get enough votes to get represented. I am a long time Democrat and I think the City system stinks just as bad as the State gerrymandering system that gives Republicans such overwhelming majorities in the Ohio House and Senate. This is another facet of how the current Council system is inbred, with the inherent dangers inbreeding engenders.
- The current system is bad for democracy because it raises the bar for people getting into local politics. It is virtually impossible for new blood to gain access to a council seat by going out and hitting the pavement to go door to door. Too many doors involved. The only way for new folks to break into City government is by being taken in by the local power brokers as one of their own which of course puts a huge wet blanket on innovative folks with new ideas. The "powers that be" tend to bring clones into the system, not folks that have a different point of view.
- A robust ward system would not undermine area councils. Rather, area councils would be the breeding ground for new Council Reps. With the city-wide system area commission people have huge odds stacked against them ever getting into Council. A ward system would change that.

- In a city-wide system of picking Council people even generally well informed people tend to have no idea who the folks on City Council are because there is no direct connection to them.
- In a city-wide system the citizenry has no elected official to call with local issues. The city-wide Council representatives don't have to care about the little old lady's issue with garbage collection because they don't need her vote.
- I would like to see a mix of at-large Council reps and Council reps that are tied to particular districts **with the majority being Council reps that are tied to districts**. Yes, it would be harder to pass legislation but who said that democracy was supposed to be easy. We have 435 US Congressmen and 100 US Senators and we have 99 State Representatives and 33 State Senators but there are no movements to cut down on those numbers. Seven is too few for Columbus.
- Wards should be drawn up to include entire area commissions within their boundaries. NO GERRYMANDERING LIKE THE STATE DOES WITH ITS REPS AND SENATORS.

Some requests:

- Please send me the information that the committee looking at these issues is using as a basis for starting conversations with the electorate.
- Please send me the names of the people on the committee.
- Please send me any contact addresses the people on the committee are using to get public comments if there are such addresses beyond the <charter@columbus.gov> address.

Thanks for listening and for answering my requests.

Regards,

Lou Jannazo

4302 Ingham Avenue

614-263-6343

Timothy Bibler: Charter Committee

From: Timothy Bibler [mailto:northill@sbcglobal.net]
Sent: Monday, December 12, 2016 8:00 AM
To: Charter
Subject: Charter Committee

First, if it's not broke don't fix it.

Regarding changes from at-large to a ward system, it is clear from the vote last summer that people across the city do not want a ward system.

My main concern about a ward system is that decisions will be made from the perspective of what project can get done in a ward so the ward representative can get reelected, instead of making a decision that is best for the city.

I do not believe expanding the number people on city Council will improve the system. Adding more people only makes it more difficult for voters to hold individual council members responsible.

A decision to make a change in the city council make up should not be made based upon what is being done in other cities. Just because someone else is doing something doesn't make it good. If there is research that demonstrates that the ward system is better then let's see the research. Absent any such research would be making a decision based upon nothing but guesswork.

The position of city Council representative should be a full-time position. This allows representatives to give their full attention to the needs of the city.

Tim Bibler
772 S. 5th St.
614-361-6385

Susan Emerson: Concerns

From: Susan Emerson [mailto:emerson.susan.k@gmail.com]
Sent: Monday, December 12, 2016 10:10 AM
To: Charter
Subject: Concerns

I live north of I-270 and just East of Route 23, in the City of Columbus but in the area served by Worthington City Schools. Overall I have been happy with city services and with the governance of the city. However, I am writing in response to today's Columbus Dispatch article, "Do Columbus residents care how City Council members are elected?"

I honestly don't feel that I know enough to know whether a ward system would be an improvement, but I do want to go on record citing my concerns. Like, apparently, many who have voiced opinions already, my very biggest concern is that the current system makes it impossible for someone outside the sphere of influence of current council members to get onto council. Thirteen years without representation from one of the two major parties is absurd. And while I understand a couple of council members were recently elected without being appointed first, one of them was such a well-established politician in our area that I'm not sure his election is really indicative of change.

We must find a way to break the current cycle of council members resigning and the existing council selecting someone to replace them. I understand that elections are expensive so I understand that special elections aren't a good option, but there has to be a better way!

I will also comment that I do not believe our council has shown much concern for the flavor and culture of our current neighborhoods. The Short North is already a pale shadow of the thriving arts district it once was and is on its way to becoming just another bland upscale urban area. Clintonville has long been a treasure of Columbus, but increasingly dense development keeps getting approved there over the objections of the neighborhood. I dread seeing what happens to the strong sense of community that has existed there for so long as these new projects come to fruition.

Just to be clear, I am not opposed to development and I fully understand that the future calls for increased density in housing. I think, for example, that the redevelopment that is occurring around Nationwide Children's Hospital is a lovely thing. I applaud the redevelopment efforts that are improving Franklinton. I have family roots in the Hilltop area and I would love to see even more redevelopment there. But I do think that where there are established neighborhoods that are relatively thriving, more respect should be shown to the wishes of those who live there.

Finally, I have heard it said that a ward system would make it more difficult to get minority representation on Council. That would be a terrible outcome, but I believe that is only the case if wards are drawn with intentional ill intent. Otherwise, I think this city is sufficiently diverse

and sufficiently valuing of diversity that we would continue to elect many dedicated and strongly qualified minority representatives to leadership positions, as we do today.

Thanks for the opportunity to voice my concerns, and Godspeed as you work through the process of formulating a recommendation.

Sincerely,
Susan Emerson
248 Pampas Court,
Columbus, OH 43235

Sue Keller: Charter Review Public Comment

Data from form "Public Comment" was received on 12/12/2016 10:30:46 AM.

Contact the Charter Review Commission

Field	Value
Name	Sue Keller
Email address	skeller792@insight.rr.com
Subject	Charter Review Public Comment
Message	I found this contact in the Dispatch this morning. I live on the very southeast side of Columbus. it would be impossible for me to get to sawmill rd at 6:00 pm on a work night. I looked at the calendar on this site because I wanted to see what meetings i must have missed in my own SE area. Nothing listed and it also says no meeting for this month. I again feel unrepresented and I want Hardin to know that it not easy for a regular citizen to stay informed or let a representative know that there are concerns here. I've seen the rise and fall of Eastland, and the rise and fall of Brice and 70 area. Been to city counsel several times to protest inappropriate high density and low end developments in this area. The old SE area commission also said no, but at that time Counsel voted it all through just as the developer wanted. No one cared. I don't know the number, but come and drive up and down Gender Rd and tell me where are the single family homes? I only see new apartments going up. Where is the Mixed Development? We are only getting the low end. I gave up for a while but I will get to the the next area commission meeting and express my opinion and ask for help. But they don't get to vote! Who on city counsel cares about what's best for the entire SE area?

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from skeller792@insight.rr.com on 12/12/2016 10:30:46 AM.

Joseph Sommer: At-large elections and representation of racial minorities

From: JCSommer@aol.com [mailto:JCSommer@aol.com]
Sent: Monday, December 12, 2016 2:23 PM
To: Charter
Cc: tokaji.1@osu.edu; mcurtin2323@yahoo.com; Cox, Joshua T.
Subject: At-large elections and representation of racial minorities

Charter Review Committee:

I recently wrote to you about Professor Daniel Tokaji's Nov. 17 presentation that addressed the Committee's request for information about possible federal challenges to redistricting plans. My message at several points referenced his 2013 book *Election Law in a Nutshell*. The book also has information on another subject that should be considered by the Committee: the tendency of at-large elections to dilute the voting strength of minorities, particularly African Americans. Perhaps you may want to have Professor Tokaji or another expert address that subject in the future.

At-large elections have often weakened the voting strength of minorities

Chapter 6 of Professor Tokaji's book is titled "Minority Representation" It begins on page 93 by explaining that the Voting Rights Act of 1965 "ended the system of mass disenfranchisement that had kept southern blacks from registering and voting." The discriminatory voting system, which had been in place since the end of the nineteenth century, included literacy tests, poll taxes, and other methods of preventing blacks from voting.

Professor Tokaji continues on page 96: "Once African Americans were allowed to vote in the South, attention turned to other practices that were used to diminish the strength of their votes - that is, to vote dilution. *Prominent among the devices used to weaken black voting strength were at-large elections*." (Emphasis added.) He gives an example of Mississippi changing its state law in 1966 to allow county boards of supervisors to be elected at large instead by districts. He says the result was "to keep blacks from electing a representative of their choice to county boards."

Those types of discriminatory efforts caused many at-large systems to be found unlawful. The website of the NAACP Legal Defense and Educational Fund states: "Since the passage of the Voting Rights Act in 1965, numerous at-large systems have been struck down. . . ." It also says: "Fewer and fewer districts still practice at-large voting. That is because courts and other decision-makers long have recognized that discriminatory methods of election, like at-large voting, enhance the discrimination that communities of color experience. . . ."

Beginning on page 118, Professor Tokaji's book explains that the 1982 amendments to Section 2 of the Voting Rights Act clarified that both intentional discrimination and discriminatory results are prohibited. This made the law an even stronger weapon for striking down at-large election systems.

Professor Tokaji expounds on pages 112-113: "After 1982 . . . Section 2 became a potent means of stopping practices used to dilute the votes of racial minorities - most notably, at-large elections. . . ." On page 136, he says the changes included "the abolition of many at-large election systems and the creation of majority-minority districts from which racial minorities could elect their candidates of choice." Page 137 reports: "The end result . . . was a pronounced increase in minority representation after 1990," including at the local levels.

The U.S. Department of Justice's website states: "Most of the cases arising under Section 2 since its enactment involved challenges to at-large election schemes." The website also reveals that the cases were not just in the South but also in other areas of the country.

In sum, U.S. history shows that at-large voting systems have often been used with the intent or result of weakening the voting strength of racial minorities. The legal remedy has often been to replace those discriminatory systems with district elections.

Based on this history, it seems incumbent on the Committee to consider the effects that Columbus' all at-large City Council elections have had on minorities, particularly racial minorities. In the following sections, I point out some of the factors I think are relevant to the Committee's consideration.

Columbus City Council elections and minority representation in the city's history

The first African American elected to Columbus City Council was Rev. James Preston Poindexter in 1880, when Columbus had a ward system. Rev. Poindexter was elected from the 2nd Ward.

In jarring contrast, as State Representative Michael Curtin explained in his Oct. 13 presentation to the Committee, no black was elected to City Council for 55 years after Columbus adopted its all at-large, seven-member City Council in 1914.

Rep. Curtin also said that in 1968 Columbus City Council, which was controlled by Democrats 5-2, placed on the ballot a proposed Charter Amendment to change City Council's structure to 13 members, with seven elected from districts and six elected at large. Democratic Mayor M.E. "Jack" Sensenbrenner supported the effort. A Jan. 12, 1968 Columbus Dispatch article reported: "One of the aims of the proposal will be to provide representation to the Negro minority which now has no voice on the City Council." At that time of the Civil Rights Movement, blacks were an important part of Columbus' Democratic coalition, as Rep. Curtin related.

After voters defeated the 1968 proposal 57% to 43%, Democratic City Council Member Jerry O'Shaughnessy said part of the opposition may have been due to "a certain amount of white backlash . . . a fear of some whites that Negroes would be on council." (Dispatch, May 8, 1968)

The first black elected to the seven-member, all at-large City Council was Dr. John Rosemond in 1969. When Council Member Rosemond became the Democratic Party's candidate for mayor in 1975, he led an effort to change the Charter to provide for an 11-member City Council, with six members elected from districts and five elected at large. The five Democrats on City Council voted to place the proposal on the Nov. 1975 ballot, with the two Republican members voting no. The proposal lost at the polls by about 60% to 40%, and Dr. Rosemond was soundly defeated in the mayoral race in the same election.

Rep. Curtin noted that in both the 1968 and 1975 elections, the wards supporting the addition of district representation to City Council were concentrated in black areas and the OSU area. He also said "there was a strong racial divide in the city in both elections."

This history indicates the present at-large election system caused blacks to be kept off Columbus City Council for over five decades. During the Civil Rights Movement in the 1960s and into the mid-1970s, white and black leaders in the local Democratic Party, along with a substantial percentage of black voters, thought the solution was to add district representation to City Council. But they were rebuffed by a majority of the city's white voters.

Minority representation on Columbus City Council in recent years

Currently four of the seven Columbus City Council members are African American. However, all of them were initially appointed to Council rather than selected by the voters. For several decades now, that has been the usual way for persons to get on Council, whether or not they are members of a minority community. My understanding is that Dr. Rosemond remains the only black Democrat who was elected to Council without first being appointed, even though the present system is now over 100 years old.

Additionally, the Council members normally run for office as a team and with substantial funding from the Council president's PAC. When Council decides whether to appoint a minority applicant to an open seat, therefore, it would be logical for them to consider - either consciously or subconsciously - whether the applicant is someone the big-money donors to the PAC could support. The majority of those big-money donors are likely white.

If that is in fact how the appointment process works - and it's reasonable to assume it probably does work that way - the only racial minorities who could get on Council would be, frankly, ones acceptable to some extremely rich and influential white people in central Ohio. The preferences of those elites could differ markedly from the needs of many others in the city, including economically disadvantaged minorities. The former would likely be supportive of candidates favoring the status quo, whereas the latter would be more receptive to candidates advocating reform.

This appointment process is likely why complaints have been made that the African Americans appointed to City Council have lacked a base of support in the black community and been unresponsive to a number of concerns of that community. Moreover, three of the four latest minority appointees have been city employees. They might feel more pressure to protect their careers in the city government than fight for the interests of disadvantaged segments of the population.

Finally, in response to a question after Professor Tokaji's presentation, he said the current process of appointing, instead of electing, minorities to City Council could be one of a number of factors a court would consider in deciding whether Columbus' at-large election system violates the Voting Rights Act. Section 2 of the Act says a violation occurs if, based on the "totality of circumstances," the challenged voting practice leaves racial minorities with "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice."

Summary and Conclusion

Historically in the U.S., at-large elections have often been used with the intent or effect of weakening the voting strength of racial minorities. The results of Columbus' first five decades under the current Charter show that the at-large method of electing Council members effectively excluded blacks from election to Council throughout the period. During the Civil Rights Movement of the 1960s and several years after that, attempts were made to remedy the problem by trying to add district representation to Council. Those efforts were turned back by a white majority of voters in two racially divided elections in 1968 and 1975.

In recent decades, blacks have served on Council but almost always were initially appointed to the office instead of elected. The need to fund their expensive citywide political campaigns may necessitate that they be acceptable to a wealthy, mainly white, donor class in order to be selected for Council. After appointment, they run for the office with the advantages of incumbency and funding from the donor class. Neither of those advantages is possessed by other members of racial minorities interested in running for City Council, regardless of how much support they may have in minority communities. This process could mean minorities have less opportunity to "elect representatives of their choice." Some argue the process violates Section 2 of the Voting Rights Act.

The possibility of a Section 2 challenge to Columbus' at-large election system, and the resulting legal expenses to taxpayers, should be considered. Even if such a challenge is not brought, there remain serious questions today - as there were in the 1960s and 1970s - about whether minorities are being adequately represented by the at-large structure of Columbus City Council. Also present are strong concerns about whether minorities could be better served by adding district representation to Council, as almost all other large American cities have done. I urge the Committee to examine closely these extremely important issues.

Joseph Sommer
5672 Great Hall Court
Columbus, Ohio 43231-3067
614-226-1685 (cell)

Nancy Day-Achauer: Charter Review Public Comment

Data from form "Public Comment" was received on 12/13/2016 1:20:34 PM.

Contact the Charter Review Commission

Field	Value
Name	Nancy Day-Achauer
Email address	pastor.nancy.d.a@gmail.com
Subject	Charter Review Public Comment
Message	I will send my comments for the Dec. 15 meeting in an attachment via email

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from pastor.nancy.d.a@gmail.com on 12/13/2016 1:20:34 PM.

Nancy Day-Achauer: Request to Speak at Dec. 15 Meeting

From: Nancy Day-Achauer [mailto:pastor.nancy.d.a@gmail.com]
Sent: Tuesday, December 13, 2016 3:24 PM
To: Charter
Subject: request to speak at Dec. 15 meeting

I wish to speak briefly at this week's Charter Review Committee Meeting on December 15. My remarks are attached.

The Rev. Nancy Day-Achauer
5951 Lucci's Court
Columbus, OH 43228
740-417-0137
pastor.nancy.d.a@gmail.com

Representing:
St. Mark's United Methodist Church
United Westside Coalition
Westland Area Commission

--
Nancy Day-Achauer, Pastor
St. Mark's United Methodist Church
www.StMarksUMCOH.org
Pastor.Nancy.D.A@gmail.com

Attachment: Day.Achauer Remarks

Remarks for Dec. 15 Charter Review Meeting

The Rev. Nancy Day-Achauer
5951 Lucci's Court
Columbus, OH 43228
740-417-0137
Pastor.nancy.d.a@gmail.com

Representing:
St. Mark's United Methodist Church
United Westside Coalition
Westland Area Commission

As a community leader on the Far Westside of Columbus, I am compelled to stress the importance of community input in city governance through our Area Commissions. Columbus is a large and diverse city whose City Council lacks local representation from all areas of the city. In my community, lack of representation has resulted in decades of neglect. Elected officials who are unfamiliar with a neighborhood lack the information needed to make informed decisions affecting that community. Additionally, this unfamiliarity can lead to misunderstandings resulting in neglect or other negative impacts as has happened in my community.

Currently, Area Commissions play a non-binding advisory roll in decision making regarding zoning and serve as a liaison with the city. We can do much more if given a greater voice. We know the needs and cultural context of our communities and can provide input that could help create equity of city services and improve economic vitality and quality of life throughout the City of Columbus.

The current governance structure of Columbus has left the Westland Area underserved and economically depressed and we are not alone. I do not believe that the City of Columbus can effectively turn our situation around without a system allowing a form of authentic local representation. I implore the Charter Review Committee to institute changes to the charter that will incorporate a system of actual local representation in our city governance. We need a city government that will work with communities so all neighborhoods can prosper.

Emmanuel V. Remy: Charter Review Public Comment

Data from form "Public Comment" was received on 12/15/2016 1:39:37 PM.

Contact the Charter Review Commission

Field	Value
Name	Emmanuel V. Remy
Email address	emmanuel.v.remy@gmail.com
Subject	Charter Review Public Comment
Message	I will be working on my comments this afternoon and will bring them to tonight's meeting. Thanks!

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from emmanuel.v.remy@gmail.com on 12/15/2016 1:39:37 PM.

Kalitha Williams: Public Comment

From: Kalitha Williams [mailto:kalithawilliams@hotmail.com]
Sent: Thursday, December 15, 2016 5:22 PM
To: Charter
Subject: public comment

Attached are my comments for the Columbus Charter Review Committee.

Kalitha Williams

Attachment: Columbus Charter Review Committee Comments

Columbus Charter Review Commission Comments

My name is Kalitha Williams and I live at 2265 Waters Edge Blvd, Columbus, Ohio. I am speaking today as a public citizen of the city of Columbus. My testimony today is a reflection of my own personal views and does not represent anyone else or any organization. As you continue your deliberation on the future of City Council, I want to offer my concerns on campaign finance reform and the part-time status for Columbus City Council members.

We need campaign finance reform in the city of Columbus. Our current system of financing candidates and campaigns is comparable to the "Wild West". Specifically, we do not have campaign contribution limits, we lack requirements for disclosing donor employment or profession information, and searching through campaign finance reports is unnecessarily cumbersome and is an impediment for public accountability. The lack of regulation is as impactful to the composition of Columbus City Council, as the appointment process, because it limits who can be a viable candidate.

Campaign contribution limits are important to ensuring fair and accessible elections. Unlimited campaign contributions feed into the public perception of political corruption. They also limit the ability of candidates that are unendorsed by organized political parties to effectively participate in elections. At the federal level, individual campaign contributions are limited to $2,700 per election cycle.[1] Ohio candidates cannot receive more that $12,532.34 each year from individual donors.[2] But in 2015, we saw a local candidate for Columbus office, receive $100,000 from one contributor. A candidate for a Columbus office should not be able to receive a larger contribution than the President of the United States of America.

Donor employment and profession information is important to ensuring that elections are transparent to the public. Currently, donors to Columbus officeholders or candidates are not required to share their employer or occupation. It is important for the public to have a full understanding of the "who" and "why" a donor is giving to a candidate. Unfortunately, with the current system of reporting for Columbus offices, the public would need the resources of a research firm or newsroom to determine that. For Ohio statewide and state legislative candidates, all contributions over $100 require the employer and profession of the contributor. The same is true for individual contributors to federal campaigns that donate at least $200 to a candidate.[3]

The Federal Elections Commission and the Ohio Secretary of State both have electronic databases that make it easy for citizens to search and analyze campaign contributions. The Franklin County Board of Elections has an online database, but it only provides images of disclosure forms, which are often

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[1] Federal Elections Commission, Contribution Limits for 2015-2016 Federal Elections, http://www.fec.gov/info/contriblimitschart1516.pdf

[2] Ohio Secretary of State, Ohio Campaign Contribution Limits Table, https://www.sos.state.oh.us/sos/upload/candidates/2013limitchart.pdf

[3] 11 Code For Regulation 104.7, https://www.gpo.gov/fdsys/pkg/CFR-2011-title11-vol1/pdf/CFR-2011-title11-vol1-sec104-7.pdf

illegible, either through poor quality scanning or very tiny unreadable fonts. Also, the information in the reports like contributions and expenditures are not searchable.

Overall, Columbus citizens deserve robust campaign finance reform that makes political participation accessible to all, not just to those connected to wealthy interests; means to hold elected officials accountable through transparent information about their contributors, and the ability to search campaign records using the latest technology.

Columbus families have more pressing issues than determining the compensation classification of Councilmembers. I also want to speak with you regarding the discussion to change the employment status of Columbus City Councilmembers from part-time employees to full-time. This discussion on the reclassification of Columbus City Council, where the major change would be to dramatically increase their salaries, is, frankly, tone deaf given the economic challenges of working Columbus families. The annual salary of a Columbus City Councilmember is $52,600. According to the United States Census, the average Columbus household of 2.4 people has an income of $45,659[4]. Therefore, a single member of Council working part-time, makes 15% more than the average Columbus family. One in five or 20% of Columbusites live in poverty.[5] We have an affordable housing crisis in Central Ohio, where over 24,000 families applied for a few hundred section 8 vouchers, because they cannot find reasonably priced and safe housing.[6] Research has shown that wages have not kept pace with productivity and families are struggling to make ends meet as their living expenses rise.[7] Unfortunately, Columbus workers do not have the power to organize a committee to recommend raising their pay. Public service is a privilege and an opportunity to get to work on addressing the hard issues our communities face. Now is not the time to discuss increasing compensation packages of public servants when so many are suffering.

Lastly, I want to speak about with you regarding somethings that troubled me regarding the administration, operations, and accessibility of this committee. Unfortunately, I was not able to attend previous meetings and be as engaged as I would have liked. I was glad to see that there was a website where videos and documents could keep me abreast of the committee's work. Unfortunately, I was concerned by the following observations:

- **Public comments to the committee have not been posted online.** While reading meeting minutes, there were references to public comment and presentations that were noted as being "on file in Charter Review Committee records", but they were nowhere to be found online. I had to send an email to a comment box on the website, requesting to see all of the public comments. I am not clear why the full comments and presentations from the public were not

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[4] United States Census Bureau, QuickFacts, 2011-2015 estimates, http://www.census.gov/quickfacts/table/HSD410215/3918000,39

[5] United States Census Bureau, QuickFacts, 2011-2015 estimates, http://www.census.gov/quickfacts/table/HSD410215/3918000,39

[6] Affordable housing - Housing-voucher requests pour in, M. Ferenchik, *Columbus Dispatch, October 6, 2015*

[7] Still Struggling: State of Working Ohio 2016, Policy Matters Ohio, http://www.policymattersohio.org/state-of-working-ohio-2016

available online, but the presentations from City Hall staff are. Certainly, the comments from the public are as important as those from Council staff.

- **Columbus City Council staff presentation data in mostly uncited.** The website provides links to several pages of data, public opinion polls, charts, graphs and maps, but most of them lacked any citations as to where the information originated. On two occasions I had to track down a source to get the full report data. This is very troubling to me. Certain city officials have cited a desire to have open and transparent dialogue with the community on the structure of Council. I imagine it also includes a desire to appease some views from the public that City Government is operating in a clandestine way. However, presenting information without the ability to substantiate its veracity, does not build public trust. Instead it breeds suspicion.

- **The majority of the expert presentations have been from City Hall staff, which I feel poses a conflict of interest.** At least three Council members have made public statements that suggest they would like to see their employment status change. Council staff is an extension of Council and their presentations should be seen as more of that of an "interested party" than objective. Unfortunately, it appears that only two experts were not City Hall staffers. There are several organizations throughout the country that are committed good government practices and policies, yet none of them seems to have been engaged in this process. These organizations include The League of Women Voters, Brennan Center for Justice, Common Cause, US Public Interest Research Group, Public Citizen, etc.

As the committee prepares to make its final recommendations, I hope they will take a broad approach to ensuring a fair and robust pathway to serving on Columbus City Council.

Jonathan Beard: Charter Review Information

From: Jonathan Beard [mailto:jonbeard1964@gmail.com]
Sent: Thursday, December 15, 2016 5:40 PM
To: Charter
Subject: charter review information

Attachment: Revisiting Our Noncompetitive At Large Field Elections

REVISITING OUR NONCOMPETITIVE AT LARGE FIELD ELECTIONS

Bryan Clark, the leader of the successful, but factually-challenged "One Columbus" campaign in opposition to Issue 1, gave a presentation about competitiveness of different electoral systems, ending with his conclusion that at large field elections (with multiple candidates, like Columbus's) are more competitive and he specifically stated the average winning margin was 5.2% over the past two election cycles.

Just like the Issue 1 campaign, Clark's presentation was partially accurate, and vastly misleading. The winning vote margins are smaller simply because of math – they reflect the smaller percentages of votes as a percentage of all ballots cast for council (i.e., 3 or 4 ballots per voter), but the absolute vote margins may be identical.

In theory, in a head-to-head race, the winning candidate would receive 50% of the vote, plus one. In a field race for four seats where there are eight candidates and every voter gets four votes, a winning margin could be one vote more than 12.5% of the total votes cast.

In the 2015 election, Zach Klein received 18.18%of the vote, Liz Brown 17,55%, Mike Stinziano 17,44%, and Jaiza Page 15.07%. Dimitrous Stanley received 12.99%, John Rush 8.47%, Besmira Sarrah 5.22% and Ibrahima Sow 4.9%. While it may be tempting to claim that the margins of victory were small: that is, that the margin between lowest vote getting winner (Jaiza Page) and the top vote getting losing candidate (Dimitrious Stanley is 3.8% (i.e., 15.07% – 12.99 %), and on down the line to the Page – Sow difference of 10.17% (her 15.07% share of the total vote to his 4.9%), that is an inaccurate and misleading analysis.

In reality the difference between Page and Stanley was 10,393 votes (her 75,223 votes to his 64,830 votes), which is a 16% margin of victory (i.e., equivalent to a 58% – 42% vote, which would not be deemed competitive in a head-to-head race). And on down the line, in fact the margin of defeats (from Page) for all the challengers are as follows:

- Stanley lost by 16% [(75,223 – 64,830)/64,830]
- Rush lost by 78% (75,223-42,252)/42,252
- Sharrah lost by 189% (75,223-26,029/26,029)
- Sow lost by 207% (75,223 - 24,471)/24,471.

And the margins between winning and losing are even bigger when the higher vote getting winners are put into the mix.

Also as shown in the Exhibit A spreadsheet, in the 2013 election, the margins of defeat ranged from 39% to 62%, and in 2011, the margins of defeat ranged from 38.8% to 49.7%. They are nowhere near the 5.2% cited by Clark in his presentation. In short, far from what was claimed

in Mr.Clark's presentation – where the margins for at large field elections were apparently described as percentages of the total vote – Columbus elections are non-competitive, blowout elections where most of the losing candidates are nowhere close to gaining a seat.

UNDERVOTING IN COLUMBUS AT LARGE ELECTIONS
(See Exhibit A spreadsheet and Board of Election vote tallies)

Perhaps the biggest question about the at large field elections is the number and percentage of people who cast a Columbus ballot, but do not vote for all councilmembers - "undervotes." In the 2015 General Election, the number of net undervotes (198,052) was 40% of the number of votes cast for the candidates (499,112) in the 8 person field race, and the number of undervotes (59,442) was 52% of all votes cast (113,489) in the head-to-head race for the unexpired term.

The number of undervotes (198,052) received more than the number of votes of the leading candidate (Zach Klein, with 90,716) – meaning more people chose no one, than chose any one of the vote-getting candidates. Because of this, only two winning candidates received votes from more than 50%of the voters (Zach Klein – 52% and Elizabeth Brown 50.2%). The other two winning candidates received less than 50% of the voters' votes (Jaiza Page - 43.1% and Michael Stinziano - 49.9%)

In the 2013 General Election there were 61,850 undervoes and 203,984 votes cast for the six candidates (30%), and in the 2011 General Election there were 243,421 net undervotes and 516,089 votes cast for the 8 candidates on the ballot. Just one of the three winning candidates (Priscilla Tyson) got more than 50% of voters to push a button for her, as Eileen Paley got 49.9% and Troy Miller got 48.9%)

In the 2011 election where undervotes were 47% of the number of votes cast for council candidates, not a single elected council member received the votes of more than half the voters (Michelle Mills – 49.7%, Andrew Ginther – 46.5%, Zach Klein – 43.7%, and Hearcel Craig – 38.8%).

<u>So why is there such a high amount of undervoting when everybody's name is on the screen?</u>

It is reasonable to believe that a fair number of voters who don't know anything about the candidates in these citywide elections simply don't vote for people they don't know.

While some will vote the party slate card without any knowledge of candidates – indeed, that is what each of the political parties bank on , and it is quite likely that many people simply vote the party slate (endorsement) card – again presuming they know something about the candidate based on the national brand of the endorsing party.

If that is so, what is the point of having elections where the majority of voters don't know enough about who is on the ballot to cast a vote for them? The rationale of being able to vote

for everyone who can impose a tax on each voter is interesting, but the reality is that many people don’t know enough about the candidates to feel comfortable casting votes, and the majority of those elected are elected without a majority in a situation where securing a majority for election should mathematically be the norm.

Attachment: 2009 Council Campaign Financing

COLUMBUS CITY COUNCIL 2009 ELECTIONS

Campaign Contributions

			Pre General	Pre General	5 Day General	Post General	Total Campaign	Campaign Percent	Total Challenger and Incumbents		In-Kind by FCDP	In-Kind by OHDP
Tyson												
	Cash	$ -	$ 23,157.82	$ 5,250.00	$ 23,157.82	$ 2,300.00	$ 53,865.64	36%				
	In Kind	$ -	$ 30,335.67	$ 27,986.65	$ 34,102.33	$ 5,208.68	$ 97,633.33	64%			$ 86,674.67	
	Total						$ 151,498.97					
Miller												
	Cash	$ -	$ -	$ 18,389.92	$ 150.00	$ 2,350.00	$ 20,889.92	34%				
	In Kind	$ -	$ -	$ 34,896.96	$ -	$ 5,208.67	$ 40,105.63	66%			$ 33,631.96	
	Total						$ 60,995.55					
Paley												
	Cash	$ -	$ -	$ 23,878.32	$ -	$ 3,025.00	$ 26,903.32	27%				
	In Kind	$ -	$ -	$ 40,835.32		$ 32,283.99	$ 73,119.31	73%			$ 44,422.09	$ 25,955.34
	Total						$ 100,022.63					
Total Contributions for Incumbents							*$ 312,517.15*				$ 164,728.72	$ 25,955.34
											53%	8%

Attachment: 2011 Council Campaign Financing

COLUMBUS CITY COUNCIL 2011 ELECTIONS

Campaign Contributions

		Pre General	5 Day General	Post General	Total Campaign	Campaign Percent	Total Challenger and Incumbents		In-Kind by Ginther	
Mills										
	Cash	$ 30,449.55	$ 6,435.00	$ 1,120.00	$ 38,004.55	25%				
	In Kind	$ 113,676.11	$ 3,247.90	$ -	$ 116,924.01	75%			$ 111,569.41	72%
	Total				$ 154,928.56					
Craig										
	Cash	$ 5,300.00	$ 5,965.00	$ 1,775.00	$ 13,040.00	10%				
	In Kind	$ 112,386.75	$ 3,247.90	$ -	$ 115,634.65	90%			$ 108,321.51	84%
	Total				$ 128,674.65					
Klein										
	Cash	$ 15,095.00	$ 4,640.00	$ 8,700.00	$ 28,435.00	15%				
	In Kind	$ 136,823.77	$ 3,247.90	$ 22,894.58	$ 162,966.25	85%			$ 108,321.51	57%
	Total				$ 191,401.25					
Ginther										
	Cash	$ 187,547.00	$ 58,667.22	$ 32,500.00	$ 278,714.22	98%				
	In Kind	$ 4,065.24	$ -	$ 226.95	$ 4,292.19	2%			$ -	
	Total				$ 283,006.41					
Total Contributions for Incumbents							***$ 758,010.87***	***73%***	$ 611,218.84	59%
									81%	
Ferris										
	Cash	$ 30,449.55	$ 14,950.00	$ 1,120.00	$ 46,519.55	28%				
	In Kind	$ 113,676.11	$ 3,247.90	$ -	$ 116,924.01	72%			$ -	
	Total				$ 163,443.56					
A. Healy										
	Cash	$ -	$ -	$ -	$ -	#DIV/0!				
	In Kind	$ -	$ -	$ -	$ -	#DIV/0!			$ -	
	Total				$ -					
J. Healy										
	Cash	$ -	$ -	$ -	$ -	#DIV/0!				
	In Kind	$ -	$ -	$ -	$ -	#DIV/0!			$ -	
	Total				$ -					
Hennessey										
	Cash	$ 53,185.50	$ 5,720.00	$ 46,870.00	$ 105,775.50	95%				
	In Kind	$ 5,000.00	$ -	$ 750.00	$ 5,750.00	5%			$ -	
	Total				$ 111,525.50					
Total Contributions for Challengers							***$ 274,969.06***	***27%***		
Total Election Cycle Contributions					**$ 526,677.21**		**$ 1,032,979.93**		**0%**	

All Ginther Spendir Total

2011	$ 611,218.84	$ 1,032,979.93	59%
2013	$ 274,190.64	$ 391,844.09	70%
	$ 885,409.48	$ 1,424,824.02	
	62%		

Total Ginther In-kind to incumbents

2011	$ 328,212.43
2013	$ 274,190.64
	$ 602,403.07
	$ 278,714.22
	$ 1,483,520.36

Total Other Incumbents

	$ 155,607.80
	$ 101,074.99
	$ 256,682.79 $ 859,085.86

Jonathan Beard: Public Comment

From: Jonathan Beard [mailto:jonbeard1964@gmail.com]
Sent: Friday, December 16, 2016 10:35 PM
To: Charter
Subject: Public comment

Please see the attached file and share it with the committee. Thank you.

-- Jon Beard

Attachment: Non Competitive At Large Field Elections 2011-2015

HISTORY OF ELECTIONS TO COUNCIL

Jonathan C. Beard

December 16, 2016

Exhibit A is a table showing the current members of council, and for those since 1985, how they came to office (which seat they filled, and whether they came by appointment or election). In this 31 year period, 4 of the council's 36 members over that period began service by election (Bradley, Fisher, O' Shaugnessey and Elizabeth Brown), the other 32 began service by appointment.

There were two Republicans in 1991, (Jeanette Bradley and Arlene Shoemaker), Democrat Matt Habash replaced Shoemaker in 1993 upon her mid-term retirement, leaving Bradley as the only Republican. In 2003 Democrat Patsy Thomas was appointed to replace Bradley when she became Lt. Governor, leaving no Republicans or other parties on council.

Significantly, all Black Democrats have gained office by appointment, and Columbus maintained an informal Black Male seat (Espy, Coleman, Ransier, Boyce, Miller and Hardin), and for a time a "Black Female" seat: Jerry Hammond, Les Wright, Charleta Tavares, and Michelle Mills, before Fran Ryan was appointed and Liz Brown won election to that seat. If the appointment process is eliminated, it is unlikely African Americans will win citywide seats. A partial list of unsuccessful African American candidates includes Clifford Tyree, Jesse Woods, Ruth Fraling McNeil, and Bev Corner – each of whom had significant prior community service that did not translate into a citywide election.

In contrast, the recent appointees are not marked with significant community experience, but came to office as a result of sponsorship by the city officials they worked for: Mitch Brown and Shannon Hardin worked for Mayor Coleman, and Jaiza Page worked for City Attorney Rick Pfeiffer. The fact that current appointees past job was as city employees is troubling (and indeed Mayor Coleman referred to Mr. Hardin as being like a son to him) – they can hardly be described as having a constituency of their own (outside of the insider culture) or bringing fresh and independent thinking to the job. Other recent political appointees have been a Sensenbrenner, Mentel, O'Shaugnessey, and Brown – all offspring of other elected officials -- the Democratic Party has created through the appointment process a self-annointing "ruling class" divorced from the citizenry and entered into by heredity or sponsorship.

In review of the Vote Margin spreadsheet (Exhibit B), among the current councilmembers, only Priscilla Tyson (initially appointed in 2007) has received more than 50% of the vote of electors (in 2013). And in fact, an elected Black candidate has been the lowest vote-getter at each of the last three elections.

Looking at a map of the 2009 General Election (Exhibit C) where there were equal numbers of Black and White candidates, areas that voted more than 65% in favor of the African American candidates were predominately Black populations (74% Black), and areas where 45% or less of the vote went to Black candidates were predominately White (11% Black). (Note: the race of candidates is a very crude measure here—this was not intended to be a precise picture of electoral choice, just illustrative of differing racial voting patterns). The population of Columbus is just 28% Black, so racially polarized voting where White voters can negate the preferences of Black voters is certainly possible.

The Consolidation of Power and Money

The role of the Franklin County Democratic Party is significant, as for the past 30 years, all new members have been Democrats with the changes in Franklin County and Columbus demographics. The Democratic Party has further signaled strongly that it does not want intraparty competition for elected offices once party insiders decided who their preferred candidate is –even vacant offices as in the case of Columbus Mayor. The party ran out three office holders who supported Zach Scott in his campaign for the vacant Columbus Mayor spot.

This does not bode well for Columbus, which often does not have council primaries (Exhibit D). Since 1972, there have been council primaries in just 14 of the 24 primary elections (58%). As Republicans continue to experience election futility with the changed political landscape of the county and the Democrats practice political banishment for Democrats who challenge the party-preferred candidates, there will be less and less political competition for the at large seats (which even incumbents cannot afford to run for [see Exhibit E, which shows how little the members raise by themselves and how much they rely on in-kind spending by the party (2009) and by the council president (2011 and 2013). No analysis was done for the 2015 election. Exhibit E has the relevant pages of a sample campaign finance report showing the source of the data compiled in the spreadsheets].

In short, under the at large format, we may soon be seeing appointments with no Primary opposition or General Election opposition.

The Appointment Process

Again, only two Black councilmembers have been elected initially to office since 1916 (Democrat Dr.John Rosemond in 1969 and Republican Jeanette Bradley in 1991). An August 24, 2000 Dispatch article states "All five finalists are black. Traditionally, the seat held by Ransier has been held by a black man, and council Democrats in past years have chosen appointments to fit certain demographics." The article also highlights the importance of party loyalty and fundraising capability as being critical to gaining appointment – which apparently is what the appointing council members believe should matter most to citizens of Columbus – again, illustrating the dysfunctionality of the appointment process. Because Black Democrats have gained office exclusively by appointment since 1969, changes to the appointment process will likely have the effect of eliminating Black councilmembers in this at large system, which would likely immediately create the conditions for a federal lawsuit under Section 2 of the Voting Rights Act – if such a condition does not already exist.

While well-intended, the paternalistic hand-picking of Black appointees to represent the interests of Black Columbus – playing a skin-color game -- is outmoded and insulting, and needs to stop. The clear solution used across the country is creating smaller council districts that ordinary citizens can afford to run in, including one or more majority-minority districts where minority voters can choose for themselves, *from candidates of any race*, who best can represent them. The Charter Review Committee will have to engage in contortions to avoid recommending the obvious fair and equitable answer, which is elections by council district.

Exhibit A: Listing of Councilmembers and Seats (1985 – 2016)

CITY COUNCIL SEATS (1985- Present)

This table illustrates the method by which members assumed office and their subsequent terms, since 1985.
No Black Democrat has initially won election since 1969.
One One Black Democrat (2 Blacks in all) have initially won their seat since the first Home Rule charter election in 1916.
Source: Columbus Dispatch on-line archives

Informal Name:		"Black Male" seat			"Black Female" Seat		
1985	M.D. Portman	Ben Espy	A-Cynthia Cecil L	John Maloney	Jerry Hammond	Charles Mente	Arlene Shoema
1986							
1987					Hammond		Shoemaker
1988				Died			
1989	Portman	Espy	Cecil/Lazarus	A-Tom Kaplin		A - J.Kennedy	
1990							
1991				J. Bradley	A-Les Wright	Kennedy	Shoemaker
1992							
1993	Portman	A-Mike Coleman	Cecil/Lazarus				A-Habash
1994			A-Griffin				
1995			P.Fisher	Bradley	Wright	Kennedy	Habash
1996							
1997	A-Sensenbrenne	Coleman	O'Shaugnessy				
1998							
1999				Bradley	A-C. Tavares	A.- M. Mentel	Habash
2000		A- F. Ransier/A- K. Boyce					
2001	Sensenbrenner	Boyce	O'Shaugnessy				
2002							
2003				A-Patsy Thomas	Tavares	Mentel	Habash
2004	A- MJ Hudson						
2005	Hudson	Boyce	O'Shaugnessy	A. Ginther			A-Craig
2006							
2007	A-Tyson				Tavares	Mentel	Craig
2008							
2009	Tyson	A-Miller	A-Paley	Ginther			
2010							
2011					A- Mills	A-Klein	Craig
2012							
2013	Tyson	Miller	Paley	Ginther			
2014					A-F.Ryan		
2015		A-Hardin	A-M.Brown	A-Stinziano	L. Brown	Klein	A - J. Page
2016							

Key to Color Coding:
Won Seat at Election
Year of appointment (Black)
Year of appointment (White)
Continuing years of service (Black)
Continuing years of service (White)
A- Appointment

Exhibit B: Spreadsheet Showing Margins of Defeat (2011 – 2015)

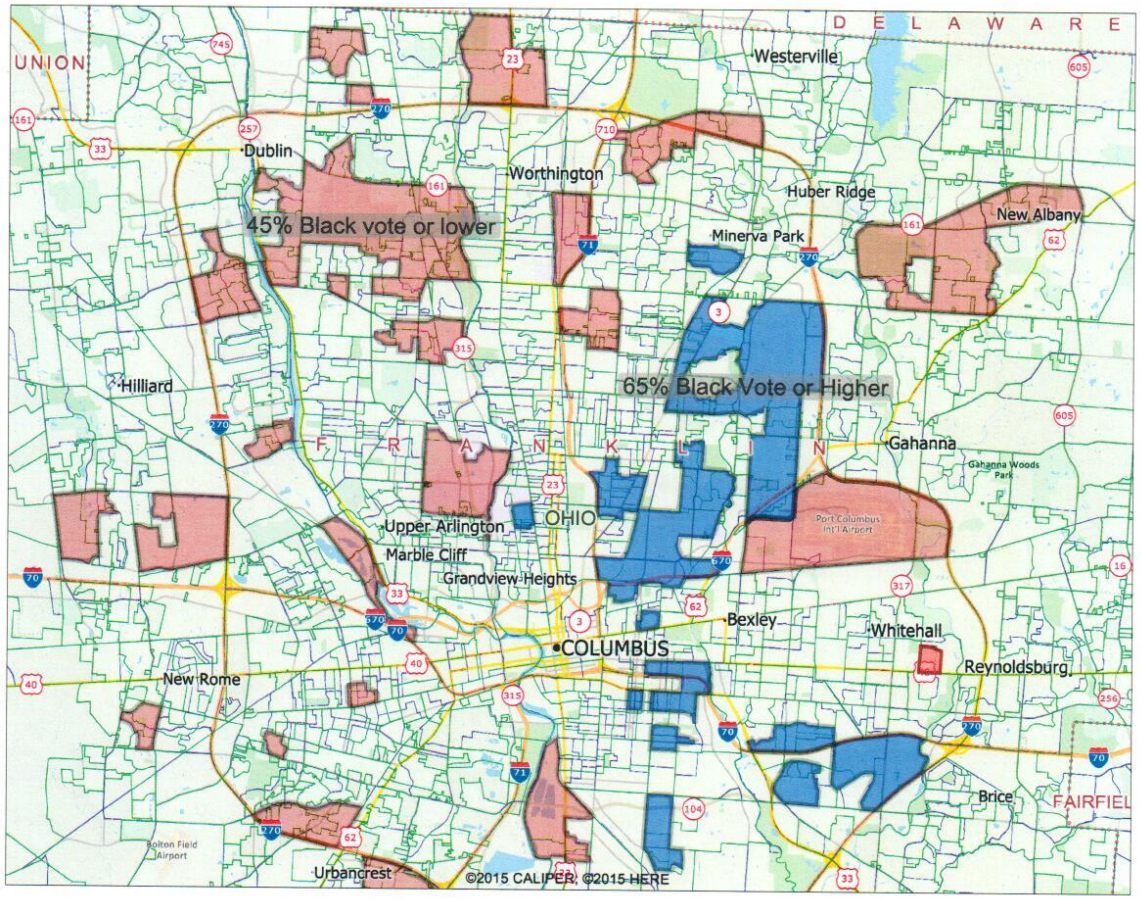
MARGINS OF VICTORY

			Vote Differential	Percent Loss		
2015 GENERAL ELECTION				Mayor-eligible voters		174,386
E. Brown	87,619	17.55%				50.2%
Z. Klein	90,716	18.18%				52.0%
J. Page	75,223	15.07%				43.1%
J. Rush	42,252	8.47%	32,971	178%		
B. Sharrah	26,029	5.22%	49,194	289%		
I. Sow	24,471	4.90%	50,752	307%		
D. Stanley	64,830	12.99%	10,393	116%		
M. Stinziano	87,048	17.44%				49.9%
Writein	924	0.19%				
	499,112	100%				
Net Undervotes	198,052		40% of votes cast			
S. Hardin	80,650	71.06%				
A. Wenk	32,839	28.94%	47,811	246%		46.2%
	113,489					
Net Undervotes	59,442		52% of votes			34%
2013 GENERAL ELECTION			**Estimated city voters**			**88,611**
					3	
B. Bainbridge	24,746	12.13%	18,596	175%		
G. Lawson	26,475	12.98%	16,867	164%		
A.T. Miller	43,342	21.25%				48.9%
E. Paley	44,245	21.69%				49.9%
N.Schneider	16,601	8.14%	26,741	261%		
P. Tyson	48,251	23.65%				54.5%
Write-In	324	0.16%	43,018			
	203,984	100.00%				
Net Undervotes	61,850		30% of votes			
Eligible Votes	265,834					
Positions	3					
Estimated No. Voters	88,611					
2011 GENERAL ELECTION				Mayor-eligible voters		191,320
r. Bridges	24,850	4.82%	49,306	150%		
H. Craig	74,156	14.37%				38.8%
M. Ferris	57,952	11.23%	16,204	458%		
A Gnither	88,887	17.22%				46.5%
D. Hennessy	55,513	10.76%	18,643	398%		
Z. Klein	83,552	16.19%				43.7%
M. Millls	95,042	18.42%				49.7%
M. Noble	34,853	6.75%	39,303	189%		
Write in	1,284	0.25%				
	516,089	100.00%				
Net undervotes	243,421		47%			

9 of 12 winning candidates did not receive 1/2 the votes of eligible voters 2011-2015.

Lowest winner

Exhibit C: 2009 General Election Map Reflecting Racially Polarized Voting


DELAWARE
UNION
Westerville
Dublin
Worthington
Huber Ridge
New Albany
45% Black vote or lower
Minerva Park
65% Black Vote or Higher
Hilliard
FRANKLIN
Gahanna
Gahanna Woods Park
Upper Arlington
OHIO
Port Columbus Intl Airport
Marble Cliff
Grandview Heights
Bexley
Whitehall
COLUMBUS
Reynoldsburg
New Rome
Brice
FAIRFIEL
Bolton Field Airport
Urbancrest
©2015 CALIPER, ©2015 HERE

2009 Election Results Mapping by Race of Candidate and Racial Composition of Voting Precinct

Methodology

The attached map is derived from the precinct voting results in the November 9, 2009 General Election, downloaded from the Franklin County Board of Elections website. In that election, there were 3 Black candidates (Alicia Healy, Troy Miller, Priscilla Tyson), and 3 White candidates (Matt Ferris, Roseann Hicks, and Eileen Paley) which makes for a simple comparison. The votes were tallied in each precinct by race (i.e., the number of votes in each precinct for Black candidates and for White candidates) and the percentage of votes for Black and White candidates was calculated. This percentage tally was then segregated into poles to show the precincts where Black candidates received 65% of the vote or more (shown as blue in the map), and the precincts where Black candidates received 45% of the vote or less (shown in orange in the map). Those precincts were then matched to the underlying Census Block Groups, and the underlying racial composition of those voting precincts was calculated.

Results

The precincts where Black candidates received 65% of the vote or more had population that were 74% Black (total population of 58,819), and the precincts where Black candidates received 45% of the vote or less were 11% Black (total population of 98,876).

Summary Analysis

This crude, but simple, illustration points to a circumstance where Blacks preferred a certain set of candidates, and Whites another -- and through gross numbers the majority White vote could outstrip the Black electoral preference. This is an illustration of racially polarized voting in Columbus.

By definition and court rulings, Section 2 of the Voting Rights Act makes at large electoral schemes unlawful where there is a history of racially-polarized voting – particularly when the majority prevents the minority from electing candidates the minority prefers and there are sufficient numbers and geographical compactness of the minority to form a majority-minority district, as is clearly the case in Columbus. Exhibit G shows three potential council district formats (7, 11, and 13 districts with the underlying demographics showing two to three majority Black districts could easily be created in each).

One wonders whether the appointment process and Democratic Party promotion of Black candidates has been designed to thwart legal challenge – while it is certainly well-intended, it is not clear whether a court would find it lawful, or whether voters should find this type of party selection of Black candidates to be moral. By reference, Austin maintained its all at large city council by having the "Gentleman's Agreement" where the business community would not support a White candidate to run against a Black in on At Large seat and a White in another At Large seat. Columbus's system, which had informally-designated Black male and Black female seats in the 1990s) appears to be similar in execution.

While the attached analysis is likely not the type of analysis that a court would use to determine the lawfulness or unlawfulness of our at large voting scheme, it does indicate there may be a serious potential legal problem for the city.

Exhibit D: Columbus Primary Elections Since 1972 (including Gahanna and Reynoldsburg for the last 10 years)

COLUMBUS PRIMARY ELECTIONS (1969-2015)

	Columbus			Reynolds	Hilliard
1969	Y	1			
1971	Y	1			
1973	Y	1			
1975	Y	1			
1977	Y	1			
1979	N				
1981	Y	1			
1983	Y	1			
1985	N				
1987	N				
1989	N				
1991	N				
1993	Y	1			
1995	N				
1997	N			Y	Y
1999	N			Y	N
2001	Y	1		Y	Y
2003	Y	1		Y	Y
2005	Y	1		Y	Y
2007	Y	1		Y	Y
2009	N			Y	Y
2011	N			Y	Y
2013	Y	1		Y	Y
2015	Y	1		Y	Y
24		**14**			
		58%			

Exhibit E: Campaign Finance Spending (2009 – 2013)
with sample Campaign Finance Report – H. Craig 2011

COLUMBUS CITY COUNCIL 2013 ELECTIONS

Campaign Contributions

		Pre Primary	5 Day Primary	Post Primary	Pre General	5 Day General	Total Campaign	Campaign Percent	Total Challenger and Incumbents		In-Kind by Ginther
Schneider											
	Cash	$ 185.00	$ -	$ 500.00	$ 97.55	$ 200.00	$ 982.55	15%			
	In Kind	$ 1,200.00	$ 3,500.00	$ 127.50	$ 600.00	$ -	$ 5,427.50	85%			0
	Total						$ 6,410.05				
Bainbridge											
	Cash	$ 2,750.00	$ -	$ 900.00	$ 1,525.00	$ -	$ 5,175.00	99%			
	In Kind	$ 59.36	$ -	$ -	$ -	$ -	$ 59.36	1%			0
	Total						$ 5,234.36				
Lawson											
	Cash	$ 1,100.00	$ -	$ 650.00	$ 3,020.00	$ 100.00	$ 4,870.00	99%			
	In Kind	$ 64.05	$ -	$ -	$ -	$ -	$ 64.05	1%			0
	Total						$ 4,934.05				
Total Contributions for Challengers									***$ 16,578.46***	***4%***	
Tyson											
	Cash	$ 1,000.00	$ -	$ 2,500.00	$ 26,999.99	$ 2,650.00	$ 33,149.99	28%			
	In Kind	$ -	$ 24,632.38	$ -	$ 974.39	$ 58,751.58	$ 84,358.35	72%			$ 84,358.35
	Total						$ 117,508.34				
Miller											
	Cash	$ 500.00	$ -	$ 2,000.00	$ 5,925.00	$ 2,650.00	$ 11,075.00	10%			
	In Kind	$ 11,044.99	$ 24,632.38	$ -	$ 974.39	$ 58,751.58	$ 95,403.34	90%			$ 95,403.34
	Total						$ 106,478.34				
Paley											
	Cash	$ 26,845.00	$ 6,585.00	$ 1,740.00	$ 18,705.00	$ 2,975.00	$ 56,850.00	38%			
	In Kind	$ 11,044.99	$ 24,632.38			$ 58,751.58	$ 94,428.95	62%			$ 94,428.95
	Total						$ 151,278.95				
Total Contributions for Incumbents									***$ 375,265.63***	***96%***	$ 274,190.64
Total Election Cycle Contributions							**$ 391,844.09**		**$ 391,844.09**		**70%**
											73%
											$ 0.78

Source: *Campaign Finance Reports on file with the Franklin County Board of Elections as of November 11, 2013.*

COLUMBUS CITY COUNCIL 2011 ELECTIONS

Campaign Contributions

		Pre General	5 Day General	Post General	Total Campaign	Campaign Percent	Total Challenger and Incumbents		In-Kind by Ginther	
Mills										
	Cash	$ 30,449.55	$ 6,435.00	$ 1,120.00	$ 38,004.55	25%				
	In Kind	$ 113,676.11	$ 3,247.90	$ -	$ 116,924.01	75%			$ 111,569.41	72%
	Total				$ 154,928.56					
Craig										
	Cash	$ 5,300.00	$ 5,965.00	$ 1,775.00	$ 13,040.00	10%				
	In Kind	$ 112,386.75	$ 3,247.90	$ -	$ 115,634.65	90%			$ 108,321.51	84%
	Total				$ 128,674.65					
Klein										
	Cash	$ 15,095.00	$ 4,640.00	$ 8,700.00	$ 28,435.00	15%				
	In Kind	$ 136,823.77	$ 3,247.90	$ 22,894.58	$ 162,966.25	85%			$ 108,321.51	57%
	Total				$ 191,401.25					
Ginther										
	Cash	$ 187,547.00	$ 58,667.22	$ 32,500.00	$ 278,714.22	98%				
	In Kind	$ 4,065.24	$ -	$ 226.95	$ 4,292.19	2%			$ -	
	Total				$ 283,006.41					
Total Contributions for Incumbents							***$ 758,010.87***	***73%***	$ 611,218.84	59%
										81%
Ferris										
	Cash	$ 30,449.55	$ 14,950.00	$ 1,120.00	$ 46,519.55	28%				
	In Kind	$ 113,676.11	$ 3,247.90	$ -	$ 116,924.01	72%			$ -	
	Total				$ 163,443.56					
A. Healy										
	Cash	$ -	$ -	$ -	$ -	#DIV/0!				
	In Kind	$ -	$ -	$ -	$ -	#DIV/0!			$ -	
	Total				$ -					
J. Healy										
	Cash	$ -	$ -	$ -	$ -	#DIV/0!				
	In Kind	$ -	$ -	$ -	$ -	#DIV/0!			$ -	
	Total				$ -					
Hennessey										
	Cash	$ 53,185.50	$ 5,720.00	$ 46,870.00	$ 105,775.50	95%				
	In Kind	$ 5,000.00	$ -	$ 750.00	$ 5,750.00	5%			$ -	
	Total				$ 111,525.50					
Total Contributions for Challengers							***$ 274,969.06***	***27%***		
Total Election Cycle Contributions					**$ 526,677.21**		**$ 1,032,979.93**		**0%**	

All Ginther Spendir Total

2011	$ 611,218.84	$ 1,032,979.93	59%
2013	$ 274,190.64	$ 391,844.09	70%
	$ 885,409.48	$ 1,424,824.02	
	62%		

Total Ginther In-kind to incumbents		Total Other Incumbents	
2011	$ 328,212.43	$ 155,607.80	
2013	$ 274,190.64	$ 101,074.99	
	$ 602,403.07	$ 256,682.79	$ 859,085.86
	$ 278,714.22		
	$ 1,483,520.36		

COLUMBUS CITY COUNCIL 2009 ELECTIONS

Campaign Contributions

			Pre General	Pre General	5 Day General	Post General	Total Campaign	Campaign Percent	Total Challenger and Incumbents		In-Kind by FCDP	In-Kind by OHDP
Tyson												
	Cash	$ -	$ 23,157.82	$ 5,250.00	$ 23,157.82	$ 2,300.00	$ 53,865.64	36%				
	In Kind	$ -	$ 30,335.67	$ 27,986.65	$ 34,102.33	$ 5,208.68	$ 97,633.33	64%			$ 86,674.67	
	Total						$ 151,498.97					
Miller												
	Cash	$ -	$ -	$ 18,389.92	$ 150.00	$ 2,350.00	$ 20,889.92	34%				
	In Kind	$ -	$ -	$ 34,896.96	$ -	$ 5,208.67	$ 40,105.63	66%			$ 33,631.96	
	Total						$ 60,995.55					
Paley												
	Cash	$ -	$ -	$ 23,878.32	$ -	$ 3,025.00	$ 26,903.32	27%				
	In Kind	$ -	$ -	$ 40,835.32		$ 32,283.99	$ 73,119.31	73%			$ 44,422.09	$ 25,955.34
	Total						$ 100,022.63					
Total Contributions for Incumbents							*$ 312,517.15*				$ 164,728.72	$ 25,955.34
											53%	8%

30-A
R.C. 3517.10

FOR PAPER FILING ONLY

Ohio Campaign Finance Report

Prescribed by Secretary of State 3/05

FILED
11 OCT 27 PM 3:27
FRANKLIN COUNTY
BOARD OF ELECTIONS

Full Name of Committee: Hearcel Craig for Council Committee	Registration Number:
Full Name of Candidate: Hearcel Craig	
Street Address: 550 E Walnut St	Office Sought: City Council / District: Columbus
City: Columbus	State: OH / Zip Code: 43215

Type of Report (place X to the left of report type)										
		Pre-Primary		Post-Primary	X	Pre-General		Post-General		Annual Year
		July Monthly		August Monthly		September Monthly		Termination		Semiannual

Amended Report?	Report Electronically filed?	Date of Election	M	D	Y
☐ Yes ☑ No	☐ Yes ☑ No		11	08	11

For candidates only, during an election year: if total contributions and expenditures each total $500 or less during the combined pre- and post-periods at one election, check box. No other forms are required at a post-primary or post-general period, if above statement applies. See R.C. 3517.10(H) for details.

1. Amount brought forward from last report	$ 35,359.42
2. Total monetary contributions (From Form No. 31-A)	$ 5,300.00
3. Total other income (From Form No. 31-A-2)	$ 0.00
4. Total funds available (sum of lines 1, 2, 3)	$ 40,659.42
5. Total monetary expenditures (From Form No. 31-B)	$ 24,344.88
6. Balance on hand (line 4 minus line 5)	$ 16,314.54
7. Value of in-kind contributions received (From Form No. 31-J-1)	$ 112,386.75
8. Value of in-kind contributions made (From Form No. 31-J-2)	$
9. Outstanding loans owed by committee (From Form No. 31-G)	$
10. Outstanding debts owed by committee (From Form No. 31-N)	$
11. Outstanding loans owed to committee (From Form No. 31-K)	$
12. Value of independent expenditures made (From Form No. 31-U)	$
13. For Electronic Filing Entities only: Sum of lines 2, 7 and amount of any new loans received this period	$

THE INFORMATION CONTAINED IN THIS REPORT IS MADE UNDER THE PENALTY OF ELECTION FALSIFICATION. WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

Donald J. McTigue
Print Name and Title (Treasurer and Deputy Treasurer only)

Signature

10/26/2011
Date

Contribution pages	Expenditure pages	Other pages	Total pages
			0

FIRST NAME	MIDDLE NAME	LAST NAME	SUFFIX	CONTRIBUTING ENTITY	PAC REGISTRATION NUMBER	ADDRESS	CITY	STATE	ZIP	EMPLOYER OCCUPATION OR LABOR ORGANIZATION	FORM OF CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT	EVENT DATE	SCHEDULE CODE
Andrew	M	Rumpke				29 Keswick Dr	New Albany	OH	43054	Rumkpe Consolidated Companies/Regional Vice President	Check	08/19/2011	$1,000.00		31A
Kathy	D	Espy				1350 Brookwood Pl	Columbus	OH	43209	Mt. Carmel College of Nursing/Dir of Diversity & Community Initiatives	Check	08/23/2011	$200.00		31A
				Friends of Rick Pfeifer Committee		4619 Snowy Meadow Dr	Grove City	OH	43123	N/A	Check	08/26/2011	$500.00		31A
Bill	R	Hedrick				535 West First Ave	Columbus	OH	43215	City of Columbus/Attorney	Check	08/31/2011	$50.00		31A
				JPMorgan Chase & Co PAC	C00128512	10 S. Dearbord Street	Chicago	IL	60603	N/A	Check	09/08/2011	$1,000.00		31A
Karen	S	Foley				4898 Sharon Ave	Columbus	OH	43214	None/Retired	Check	09/14/2011	$125.00		31A
				Stonewall Democrats of Central Ohio		PO Box 10814	Columbus	OH	43201	N/A	Check	10/11/2011	$150.00		31A
				Vorys Sater Seymour & Pease Advocate for Effective Public Admin	OH109	52 E Gay St, PO Box 1008	Columbus	OH	43215	N/A	Check	10/18/2011	$1,000.00		31A
James	E.	Yates				6827 Carrousel Dr	Reynoldsburg	OH	43068	None/Retired	Check	10/21/2011	$50.00		31A
Jacinto	W	Beard				234 Springbrook Dr	Gahanna	OH	43230	Jacinto Beard/Dentist	Check	10/21/2011	$150.00		31A
Amy		Eaton				788 Bleosoe Dr	Galloway	OH	43119	City of Columbus/Admin	Check	10/21/2011	$25.00		31A
Byron	L.	Potts				5770 Middlebury Dr.	Hilliard	OH	43026	Byron L Potts & Co/Attorney	Check	10/21/2011	$200.00		31A
Alfred	D	Fernandez				3489 Hunting Brook Dr, Apt 201	Columbus	OH	43231	Her, Inc/Realtor	Check	10/21/2011	$25.00		31A
Alvin		Pelt				8043 Storrow Dr	Westerville	OH	43081	Alvin Pelt/Physician	Check	10/21/2011	$25.00		31A
Jacinto	W	Beard				4536 Karl Rd	Columbus	OH	43224	Jacinto Beard/Dentist	Check	10/21/2011	$50.00		31A
Michael	E.	Samuels				3157 Genevieve Dr	Columbus	OH	43219	Culbreath & Assoc/Attorney	Check	10/21/2011	$25.00		31A
Wilbert		Jones				5606 Flintlock Lane	Columbus	OH	43213	None/Retired	Check	10/21/2011	$25.00		31A
James	H.	Sangster				410 Riley Ave	Worthington	OH	43085	None/Retired	Check	10/21/2011	$25.00		31A
John	P.	Cockrell				6404 Sharon Woods Blvd	Columbus	OH	43229	None/Retired	Check	10/21/2011	$50.00		31A
Anthony	F.	Forte				5127 Upland Meadow Dr	Canal Winchester	OH	43110	Franklin Co. Commission/Director	Check	10/21/2011	$50.00		31A
Vodrick	L.	Perry				8253 Rodebaugh Rd	Reynoldsburg	OH	43068	River's Crossing Home Health LLC/Principal	Check	10/21/2011	$300.00		31A
Scotty		McKinnie				9147 Ellersly Dr	Lewis Center	OH	43035	Huntington/VP	Cash	10/12/2011	$25.00		31A
James		Yates				6827 Carrousel Dr	Reynoldsburg	OH	43068	None/Retired	Cash	10/14/2011	$50.00		31A
John		Wilson				4575 Northtowne Blvd	Columbus	OH	43229	None/Retired	Cash	10/12/2011	$25.00		31A
Byron	L.	Potts				5770 Middlebury Dr.	Hilliard	OH	43026	Byron L Potts & Co/Attorney	Cash	10/21/2011	$10.00		31A
Rahman		Shavers				720 Wilke Place	Columbus	OH	43230	Northwestern Mutual/Financial Rep	Cash	10/12/2011	$40.00		31A
Nathaniel		Jordan	II			1634 E Main St	Columbus	OH	43205	AFT Development/Owner	Cash	10/14/2011	$25.00		31A
Bruce		Howell				375 E 5th Ave	Columbus	OH	43201	Clark Grave Vault/IT Manager	Cash	10/14/2011	$25.00		31A
Dwayne		Robinson				2772 Salem Hills Ct	Pickerington	OH	43147	All-Star DJ Service/Owner	Cash	10/12/2011	$25.00		31A
Kevin		Williams				34 Miami Ave	Columbus	OH	43203	ZZZ Maintenance Services/President	Cash	10/14/2011	$25.00		31A
Jeffrey		Williams				34 Miami Ave	Columbus	OH	43203	ZZZ Maintenance Services/Project Manager	Cash	10/14/2011	$25.00		31A
													$5,300.00		

FIRST NAME	MIDDLE INITIAL	LAST NAME	SUFFIX	BUSINESS	ADDRESS	CITY	STATE	ZIP	DATE OF EXPENDITURE	AMOUNT	PURPOSE	ITEM NUMBER	EVENT DATE	SCHEDULE CODE
				McTigue & McGinnis, LLC	545 E Town Street	Columbus	OH	43215	08/08/2011	$300.00	Legal Services	1254		31B
Hearcel		Craig			5944 Shana Dr	Columbus	OH	43232	08/09/2011	$82.39	Telephone Reimbursement	1255		31B
Hearcel		Craig			5944 Shana Dr	Columbus	OH	43232	08/09/2011	$89.33	Telephone Reimbursement	1256		31B
				McTigue & McGinnis, LLC	545 E Town Street	Columbus	OH	43215	08/12/2011	$300.00	Legal Services	1257		31B
Hearcel		Craig			5944 Shana Dr	Columbus	OH	43232	08/23/2011	$85.98	Telephone Reimbursement	1258		31B
Hearcel		Craig			5944 Shana Dr	Columbus	OH	43232	08/23/2011	$26.99	Parking and Event Food	1259		31B
				Franklin County Democratic Party	340 East Fulton Street	Columbus	OH	43215	08/26/2011	$500.00	Assessment Fee	1260		31B
				Friends for Ginther	545 E Town Street	Columbus	OH	43215	09/06/2011	$20,000.00	Contribution	1261		31B
				McTigue & McGinnis, LLC	545 E Town Street	Columbus	OH	43215	09/13/2011	$300.00	Legal Services	1262		31B
Hearcel		Craig			5944 Shana Dr	Columbus	OH	43232	09/19/2011	$86.29	Telephone Reimbursement	1263		31B
Hearcel		Craig			5944 Shana Dr	Columbus	OH	43232	09/19/2011	$20.00	Parking	1264		31B
				Central Community House	1150 E Main Street	Columbus	OH	43205	09/22/2011	$50.00	Event Tickets	1265		31B
				Melissa Rady Design	1282 Bluff Ave	Columbus	OH	43212	09/28/2011	$35.00	Graphic Design	1266		31B
				PCS Marketing Group, LLC	2534 Commerce Blvd	Cincinnati	OH	45241	10/06/2011	$2,193.90	Printing	1267		31B
				Ohio Legislative Black Caucus	340 East Fulton Street	Columbus	OH	43215	10/07/2011	$125.00	Event Tickets	1268		31B
				Fire & Focus Scholarship Fund	1590 N High St, #400	Columbus	OH	43201	10/10/2011	$150.00	Event Tickets	1270		31B
										$24,344.88				

FIRST NAME	MIDDLE NAME	LAST NAME	SUFFIX	CONTRIBUTING ENTITY	PAC REGISTRATION NUMBER	ADDRESS	CITY	STATE	ZIP	EMPLOYER OCCUPATION OR LABOR ORGANIZATION	FORM OF CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT	INKIND DESCRIPTION	SCHEDULE CODE
				Franklin County Democratic Party		340 E Fulton St	Columbus	OH	43215	N/A		07/12/2011	$497.46	Photo for Mailer	31J1
				Franklin County Democratic Party		340 E Fulton St	Columbus	OH	43215	N/A		09/30/2011	$3,567.78	Mail Piece	31J1
				Friends for Ginther		545 E Town St	Columbus	OH	43215	N/A		09/09/2011	$75.00	Ad	31J1
				Friends for Ginther		545 E Town St	Columbus	OH	43215	N/A		10/11/2011	$1,450.00	Consulting	31J1
				Friends for Ginther		545 E Town St	Columbus	OH	43215	N/A		10/17/2011	$2,500.00	Consulting	31J1
				Friends for Ginther		545 E Town St	Columbus	OH	43215	N/A		10/19/2011	$104,296.51	Media Buy	31J1
													$112,386.75		

Exhibit F: Dispatch Article about Black Male Seat for K. Boyce and importance of party loyalty and fundraising capacity in selection

Access World News (New Search)

Provided by LibrariesConnectOhio.org

Return to Results Add to My Collection Print Save as PDF Email Export Cite Previous Article 8 of 31 Next

COUNCIL SEAT WARMED UP FOR BOYCE - APPARENT FRONT-RUNNER

Hide Details

Columbus Dispatch, The (OH) - August 24, 2000 Browse Issues
Author/Byline: Mark Ferenchik; Dispatch **City** Hall Reporter **Edition:** Home Final **Section:** NEWS **Page:** 01C
Readability: 11-12 grade level (Lexile: 1230)

Kevin L. Boyce, the chief of staff of the Democratic caucus in the Ohio House of Representatives, apparently has the inside track to fill a soon-to-be vacant seat on the Columbus **City Council**, say sources in **City** Hall.

Boyce, a 28-year-old who said he'd help draw younger voters to Democratic **council** tickets, is one of five candidates interviewed yesterday by **council** Democrats.

The Democrats' selection is expected to be announced today, with a vote by the full **council** Sept. 11.

The candidates are vying for the job of **council** member Frederick L. **Ransier III**, who has announced he'll leave the post when a replacement is found.

Boyce appears to have several things in his favor, not the least of which are his work for the party at the state and local level, his fund- raising capabilities and his Democratic voting record. The person chosen will run for election in 2001.

Boyce's prime competition appears to be Warren W. Tyler, 56, a politically connected businessman who leads Mayor Michael B. Coleman's Housing Task Force and was commerce director under former Gov. Richard F. Celeste. But Tyler's voting record as an independent works against him, sources say, even though he has raised money for Celeste and contributed to Democrats on the **council**.

" 'Can you campaign and raise money?' " Tyler said he was asked. "I've never tried to raise money for myself."

The others interviewed were Jerry Saunders, president of the Columbus Recreation and Parks Commission; **Fred** K. Parker, president of the Columbus chapter of the National Association for the Advancement of Colored People; and Hearcel F. Craig, director of the AmeriCorps Community Safety Program within the Columbus Housing Partnership.

Council President Matt Habash would not say who has the inside track but said all five candidates had good interviews.

Democratic councilman Michael C. Mentel said he was undecided.

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"It's a strong group of individuals with a strong passion to lead the **city**," he said.

Asked if voting records would play a part in his decision, Mentel said, "I'm looking at who the best people are."

Habash planned to speak individually last night with Mentel, as well as Democratic **council** members Maryellen O'Shaughnessy, Charleta B. Tavares and Richard W. Sensenbrenner, to see where they stand before announcing a decision today.

Twenty-one people had applied for **Ransier**'s position. The application of one of those candidates -- a woman who was

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All five finalists are black. Traditionally, the seat held by **Ransier** has been held by a black man, and **council** Democrats in past years have chosen appointments to fit certain demographics.

Boyce was Tavares' campaign manager when she ran for Ohio secretary of state in 1998. He also was the primary fund-raiser for the Ohio Legislative Black Caucus, for which he served as executive director from 1997 to 1999.

Saunders, 47, said he would work to bring various elements of the community together, specifically to improve the lives of children.

"Educating a child is more than just the schools," said Saunders, who said he is committed to the Democratic Party and working to clear what he said is an erroneous voting record that shows him as a Reform Party member.

Craig, 51, the former executive director of the Hilltop Civic **Council** who said he was encouraged by **City** Auditor Hugh Dorrian to run, said he would work to expand affordable housing and development -- especially in the central **city**. He also said he would propose initiatives to social-service agencies to provide academic-enrichment programs for students.

Parker, 44, said he wants to help the **council** forge better relations between the community and police.

Parker acknowledged his past activism and participation in protests against the police department.

"It's a risk," Parker said, but added, "The greater community understands my activism and the need for it."

Tyler said his diverse background would help him in the job. He is president of Warmarr Capital in Columbus. He also has been vice president of a bank, chairman of the Columbus Urban Growth Corp. and a commissioner of the Columbus Metropolitan Housing Authority.

Democrats chose **Ransier** over Boyce and Parker in December to replace Coleman on the **council** when he got the mayoral nod.

Of the **council**'s Democrats, only O'Shaughnessy, who was elected to the **council** in 1997, was not appointed. Sensenbrenner was appointed in 1996 and retained his seat in the 1997 election. Tavares and Mentel were appointed in 1999 and won elections that year. Habash was appointed in 1993 and won elections in 1995 and 1999.

Council Democrats have traditionally met in private to appoint members. After The Dispatch challenged them to open yesterday's meeting to the public, Habash considered dividing the interviews, with three **council** members interviewing each candidate, then two members interviewing the same candidate, to avoid a quorum. The **council** has seven members.

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their choices.

So it was decided that all five **council** Democrats would interview each candidate together.

Melinda Swan, the **council**'s chief of staff, said **council** members were concerned about discussing candidates in a public forum. "There's always a delicate balance between public discussion and privacy rights."

Caption: Photo(1) Kevin L. Boyce, 28, says he would appeal to younger voters. (2) Warren W. Tyler, 56, says his diverse background is a positive.

Index terms: ELECTION **Record:** 0008240176 **Copyright:** THE COLUMBUS DISPATCH Copyright (c) 2000 The Dispatch Printing Co.

Return to Results Previous Article 8 of 31 Next

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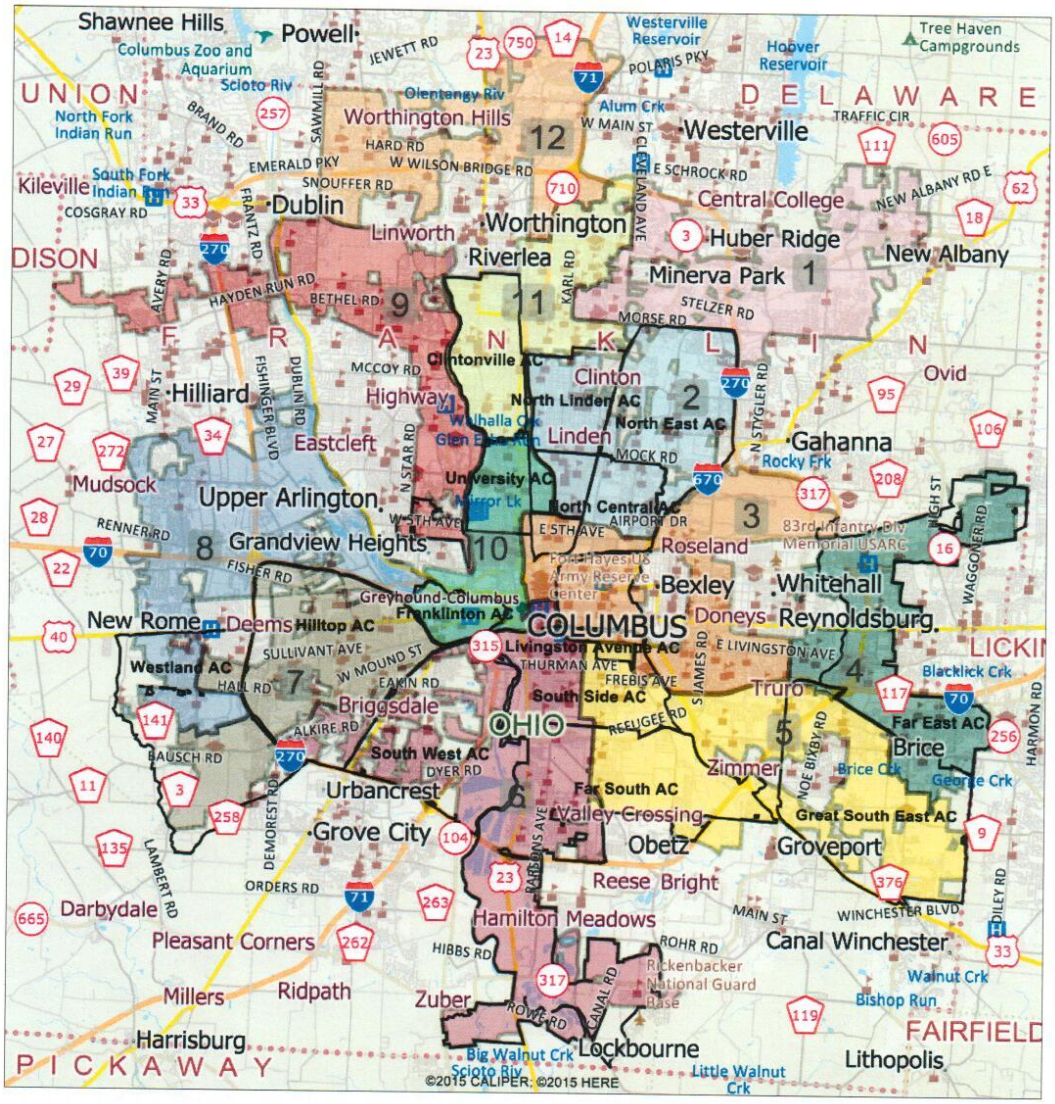
Exhibit G: Maps of Potential Council Districts Showing Majority Black Districts


Shawnee Hills
Powell
Columbus Zoo and Aquarium
Scioto Riv
UNION
North Fork Indian Run
BRAND RD
JEWETT RD
SAWMILL RD
Olentangy Riv
Worthington Hills
HARD RD
W WILSON BRIDGE RD
EMERALD PKY
SNOUFFER RD
South Fork Indian Run
Kileville
COSGRAY RD
Dublin
FRANTZ RD
DISON
AVERY RD
HAYDEN RUN RD
BETHEL RD
Linworth
Worthington
Riverlea
Westerville Reservoir
POLARIS PKY
Hoover Reservoir
Tree Haven Campgrounds
DELAWARE
Alum Crk
W MAIN ST
Westerville
TRAFFIC CIR
E SCHROCK RD
CLEVELAND AVE
Central College
NEW ALBANY RD E
Huber Ridge
New Albany
Minerva Park
KARL RD
STELZER RD
MORSE RD
FRANKLIN
Clintonville AC
Clinton
North Linden AC
North East AC
Linden
MOCK RD
N STYGLER RD
Ovid
Gahanna
Rocky Frk
Hilliard
MAIN ST
FISHINGER BLVD
DUBLIN RD
MCCOY RD
Highway
Eastcleft
N STAR RD
Walhalla Crk
Glen Echo Ath
University AC
Mirror Lk
North Central AC
AIRPORT DR
E 5TH AVE
Mudsock
Upper Arlington
W 5TH AVE
RENNER RD
Grandview Heights
FISHER RD
Roseland
Fort Hayes US Army Reserve Center
83rd Infantry Div Memorial USARC
HIGH ST
WAGGONER RD
Bexley
Whitehall
Greyhound-Columbus
Franklinton AC
New Rome
Deems
Hilltop AC
COLUMBUS
Doneys
Reynoldsburg
LICKIN
SULLIVANT AVE
W MOUND ST
Livingston Avenue AC
THURMAN AVE
E LIVINGSTON AVE
SAMES RD
Westland AC
HALL RD
EAKIN RD
FREBIS AVE
South Side AC
Truro
Blacklick Crk
Briggsdale
ALKIRE RD
OHIO
REELGEE RD
Far East AC
Brice
HARMON RD
BAUSCH RD
South West AC
DYER RD
Zimmer
NOE BIXBY RD
Brice Crk
George Crk
Urbancrest
Far South AC
Valley Crossing
Great South East AC
Grove City
DEMOREST RD
PARSONS AVE
Obetz
Groveport
LAMBERT RD
ORDERS RD
Reese Bright
DILEY RD
Darbydale
Hamilton Meadows
MAIN ST
WINCHESTER BLVD
Pleasant Corners
HIBBS RD
ROHR RD
Canal Winchester
Rickenbacker National Guard Base
Walnut Crk
Millers
Ridpath
Zuber
ROVER RD
CANAL RD
Bishop Run
FAIRFIELD
Harrisburg
PICKAWAY
Big Walnut Crk
Scioto Riv
Lockbourne
Little Walnut Crk
Lithopolis
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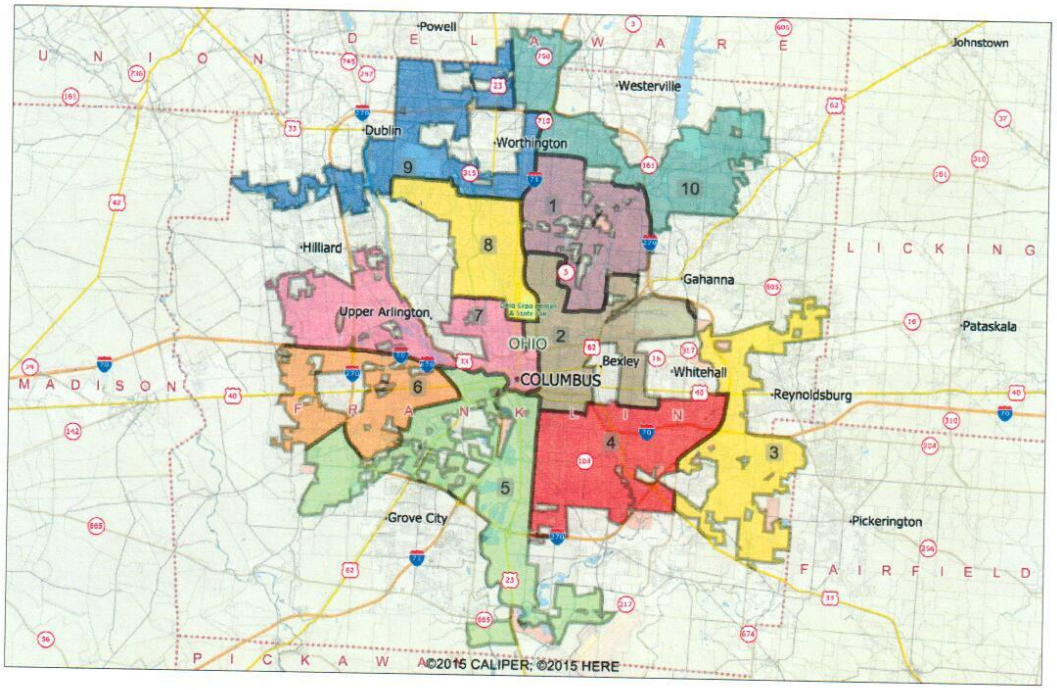
12 COLUMBUS CITY COUNCIL DISTRICTS
Demographics and Household Composition
Map B - October 8, 2016

Council District	Area Sq. Mi.	2010 Population	Mean District	2010_Age <5	2010_Age 5 to	2010_Age 10 to	2010_Age 15 to 17		2010 Pop. White	2010 Pop. Black	Percent Black	Am. Indian	Asian	Hawaiian	Other	Hispanic
1	18.1	66,677	65,584	1.7%	5504	4648	3996	2332	41,373	18,575	28%	157	2,871	47	1,401	3,470
2	17.0	65,885	65,584	0.5%	5675	5042	4681	2988	20,431	40,576	62%	156	972	70	1,382	2,609
3	19.5	62,530	65,584	-4.7%	5126	4374	4058	2539	16,984	40,393	65%	237	750	85	1,858	3,211
4	16.6	63,724	65,584	-2.8%	5613	4491	4017	2333	32,183	26,068	41%	142	1,347	25	1,587	3,338
5	26.5	64,150	65,584	-2.2%	5359	4959	4696	2945	23,835	34,906	54%	182	1,074	35	1,609	3,006
6	32.1	63,455	65,584	-3.2%	4707	4140	3923	2314	47,831	11,662	18%	194	927	18	807	1,974
7	16.6	68,471	65,584	4.4%	6306	5513	4904	2848	47,280	12,297	18%	292	1,473	100	4,181	6,739
8	22.7	68,138	65,584	3.9%	6220	5056	4128	2435	53,498	5,369	8%	149	3,520	53	3,548	5,893
9	18.7	66,243	65,584	1.0%	3809	2508	2292	1342	51,274	3,501	5%	121	7,974	16	1,501	3,312
10	8.7	64,159	65,584	-2.2%	2030	1214	951	633	51,920	5,915	9%	176	3,501	16	1,012	2,493
11	13.6	68,043	65,584	3.7%	4721	3777	3403	1970	46,951	14,971	22%	169	1,721	25	2,013	4,431
12	16.6	67,941	65,584	3.6%	5117	4589	4117	2528	51,930	6,355	9%	133	5,884	26	1,685	4,131
		789,416	787,008													


Powell
Johnstown
Westerville
Dublin
Worthington
Hilliard
Gahanna
Upper Arlington
Pataskala
Bexley
Whitehall
COLUMBUS
Reynoldsburg
Grove City
Pickerington
U N I O N
D E L A W A R E
L I C K I N G
M A D I S O N
F R A N K L I N
F A I R F I E L D
P I C K A W A
1
2
3
4
5
6
7
8
9
10
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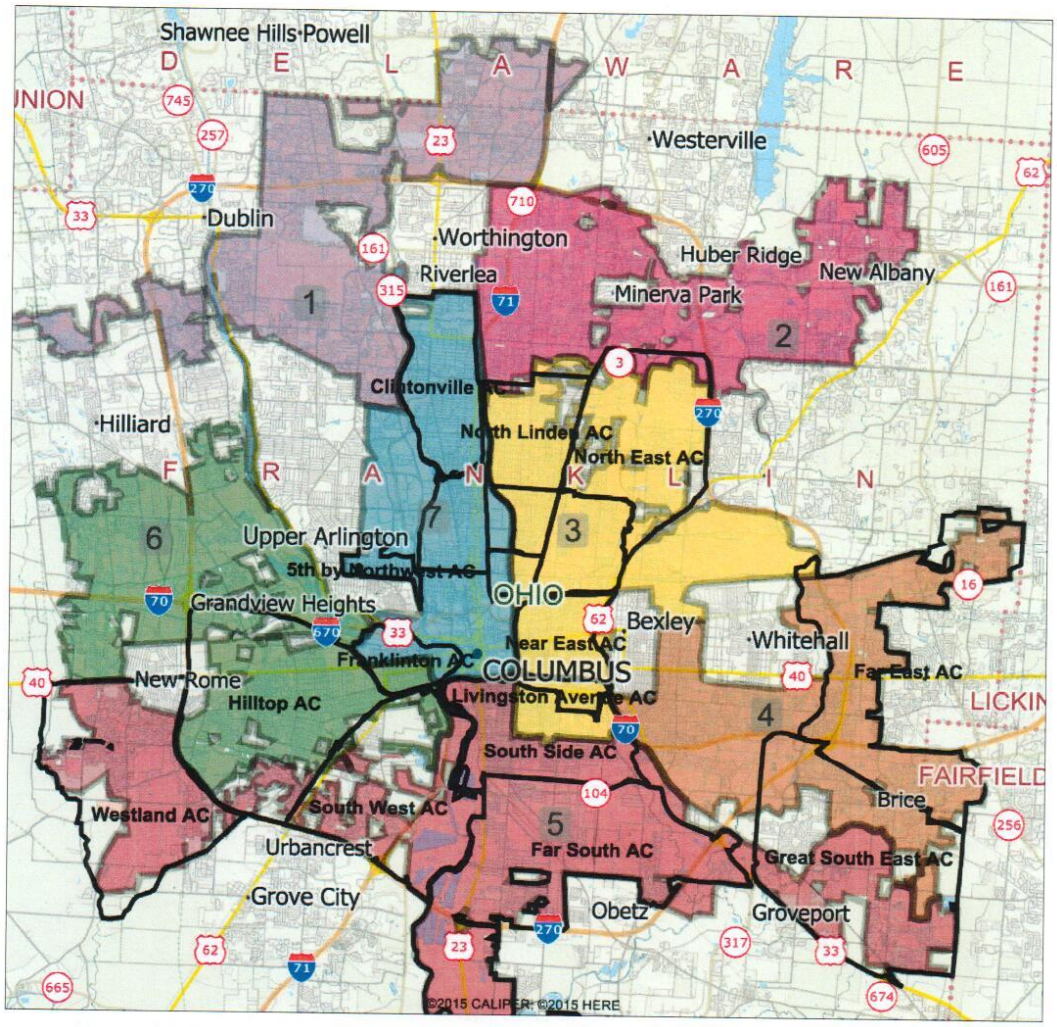
Columbus City Council Districts
10 District Demographics - B

District	Land Area Sq. Mi.	Population	White	Black	Percent Black	Am. Indian	Asian	Hawaiian
1	18.0	83,516	31,671	43,547	52%	238	2,150	57
2	21.2	75,411	21,381	48,527	64%	255	566	133
3	21.9	76,949	39,299	31,377	41%	157	1,594	27
4	25.7	77,089	31,059	39,666	51%	229	1,285	40
5	32.5	76,773	59,663	11,118	14%	307	1,345	30
6	15.8	70,788	48,919	11,555	16%	255	1,769	106
7	22.1	84,292	66,564	7,761	9%	175	5,519	39
8	14.5	78,315	65,858	3,209	4%	147	6,095	19
9	23.1	80,075	63,184	5,487	7%	150	6,970	26
10	24.8	87,127	59,634	17,540	20%	177	4,838	36
Totals	**219.6**	**790,335**	**487,232**	**219,787**		**2,090**	**32,131**	**513**


Shawnee Hills
Powell
DELAWARE
UNION
Westerville
Dublin
Worthington
Riverlea
Huber Ridge
New Albany
Minerva Park
1
2
Clintonville AC
North Linden AC
North East AC
Hilliard
FRANKLIN
6
7
3
Upper Arlington
5th by Northwest AC
OHIO
Grandview Heights
Bexley
Near East AC
Franklinton AC
COLUMBUS
Whitehall
Far East AC
New Rome
Hilltop AC
Livingston Avenue AC
4
LICKIN
South Side AC
FAIRFIELD
Brice
Westland AC
South West AC
5
Far South AC
Great South East AC
Urbancrest
Grove City
Obetz
Groveport
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7 COLUMBUS CITY COUNCIL DISTRICTS

Demographics and Household Composition

October 24, 2016

Council District	Area Sq. Mi.	2010 Population	Mean District	Percent Deviation	2010 Pop. White	2010 Pop. Black	Percent Black	Am. Indian	Asian	Hawaiian	Other
1	31.1	113,998	112,429	1.4%	90,089	6,636	5.8%	192	11,357	37	2,547
2	27.5	112,046	112,429	-0.3%	64,635	35,316	31.5%	304	3,996	70	3,649
3	30.6	111,914	112,429	-0.5%	31,219	72,245	64.6%	347	1,275	143	2,556
4	28.7	113,408	112,429	0.9%	46,703	57,020	50.3%	274	2,153	67	3,045
5	56.8	114,905	112,429	2.2%	81,004	23,033	20.0%	353	2,054	27	4,467
6	32.1	114,796	112,429	2.1%	84,675	16,265	14.2%	368	4,474	147	4,791
7	21.3	108,545	112,429	-3.5%	87,965	9,493	8.7%	262	6,734	24	1,459

Jonathan Beard: Public Comment

From: Jonathan Beard [mailto:jonbeard1964@gmail.com]
Sent: Friday, December 16, 2016 10:34 PM
To: Charter
Subject: Public comment

Please see attached and add to the record, thank you.

Attachment: History of Elections to Council 12-16-2016

REVISITING OUR NONCOMPETITIVE AT LARGE FIELD ELECTIONS

Jonathan C. Beard
December 15, 2016

Bryan Clark, the leader of the successful, but factually-challenged "One Columbus" campaign in opposition to Issue 1, gave a presentation about competitiveness of different electoral systems, ending with his conclusion that at large field elections (with multiple candidates, like Columbus's) are more competitive and he specifically stated the average winning margin was 5.2% over the past two election cycles.

Just like the Issue 1 campaign, Clark's presentation was partially accurate, and vastly misleading. The winning vote margins are smaller simply because of math – they reflect the smaller percentages of votes as a percentage of all ballots cast for council (i.e., 3 or 4 ballots per voter), but the absolute vote margins may be identical.

In theory, in a head-to-head race, the winning candidate would receive 50% of the vote, plus one. In a field race for four seats where there are eight candidates and every voter gets four votes, a winning margin could be one vote more than 12.5% of the total votes cast.

In the 2015 election, Zach Klein received 18.18%of the vote, Liz Brown 17,55%, Mike Stinziano 17,44%, and Jaiza Page 15.07%. Dimitrous Stanley received 12.99%, John Rush 8.47%, Besmira Sarrah 5.22% and Ibrahima Sow 4.9%. While it may be tempting to claim that the margins of victory were small: that is, that the margin between lowest vote getting winner (Jaiza Page) and the top vote getting losing candidate (Dimitrious Stanley is 3.8% (i.e., 15.07% – 12.99 %), and on down the line to the Page – Sow difference of 10.17% (her 15.07% share of the total vote to his 4.9%), that is an inaccurate and misleading analysis.

In reality the difference between Page and Stanley was 10,393 votes (her 75,223 votes to his 64,830 votes), which is a 16% margin of victory (i.e., equivalent to a 58% – 42% vote, which would not be deemed competitive in a head-to-head race). And on down the line, in fact the margin of victory of councilwoman Page over the challengers) were as follows:

- Page beat Dimitrious Stanley by 16% (75,223/64,830)
- Page beat John Rush by 78% (75,223/42,252)
- Page beat Besa Sharrah by 289% (75,223/26,029)
- Page beat Ibrahima Sow by 307% (75,223/24,471.

And the margins between winning and losing are even bigger when the higher vote getting winners are put into the mix. Also as shown in the Exhibit A spreadsheet, in the 2013 election, the margins of victory ranged from 164% to 261%, and in 2011, the margins of victory ranged from 128% to 298%. They are nowhere near the 5.2% cited by Clark in his presentation. In short, far from what was claimed in Mr.Clark's presentation – where the margins for at large field elections were apparently described as percentages of the total vote – Columbus elections are non-competitive, blowout elections where most of the losing candidates are nowhere close to gaining a seat.

UNDERVOTING IN COLUMBUS AT LARGE ELECTIONS

(See Exhibit A spreadsheet and Board of Election vote tallies)

Perhaps the biggest question about the at large field elections is the number and percentage of people who cast a Columbus ballot, but do not vote for all councilmembers - "undervotes."

In the 2015 General Election, the number of net undervotes (198,052) was 40% of the number of votes cast for the candidates (499,112) in the 8 person field race, and the number of net undervotes (59,442) was 52% of all votes cast (113,489) in the head-to-head race for the unexpired term. The number of undervotes (198,052) received more than the number of votes of the leading candidate (Zach Klein, with 90,716) – meaning more people chose no one, than chose any one of the vote-getting candidates. Because of this, only two winning candidates received votes from more than 50%of the voters (Zach Klein – 52% and Elizabeth Brown 50.2%). The other two winning candidates received less than 50% of the voters' votes (Jaiza Page - 43.1% and Michael Stinziano - 49.9%).

In the 2013 General Election there were 61,850 undervoes and 203,984 votes cast for the six candidates (30%), and in the 2011 General Election there were 243,421 net undervotes and 516,089 votes cast for the 8 candidates on the ballot. Just one of the three winning candidates (Priscilla Tyson) got more than 50% of voters to push a button for her, as Eileen Paley got 49.9% and Troy Miller got 48.9%)

In the 2011 election where undervotes were 47% of the number of votes cast for council candidates, not a single elected council member received the votes of more than half the voters (Michelle Mills – 49.7%, Andrew Ginther – 46.5%, Zach Klein – 43.7%, and Hearcel Craig – 38.8%).

<u>So why is there such a high amount of undervoting when everybody's name is on the screen?</u>

Our voting screens show each candidate's name and voters skip past them and do not push the button. In our citywide elections, where there is no reason to believe voters know the candidates, ot is reasonable to believe that a fair number of voters don't know anything about the candidates in these citywide elections and simply don't vote for people they don't know.

Many voters will vote the party slate card without any knowledge of candidates – indeed, that is what each of the political parties bank on – and it is quite likely that many people simply vote the party slate (endorsement) card simply presuming they know something about the candidate based on the national brand of the endorsing party.

If that is so, what is the point of having at large field elections where so many voters don't know enough about who is on the ballot to cast a vote for them? The rationale of being able to vote for everyone who can impose a tax on each voter is interesting, but the reality is that many people don't know enough about the candidates to feel comfortable casting votes, and the majority of those elected are elected without a majority in a situation where securing a majority for election should mathematically be the norm.

MARGINS OF VICTORY

			Vote Differential	Percent Loss		
2015 GENERAL ELECTION				Mayor-eligible voters		174,386
E. Brown	87,619	17.55%				50.2%
Z. Klein	90,716	18.18%				52.0%
J. Page	75,223	15.07%				43.1%
J. Rush	42,252	8.47%	32,971	178%		
B. Sharrah	26,029	5.22%	49,194	289%		
I. Sow	24,471	4.90%	50,752	307%		
D. Stanley	64,830	12.99%	10,393	116%		
M. Stinziano	87,048	17.44%				49.9%
Writein	924	0.19%				
	499,112	100%				
Net Undervotes	198,052		40% of votes cast			
S. Hardin	80,650	71.06%				
A. Wenk	32,839	28.94%	47,811	246%		46.2%
	113,489					
Net Undervotes	59,442		52% of votes			34%
2013 GENERAL ELECTION			**Estimated city voters**			**88,611**
					3	
B. Bainbridge	24,746	12.13%	18,596	175%		
G. Lawson	26,475	12.98%	16,867	164%		
A.T. Miller	43,342	21.25%				48.9%
E. Paley	44,245	21.69%				49.9%
N.Schneider	16,601	8.14%	26,741	261%		
P. Tyson	48,251	23.65%				54.5%
Write-In	324	0.16%	43,018			
	203,984	100.00%				
Net Undervotes	61,850		30% of votes			
Eligible Votes	265,834					
Positions	3					
Estimated No. Voters	88,611					
2011 GENERAL ELECTION				Mayor-eligible voters		191,320
r. Bridges	24,850	4.82%	49,306	150%		
H. Craig	74,156	14.37%				38.8%
M. Ferris	57,952	11.23%	16,204	458%		
A Gnither	88,887	17.22%				46.5%
D. Hennessy	55,513	10.76%	18,643	398%		
Z. Klein	83,552	16.19%				43.7%
M. Millls	95,042	18.42%				49.7%
M. Noble	34,853	6.75%	39,303	189%		
Write in	1,284	0.25%				
	516,089	100.00%				
Net undervotes	243,421		47%			

9 of 12 winning candidates did not receive 1/2 the votes of eligible voters 2011-2015.

Lowest winner

For Judge of Municipal Court - FTC 1-5-2016
(Vote for not more than) 1
(WITH 1094 OF 1094 PRECINCTS COUNTED)

	VOTES	PERCENT
Cynthia Ebner	112,949	56.26
Carrie Glaeden	87,805	43.74
Over Votes	13	
Under Votes	104,488	

For Judge of Municipal Court - FTC 1-6-2016
(Vote for not more than) 1
(WITH 1094 OF 1094 PRECINCTS COUNTED)

	VOTES	PERCENT
Tony Paat	83,390	39.94
Eileen Paley	110,924	53.13
Eddie Pfau	14,456	6.92
Over Votes	24	
Under Votes	96,461	

For Judge of Municipal Court - FTC 1-7-2016
(Vote for not more than) 1
(WITH 1094 OF 1094 PRECINCTS COUNTED)

	VOTES	PERCENT
Jim O'Grady	160,510	100.00
Over Votes	0	
Under Votes	144,745	

For Judge of Municipal Court - FTC 1-9-2016
(Vote for not more than) 1
(WITH 1094 OF 1094 PRECINCTS COUNTED)

	VOTES	PERCENT
David Tyack	153,091	100.00
Over Votes	0	
Under Votes	152,164	

For Judge of Municipal Court - Environmental Division
FTC 1-8-2016
(Vote for not more than) 1
(WITH 1094 OF 1094 PRECINCTS COUNTED)

	VOTES	PERCENT
Dan Hawkins	138,478	100.00
Over Votes	0	
Under Votes	166,777	

For Judge of Municipal Court - UTE 1-1-2018
(Vote for not more than) 1
(WITH 1094 OF 1094 PRECINCTS COUNTED)

	VOTES	PERCENT
Sean McCarthy	96,967	48.53
Cindi Morehart	102,848	51.47
Over Votes	27	
Under Votes	105,413	

For Mayor - City of Bexley
(Vote for not more than) 1
(WITH 10 OF 10 PRECINCTS COUNTED)

	VOTES	PERCENT
Ben Kessler	4,005	100.00
Over Votes	0	
Under Votes	752	

For Member of Council - City of Bexley
(Vote for not more than) 4
(WITH 10 OF 10 PRECINCTS COUNTED)

	VOTES	PERCENT
Mary M. Gottesman	2,313	18.50
Steve Keyes	2,883	23.06
Tim Madison	3,180	25.43
Troy D. Markham	2,210	17.67
Ian Nickey	1,918	15.34
Over Votes	0	
Under Votes	6,524	

For Mayor - City of Canal Winchester
(Vote for not more than) 1
(WITH 6 OF 6 PRECINCTS COUNTED)

	VOTES	PERCENT
Mike Ebert	1,827	
Candidate Withdrawn		
Over Votes	0	
Under Votes	236	

For Member of Council - City of Canal Winchester
(Vote for not more than) 3
(WITH 6 OF 6 PRECINCTS COUNTED)

	VOTES	PERCENT
Bob Clark	1,039	21.20
Rick Deeds	930	18.98
Bruce Jarvis	1,012	20.65
Tim Waibel	888	18.12
Mike Walker	1,032	21.06
Over Votes	0	
Under Votes	2,158	

For Mayor - City of Columbus
(Vote for not more than) 1
(WITH 717 OF 717 PRECINCTS COUNTED)

	VOTES	PERCENT
Andrew J. Ginther	94,108	58.95
Zach Scott	63,877	40.01
WRITE IN	1,661	1.04
Over Votes	3	
Under Votes	14,740	

For Member of Council - City of Columbus
(Vote for not more than) 4
(WITH 717 OF 717 PRECINCTS COUNTED)

	VOTES	PERCENT
Elizabeth C. Brown	87,619	17.55
Zach Klein	90,716	18.18
Jaiza Page	75,223	15.07
John Rush	42,252	8.47
Besmira Sharrah	26,029	5.22
Ibrahima Sow	24,471	4.90
Dimitrious Stanley	64,830	12.99
Michael Stinziano	87,048	17.44
WRITE IN	924	.19
Over Votes	196	
Under Votes	198,248	

For Member of Council - City of Canal Winchester
Vote for not more than 4
(WITH 6 OF 6 PRECINCTS COUNTED)

	VOTES	PERCENT
Candidate Withdrawn	254	9.75
Will Bennett	518	19.88
Steve Donahue	636	24.41
Bobbie Mershon	543	20.84
Jim Wynkoop	655	25.13
Over Votes	0	
Under Votes	962	

For Auditor - City of Columbus
Vote for not more than 1
(WITH 698 OF 698 PRECINCTS COUNTED)

	VOTES	PERCENT
Hugh J. Dorrian	64,335	88.40
Igor Ternovsky	8,201	11.27
WRITE-IN	238	.33
Over Votes	1	
Under Votes	15,855	

For City Attorney - City of Columbus
Vote for not more than 1
(WITH 698 OF 698 PRECINCTS COUNTED)

	VOTES	PERCENT
Richard C. Pfeiffer, Jr.	66,270	99.58
WRITE-IN	280	.42
Over Votes	0	
Under Votes	22,080	

For Member of Council - City of Columbus
Vote for not more than 3
(WITH 698 OF 698 PRECINCTS COUNTED)

	VOTES	PERCENT
Brian Bainbridge	24,746	12.13
Greg Lawson	26,475	12.98
A. Troy Miller	43,342	21.25
Eileen Paley	44,245	21.69
Nick Schneider	16,601	8.14
Priscilla R. Tyson	48,251	23.65
WRITE-IN	326	.16
Over Votes	27	
Under Votes	61,877	

For Member of Council - City of Dublin - Ward 1
Vote for not more than 1
(WITH 8 OF 8 PRECINCTS COUNTED)

	VOTES	PERCENT
Christine L. Gawronski	344	29.38
Julie Hubler	270	23.06
Gregory S. Peterson	533	45.52
Candidate Withdrawn	24	2.05
Over Votes	1	
Under Votes	49	

For Member of Council - City of Dublin - Ward 2
Vote for not more than 1
(WITH 14 OF 14 PRECINCTS COUNTED)

	VOTES	PERCENT
Kari Hertel	488	46.39
Amy Salay	564	53.61
Over Votes	0	
Under Votes	50	

For Member of Council - City of Dublin - Ward 3
Vote for not more than 1
(WITH 3 OF 3 PRECINCTS COUNTED)

	VOTES	PERCENT
John G. Reiner	374	57.01
Kevin P. Walter	282	42.99
Over Votes	0	
Under Votes	47	

For Member of Council - City of Dublin - Ward 4
Vote for not more than 1
(WITH 6 OF 6 PRECINCTS COUNTED)

	VOTES	PERCENT
Kevin Cooper	137	13.60
JD Kaplan	374	37.14
Tim Lecklider	496	49.26
Over Votes	0	
Under Votes	23	

For Member of Council - City of Gahanna - Ward 1
Vote for not more than 1
(WITH 8 OF 8 PRECINCTS COUNTED)

	VOTES	PERCENT
Ray Kautz	649	41.90
Stephen A. Renner	900	58.10
Over Votes	0	
Under Votes	315	

For Member of Council - City of Gahanna - Ward 2
Vote for not more than 1
(WITH 10 OF 10 PRECINCTS COUNTED)

	VOTES	PERCENT
Michael Schnetzer	1,300	70.27
Brandon Wright	550	29.73
Over Votes	1	
Under Votes	315	

For Member of Council - City of Gahanna - Ward 3
Vote for not more than 1
(WITH 9 OF 9 PRECINCTS COUNTED)

	VOTES	PERCENT
Ryan Patrick Demro	832	43.38
Brian Larick	1,086	56.62
Over Votes	0	
Under Votes	258	

(WITH 1184 OF 1184 PRECINCTS COUNTED)

Angela White	87,751	34.22
Lori M. Tyack	168,709	65.78
Over Votes	25	
Under Votes	82,564	

For Mayor CITY OF BEXLEY
Vote For Not More Than 1
(WITH 10 OF 10 PRECINCTS COUNTED)

John M. Brennan	3,527	66.91
Larry Heiser	1,563	29.65
Alexander Liderman	181	3.43
Over Votes	2	
Under Votes	317	

For Member of Council CITY OF BEXLEY
Vote For Not More Than 4
(WITH 10 OF 10 PRECINCTS COUNTED)

Ben Kessler.	3,684	23.72
Steve Keyes.	3,078	19.82
Tim Madison.	3,505	22.56
Mark R. Masser.	2,687	17.30
Jan W. Zupnick.	2,579	16.60
Over Votes	8	
Under Votes	6,819	

For Mayor CITY OF CANAL WINCHESTER
Vote For Not More Than 1
(WITH 7 OF 7 PRECINCTS COUNTED)

John Bender.	814	25.45
Mike Ebert	2,384	74.55
Over Votes	0	
Under Votes	177	

For Member of Council CITY OF CANAL WINCHESTER
Vote For Not More Than 3
(WITH 7 OF 7 PRECINCTS COUNTED)

Joe Abbott	1,961	27.06
Rick Deeds	1,490	20.56
Patrick Lynch	1,183	16.33
Marilyn Rush-Ekelberry	1,364	18.82
James H. Wynkoop	1,248	17.22
Over Votes	6	
Under Votes	2,632	

For Mayor CITY OF COLUMBUS
Vote For Not More Than 1
(WITH 759 OF 759 PRECINCTS COUNTED)

Michael B. Coleman	127,651	69.92
Earl Smith	54,092	29.63
WRITE-IN.	814	.45
Over Votes	8	
Under Votes	8,771	

For Member of Council CITY OF COLUMBUS
Vote For Not More Than 4
(WITH 759 OF 759 PRECINCTS COUNTED)

2017

Robert F. Bridges, Jr.	24,850	4.82
Hearcel F. Craig	74,156	14.37
Matt Ferris.	57,952	11.23
Andrew J. Ginther.	88,887	17.22
Daryl Hennessy.	55,513	10.76
Zach M. Klein	83,552	16.19
Michelle M. Mills.	95,042	18.42
Mark Noble	34,853	6.75
WRITE-IN.	1,284	.25
Over Votes	280	
Under Votes	243,651	

For Member of Council-At-Large CITY OF DUBLIN
Vote For Not More Than 3
(WITH 36 OF 36 PRECINCTS COUNTED)

Marilee Chinnici Zuercher	6,986	24.92
Richard S. Gerber.	7,199	25.68
Michael H. Keenan.	7,812	27.87
Kevin P. Walter	6,034	21.53
Over Votes	3	
Under Votes	15,424	

For Mayor CITY OF GAHANNA
Vote For Not More Than 1
(WITH 36 OF 36 PRECINCTS COUNTED)

Jim McGregor	6,025	48.68
Becky Stinchcomb	6,351	51.32
Over Votes	1	
Under Votes	921	

For City Attorney CITY OF GAHANNA
Vote For Not More Than 1
(WITH 36 OF 36 PRECINCTS COUNTED)

Shane W. Ewald.	5,117	52.44
Paul Leithart	4,641	47.56
Over Votes	4	
Under Votes	3,536	

For Member of Council-At-Large CITY OF GAHANNA
Vote For Not More Than 3
(WITH 36 OF 36 PRECINCTS COUNTED)

Karen J. Angelou	6,634	28.85
Ryan P. Jolley.	6,544	28.46
Ray Kautz	3,837	16.69
David Samuel	5,977	26.00
Over Votes	0	
Under Votes	16,902	

For Member of Council GAHANNA WARD 1
Vote For Not More Than 1
(WITH 8 OF 8 PRECINCTS COUNTED)

Mark Foster.	981	45.35
Stephen A. Renner.	1,182	54.65
Over Votes	0	
Under Votes	948	

For Member of Council GAHANNA WARD 2

Jonathan Beard: Public Testimony

From: Jonathan Beard [mailto:jonbeard1964@gmail.com]
Sent: Friday, December 16, 2016 11:16 PM
To: Charter
Subject: Public testimony

Please see my intended written testimony from last night. Thank you.

Attachment: Testimony

Written Testimony of Jonathan C. Beard to the 2016 Columbus Charter Review Committee (December 15, 2016)

Greetings …

1. I submitted some charts and tables on-line this afternoon which you probably haven't yet received, but I want to talk about as I start by sharing some information and correct the record. On October 18th you heard a presentation saying at large field elections were competitive and the average margin between the highest "vote getting loser" and the lowest "vote getting winner" was 5.2% over the last two Columbus city council elections.

2. That didn't sound right then, so I went back and checked, and it was not right –it was very wrong. I looked up election results and pulled together a spreadsheet with those numbers and submitted them on-line along with the BoE vote tallies:

3. In last year's elections, the winning actual vote margins (i.e., the percentage by which the lowest winner, Jaiza Page, beat the nonwinners) were by 116%, 148%, 178% and 309%.

4. In 2013, the winning vote margin (Troy Miller over the challengers) were 164%, 175%, and 271% .

5. In 2011, the winning vote margins were 128%, 134%, 213% and 298%.

6. Why are the races that noncompetitive? – It may be because campaign money follows the winners, and challengers don't have the money to reach voters citywide, so nobody knows who they are.

a. In 2013, challengers raised less than $17,000, while incumbents raised $375,000. If a stamp costs 39 cents, challengers could mail a single letter to just about 10% of the Columbus electorate.
b. In 2011, challengers raised $275,000, but incumbents raised $758,000.
c. But the incumbents themselves are not raising the money – most of it is being distributed back to them by in-kind spending on their behalf by the party or the council president, which provided 53% of incumbent campaign spending in 2009, 73% of incumbent spending in the 2011 election, and 70% of all incumbent spending in 2013.
d. Even the incumbents can't raise enough money for their own elections -- so how can we expect challengers to mount a credible campaign?

7. But just as important, when you look at the undervoting – votes that were not cast – "None of the Above" came in first place last year, with 198,052 non votes, compared to the highest candidate (Zach Klein) who had 90,716 votes. Voters were twice as likely to not vote for all candidates they could select from, then to vote for the winning candidate.

8. And because of the high rate of undervoting – which was 40% of the nearly 500,000 votes cast for council last year -- only 3 of 12 winning candidates dating back to 2011 actually got a vote from the majority of people who cast ballots in council races. Last year (2015), 2 members elected received votes from a majority, and 2 didn't. In 2013, 1 got a majority and 2 didn't. In the 2011 election, not a single one of the four elected candidates received a majority vote.

9. So people are not crazy in love with our candidates—people probably don't really know the candidates and many are (thankfully) reluctant to use the party slate cards passed out at the polls – preferring to think for themselves, rather than let party insiders pick their selections.

10. This committee is considering dealing with the appointment issue -- where only 4 of the last 32 council members have gained their seat by election – I submitted on-line a chart tracking the members of council seat, notating when they were first elected or appointed, back to 1985.

11. The record shows that every one of the Black Democrats was initially appointed to their seat, and then -- as the campaign finance reports show – they were kept in office by the council president's largesse. In contrast, three White candidates and a Black Republican (Jeanette Bradley, Peggy Fisher, Mary Ellen O'Shaugnessey, and Elizabeth Brown) have gained their seats by election over that time period.

12. So we have a system where Black Democrats must wait around faithfully seeking appointment – and many who could be leaders wait around and never get selected – and once appointed owe their continued political life to the person – the council president -- who led the appointment process because they need his money.

13. In 2011, the council president provided 75% of councilwoman Michelle Mill's campaign and 90%of councilman Hearcel Craig's campaign. In 2013, 72% of councilwoman Priscilla Tyson's campaign and 90% of councilman Troy Miller's campaigns were funded by the council president. Instead of having loyalty to the people of Columbus, our councilmembers have loyalty to the party bosses and other politicians, and there is something grossly wrong about that picture.

14. I have to think that is why in October, when citizens came to council to talk about shootings of unarmed Black men and boys in Columbus, once the council president ran away out the back door, shamefully, the Black members of council ran away with him. It was more important to show solidarity with the council president and his appointment role and campaign money, than to stand with, and listen to, the people who were

coming down to express the community's pain and who were again asking for help.

15. Should councilmembers be full-time? No. The role of a representative body is to be intimately familiar with the people they represent – not to draw people out of the population and set them apart and give them special privileges over us. If the workload is too heavy – share it –our council is too small, which has been recognized since the mid-1950s and reiterated by council member M.D. Portman in 1991, which was quoted in Fact Sheets I submitted to this committee on-line.

16. Maury Portman, our city's longest serving councilmember, said "the council is going through the motions of trying to represent all of the city … I think the city has just grown too big to be represented by seven members. With the annexation of a chunk of southern Delaware County, the city is even bigger … seven council members for almost 700,000 people is ludicrous. We're out of date."

17. So add members to council for sure. But not members who run in citywide elections. Because of the expense and difficulty of running citywide elections, we have only fielded enough candidates for primary elections in 14 of the last 25 election cycles.

18. Individuals and the parties are making decisions not to run candidates based on expense and likelihood of success. We are losing people who want to step up and lead, simply because our system is broken by design. When Mr. Rosenberger keeps asking how do we get the best candidates in office, certainly the appointment process is not the way – it rewards the loyal and those connected to money as shown in a Dispatch article from 2000 covering the appointment of a successor to Fred Ransier (a Black man, who was himself appointed after Mike Coleman, a Black man, left office – who was himself appointed to the seat left by Ben Espy, a Black man who left office …). The Dispatch single article addressed so many of the

appointment issues, saying "Boyce appears to have several things in his favor, not the least of which are his work for the party at the state and local level, his fund-raising capabilities and his Democratic voting record." Candidate Warren Tyler says he was asked "Can you campaign and raise money." The article goes on to say "All the finalists are black. Traditionally, the seat held by Ransier has been held by a black m an, and council Democrats in past years have chosen appointment to fit certain demographics." ("Council Seat Warmed for Boyce – Apparent Front-Runner." Columbus Dispatch, August 24, 2000. Certainly Columbus residents deserve a better consideration of candidates other than hand-picked by race, party loyalty, and ability to raise money.

19. Columbus now has a Democratic electorate, and that is unlikely to change. Black Democrats haven't shown they can get initially elected to council or that they afford to keep the citywide seats they are given when they are appointed. So change isn't going to come from the Democratic Party – because in handpicking our representatives and then winning those seats and having Democrats hold all that power, corporate and politician campaign money flows to the party.

20. I'm an elected Franklin County Democrat Party Central Committee member. This spring I ran for and won election to the Ward 55 seat, hoping to be a voice for change from within. It probably goes without saying that I was not the party-endorsed candidate for the seat – but I won. I see the money and power game within the party – we have here a system where party operatives file baseless election complaints against citizens circulating sample ballots in an effort to retain party control of our elections -- and though I have been a lifelong Democrat, I am sickened by it.

21. I am Black before I am a Democrat, and I am ashamed of the party for selling out Black Columbus to cling to money and power. If the party was indeed for the people, it would have continued to support a council with a majority elected by district, as it did in the 1950s (and as every other big

city does) – it would not support an at large voting system that the NAACP Legal Defense Fund calls "discriminatory," with the only question being whether it is unlawfully discriminatory, which fact can only be decided by a judge.

22. Everything is connected. Black folk on council are all appointed. But if you eliminate the appointment process, then you will likely have no Black faces on council to presumably represent Black citizens.

23. So if you change the appointment process, then you have to change the format of council—create non-discriminatory methods election methods like districts or aggressive campaign financing.

24. Change won't come from the party in power and it won't come from the politicians, it has to come from the citizens. Frederick Douglass said "power concedes nothing without a demand. It never has. It never will."

25. You are citizens drawn from the populace and can have a critical role with a real voice. The people of Columbus are ahead of the politicians,but are being yoked. Fifteen years ago a group filed a petition to seeking to enact caps on contributions to city campaigns (note: in 1994 voters overwhelmingly passed a charter amendment to allow caps,but council never enacted legislation to put caps on themselves in place. There are caps at the federal and state levels. In 2012 and again in 2014 tens of thousands of signatures were gathered on petitions to enact real campaign finance controls, but council was able to skirt the issue through challenges to the petition format). Power put you in a position to recommend change. You don't have authority to <u>make</u> change, but through the issuance of a report people are waiting to see, you do have a commanding <u>moral authority</u>, should you chose to summon it.

26. Our current system doesn't have one or two problems – it has a litany of problems. It is not unlike electoral systems anywhere else in the nation. It

is not surprising that no one shows up for these meetings. This is just as interesting to most people as 11th grade civics class was. To most people, the inner working of governance is about as stimulating as watching paint dry.

27. And because citizens walk away and leave politicians and their cronies to design and then control our political systems, we pay the price with self-serving, rather than citizen serving systems. The issues are so big at a national level that individual citizens rightfully feel helpless. But you chose to represent us locally as fellow citizens, and you have a chance to do great things locally on our behalf. You can design a system that makes sense for ordinary people.

28. About 35 years ago I was a summer college intern in then-Cleveland Mayor George Voinovich's office. At a Q & A session with the other interns, I asked him about the talk about him running for Governor. He said, "I can't worry about that. When you take care of the little things in front of you the big things fall into place." And that stuck with me.

29. And it resonates with another observation I've come to over the years: unexpectedly, really big things can happen in little places. We remember a grassy field called Gettysburg, or an uninhabited rock in the middle of the Pacific Ocean called Iwo Jima, or the beaches of Normandy – all of which are otherwise unremarkable. Like Columbus, they are places like any other – but people simply performed the tasks in front of them excellently, and without any idea that what they were doing would change the world.

30. We remember that change came about because of the steadfastness of ordinary citizens on a bridge from Selma to Montgomery, by school children at Central High School in Little Rock, Arkansas, on the front seats of a Montgomery public bus, and at a Woolworth's lunch counter in Greensboro, NC. People with integrity make big things happen in little places.

31. So here you are as citizens in Columbus, working sometimes in the dark on an obscure document that hardly anybody pays attention to. At the same time, the issues raised by our little city charter elections – issues about citizen representation in a democracy, the role of money in political life, and the on-going political disenfranchisement of African Americans – resonate throughout the country. This chance in front of you is as little as you make it, or as big as you can dream.

32. You have a chance to lead. Don't tinker – our electoral systems across the country stink – including here in Columbus. You can help to lead the way forward.

33. We hear all kinds of superlatives when community leaders describe Columbus. Show us that "the Columbus way" does not mean that Columbus's Black citizens will forever have to have our every electoral choice ratified by White citizens.

34. Show us that you believe Black citizens in Columbus are in fact full citizens with equal rights, because you will advocate that we live within an electoral system that does not overshadow that voting right with racial hegemony.

35. Do something real. Do this with great integrity, not because you were politically appointed and feel a loyalty to that history or appointment. Do something that makes a difference – be bold in making recommendations to make our elections fair and competitive – to bring power to the people as it has been intended in America for 240 years. Don't sell yourselves short, and don't sell the people out. Be the citizen voice to state that the politicians and their political parties must work for the people – and not the other way around -- and be the voice that promotes justice and fairness for all of Columbus's citizens.

36. Thank you for your service on this committee representing your fellow citizens. Please look out for the documents I will be submitting.

Jonathan Beard: NAACP LDF At Large Voting FAQs

From: Jonathan Beard [mailto:jonbeard1964@gmail.com]
Sent: Friday, December 16, 2016 11:18 PM
To: Charter
Subject: NAACP LDF At Large Voting FAQs

Please see the attached, submitted to the committee.

Attachment: At-Large Voting Frequently Asked Questions - FINAL

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AT-LARGE VOTING FREQUENTLY ASKED QUESTIONS

What is at-large voting?
Under at-large voting, all voters cast their ballots for all candidates in the jurisdiction. In Columbus city council elections, for example, all voters cast their ballots for seven positions, with the top seven candidates who receive the most votes citywide winning seats on the city council.

Why can at-large voting be discriminatory?
At-large methods of election can be discriminatory because they, in combination with racially polarized voting, can prevent voters of color from electing their candidates of choice where they are not the majority in the jurisdiction. Under this system, the votes of voters of color often are drowned out or submerged by the votes of white voters who do not support the candidates preferred by Black voters.

How does at-large voting affect communities of color?
Fewer and fewer jurisdictions still practice at-large voting. That is because courts and other decision-makers have recognized that discriminatory methods of election, like at-large voting, exacerbate the discrimination that communities of color experience because of socioeconomic and other disparities in life opportunities between Black and white communities. LDF has long worked to eradicate discriminatory at-large methods of election that dilute the voting strength of communities of color.

How can jurisdictions switch from at-large to district-based voting?
In certain jurisdictions, elected officials can call for a referendum on the question of changing from at-large to district-based voting, and voters can approve a change to the method of election through a referendum. Ohio law allows local city councils to propose a change to the method of election with approval from two thirds of council members. The proposed change to the method of election would then be subject to a referendum that requires approval from a majority of the electors. Alternatively, communities can petition a city council to put the question of a change to the method of election to the voters. Without action by local municipalities, politicians who choose to maintain at-large voting can face time-consuming (e.g., two to five years) and costly litigation (e.g., millions of dollars).

How are single-member districts created?
To remedy dilutive at-large electoral systems, single-member districts often are created by a demographic mapping expert and include at least one district in which voters of color are the majority of the voting-age population in that district. These districts must satisfy all relevant laws and traditional redistricting principles. These districts are not intended to guarantee the election of politicians of a particular color, but rather to empower all voters with the opportunity to elect their candidates of choice.

Are at-large systems rare or widely-used?
Since the passage of the Voting Rights Act in 1965, numerous at-large systems have been struck down under Section 2 of the Voting Rights Act. Although at-large voting is becoming rarer and rarer, in part due to the advocacy of LDF and other civil rights organizations, such discriminatory election systems remain in some places in our democracy.

The Voting Rights Act forbids the use of any electoral scheme, such as the at-large method of election, that submerges the votes of people of color in elections that a white majority of voters control. Widely considered the crown jewel of American democracy, the Voting Rights Act is the most effective tool for protecting voters of color against methods of election – like at-large voting – that weaken the voting strength of communities of color.

What are some notable cases that struck down at-large voting?
In a case that LDF successfully litigated, *Dillard v. Crenshaw County, Alabama*, a federal district court found that hundreds of Alabama districts intentionally employed at-large electoral methods to discriminate against Black voters. Because of that litigation, 176 jurisdictions settled and adopted some form of district voting.

More recently, in *Georgia State Conference of the NAACP v. Fayette County Board of Commissioners*, LDF successfully challenged the at-large electoral method to the county board of commissioners and board of education in Fayette County, Georgia.

Kathleen Henderson: Charter Review Public Comment

Data from form "Public Comment" was received on 12/24/2016 11:57:29 AM.

Contact the Charter Review Commission

Field	Value
Name	Katthleen Henderson
Email address	kathleen.henderson@att.net
Subject	Charter Review Public Comment
Message	I do not think the ward system is a good idea. Council seems to work pretty well now. The big concern is how council currently fills vacancies when they come up. The voters should be the ones who fill those seats, not sitting council members.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from kathleen.henderson@att.net on 12/24/2016 11:57:29 AM.

Joe Sommer: Balancing test for analyzing district vs. at-large council elections

From: jcsommer@aol.com [mailto:jcsommer@aol.com]
Sent: Tuesday, January 03, 2017 4:39 PM
To: Charter
Cc: mcurtin2323@yahoo.com
Subject: Balancing test for analyzing district vs. at-large council elections

Charter Review Committee:

Your Oct. 13 meeting featured a presentation by Rep. Michael Curtin on the history of Columbus' governmental structure. He indicated that in comparing district versus at-large city council elections, a good summary of the appropriate balancing test is in the 1980 book *Columbus, America's Crossroads*, by Columbus Citizen Journal reporter Betty Garrett and Columbus historian Ed Lentz. I agree and would like to share my views about the current state of the factors considered in that test.

According to Rep. Curtin, the book says the 1914 change to the all at-large city council "was supposed to eliminate political corruption and ensure that every council person would be responsible to every voter. But it also eliminated entire classes of persons from the opportunity to hold office. Many of the poor and ethnic minority neighborhoods had representation on the old council simply because candidates could afford to run in a small area like a ward. Now, without independent means of support, or the support of a political party, a candidate from one of these segments of the population simply could not get elected."

Under this test, the factors to consider are the public's interest in (1) eliminating political corruption, (2) making every council person responsible to every voter, and (3) ensuring that many segments of the population are represented on council. The book says the change to the all at-large council was "supposed to" promote the first two factors. The change went against the third factor, which either wasn't considered at the time or was viewed as less important than the other two. I think that under today's conditions, all three factors go against the desirability of an all at-large city council.

Eliminating political corruption

As for the claim that council's present structure eliminates political corruption, it's refuted by recent scandals involving the city government. The Columbus Dispatch summarized some of the scandals in a July 10, 2016 editorial.

The editorial said "the whiff of corruption and a pungent cronyism" have swirled around council for years. It noted that council's scandals "have spurred probes by the FBI and the Ohio Ethics Commission." It said the scandals included "bribes that a lobbyist funneled to council re-election campaigns" from a government contractor. It said the scandals also involved four council members accepting a junket to a Big Ten championship football game from the same corrupt lobbyist and another government contractor. It added: "Other capers include council members landing high-paying jobs with city-supported nonprofits and handing developers sweetheart deals."

Many local government officials have declined to criticize the corrupt lobbyist mentioned in the editorial. In sentencing him to prison, a federal judge said the lobbyist was covering up the involvement of others in the scandals.

Additionally, a city employee recently wrote to me about another apparent conflict of interest in the city government. Hopefully the local media will bring that problem to public light soon. Among other things, the person wrote: "It's embarrassing sometimes to say you work at Columbus City Hall because of all the ethics scandals."

In view of all this, it would be preposterous to claim that the present system eliminates political corruption.

Making council members responsible to every voter

Regarding the claim that the present council structure ensures that every council member is responsible to every voter, the members in fact need to be responsive to - or be perceived as responsive to - just over 50% of the voters citywide. Council can get away with ignoring and being unresponsive to the rest. The ignored minorities include those constituting a substantial percentage of the population in some areas of the city, although being a minority citywide.

With district representation, those minorities could elect a representative to council so that they too - and not just the citywide majority of citizens - would have representation there. That would move the city further toward the ideal of making council responsible to and representative of all segments of the population.

In other words, at-large elections have been criticized for enabling 50% of a city's voters to control all of a city council. With district elections, minorities could also select representatives from those areas where they are a majority.

Moreover, there are now questions of whether council is responsive to a majority of voters or to the big-money interests funding the expensive citywide political campaigns. One recent example is council's decision to use over $250 million of public funds to bail out Nationwide Arena and acquire public ownership of it. That corporate welfare benefited some extremely wealthy interests in Central Ohio. It was done after local voters had five times rejected public ownership of a sports facility. On this issue, council didn't seem responsive to the will of the voters but to large corporate interests providing big money for local political campaigns.

In fact, many believe the need to raise substantial funds for the expensive citywide political campaigns is a cause of the recent corruption in Columbus' city government. The Redflex scandal, for instance, involved requests for large campaign contributions for council members' campaigns before council voted on whether to extend and expand Redflex's contract with the city.

Minority groups closed out of the political process

The *Columbus, America's Crossroads* book says flatly that as a result of the all at-large council structure, persons from poor or ethnic minority neighborhoods "simply could not get elected" unless they had "independent means of support, or the support of a political party." Such candidates had been able to "afford to run in a small area like a ward," but were closed out of doing so citywide.

That problem has gotten worse as the city's area and population have expanded and the costs of running citywide increased. When the present Charter was adopted in 1914, Columbus had 181,500 residents in 24.5 miles. Today the city has about 850,000 residents in 223 square miles. The costs of running a competitive city council race against an incumbent have risen to between about $100,000 and $250,000.

These changes mean that persons from poor or minority neighborhoods are even less able to run a citywide campaign. They would have more ability to mount a competitive campaign in a district, where the costs of running would be less.

Summary and Conclusion

Regarding the three factors that *Columbus, America's Crossroads* presents for judging at-large versus district elections, all three point away from the desirability of an all at-large city council under Columbus' current conditions. First, the recent scandals in the city government show that the present structure does not prevent corruption, and the possibility of corruption is likely increased by council candidates turning to big-money interests

to fund their expensive citywide campaigns. Second, the present structure makes council more responsive to big-money donors than to the voters, and enables council to ignore the needs of large population segments who do not constitute a citywide majority of voters. Third, the increasingly high costs of running citywide continue to prevent citizens who are poor or of average means from seeking office, but they could run a strong grassroots campaign in a district.

Also with district elections, candidates would have less need to turn to big-money interests to fund their campaigns, would avoid the corruption that can result from depending on those interests for financial support, could provide representation to minorities and areas of the city that the present system has been unresponsive to, and could speak out against any at-large member who seems more deferential to the big-money interests than to the public interest. All that would be in addition to ensuring that each area of the city has a council member who is familiar with it and accountable to it.

Because of these considerations, I hope the Committee will recommend that Columbus add district representation to city council, as virtually every other large U.S. city has done.

As former Columbus City Council President Maury (M.D.) Portman, who was the city's longest-serving council member, told The Dispatch on June 24, 1998: "Seven council members for a city this size is ridiculous, you can't possibly be in touch with citizens regularly. You can't rely on your aides completely, and you can't rely on the commissions. I feel that the most practical solution would divide the city into districts, and to prevent conflicts, you should have a certain number of at-large members to balance it out."

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Joe Sommer: San Francisco's experience with at-large vs. district council elections

From: JCSommer@aol.com [mailto:JCSommer@aol.com]
Sent: Thursday, January 05, 2017 1:16 PM
To: Charter
Subject: San Francisco's experience with at-large vs. district council elections

Charter Review Committee:

I want to make sure you have the attached column from the San Francisco Chronicle. It's also at the link below. It describes the positive results that San Francisco experienced by changing from an all at-large council to a district-based one.

The column indicates that when San Francisco had council members who were elected only citywide, the city government had some of the same problems that many say the Columbus city government now has. That is, council members turned to big-money special interests to fund their expensive citywide political campaigns, were overly attentive to the wants of those wealthy special interests, and did not show enough concern about or responsiveness to the needs of neighborhoods and regular citizens. Moreover, some areas of the city and minority groups lacked representation on council.

According to the column, the results of San Francisco's change to district elections were "some of the most noteworthy citywide accomplishments in decades." This occurred in regard to health care, education, a living wage, infrastructure, and other issues touching every part of the city.

The improvements also included increased access to government by ordinary citizens, a government that is more responsive to regular citizens, less influence over government by big-money interests, lower campaign costs for running for a council seat, and a council that better reflects the city's diversity.

The column concludes by saying the change produced a council that, unlike the previous one, speaks for all the city's neighborhoods and residents.

These benefits are surely why virtually every other large U.S. city has district representation on its city council. There seems no reason to think Columbus wouldn't reap similar benefits by adding district representation to its council.

As James Mitchell Jr., a district councilperson in Charlotte, NC, told The Dispatch on July 1, 2012: "On our council the district reps are much more connected to the citizens. Anyone who says having district reps in a large city is not better for the community, well, they just don't want to give up their power."

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The column is attached and at: http://www.sfgate.com/politics/article/Why-district-elections-3197988.php

Jonathan Beard: In Defense of At Large Representation -- The Hybrid Model Maximizes Voter Power

From: Jonathan Beard [mailto:jonbeard1964@gmail.com]
Sent: Saturday, January 07, 2017 7:58 PM
To: Charter
Subject: In Defense of At Large Representation -- The Hybrid Model Maximizes Voter Power

Charter Review Commission Members ...

Please see the attached paper by Paul Edelman, who holds joint assignments as a professor of Mathematics and a professor of Law at Vanderbilt University, "In Defense of At-Large Representation: A Positive Approach."

In the attached paper, Edelman talks about the concerns of at large voting dilluting minorithy voting blocs, but defends the usefulness of having some at-large representation on legislative bodies (he was specifically looking at Nashville at the time).

He writes, "As noted earlier, at the federal and state level it has been decided, that whatever benefits at-large representation offers are not sufficient to outweigh the costs. At the local level, though, no such consensus has emerged. So I begin this paper by surveying the putative advantages of at-large representation in order to justify the next step of finding the right balance between at-large and single district representation."

In fact, he calculates "The power of an individual voter is maximized when the number of at-large representatives is approximately the square root of the total number of representatives."

Thus, voter power is maximized in a 9 or 11 member council when there are 3 at large representatives (and 6 or 8 from single member districts). Voter power is maximized in a 13 or 15 member council is maximized when there are 4 at large representatives (and 9 or 11 from districts).

Thus, if maximizing the power of individual voters is important to the committee, this information should be useful to the committee in its deliberations.

Also attached are copies of the Wikipedia pages for Single Member Districts and Plurality At Large voting (Columbus's At-Large Field elections). The description says "the usual result is that the largest group wins every seat by electing a slate of candidates, resulting in a landslide," and "under Block voting, a slate of clones of the top place candidate is guaranteed to win every available seat." As shown in prior evidence I submitted to the committee, these statements appear to hold true in Columbus,to the detriment of the city's 28% black population. Is this the model of government we really want? -- perpetual landslides by groups of clone council candidates who uniformly dismiss the policy priorities of black Columbus?

We now have an all at-large model of government that is broadly recognized for its dilution of minority voting power and of questionable lawfulness if challenged (i.e., by statute unlawful if evidence of racially polarized voting is found).

Again, I urge the committee to adopt the more modern form of representation - the hybrid model with a mix of at large and district-elected council members which allows for the benefits of both models to be incorporated. Thank you.

- Jonathan C. Beard

Attachment: In Defense of At-Large Representation

VANDERBILT UNIVERSITY LAW SCHOOL

LAW & ECONOMICS

Working Paper Number 04-02

PUBLIC LAW & LEGAL THEORY

Working Paper Number 04-02

IN DEFENSE OF AT-LARGE REPRESENTATION: A POSITIVE APPROACH

PAUL H. EDELMAN

This paper can be downloaded without charge from the
Social Science Research Network Electronic Paper Collection:
http://ssrn.com/abstract=495544

In Defense of At-Large Representation: A Positive Approach

Paul H. Edelman

Abstract: This paper reconsiders the merits of at-large representation in municipal councils from a positive perspective. After briefly reviewing the normative justifications for at-large representation, I develop a voting model of a council election that includes some at-large representation and show that under this model a citizen's voting power is maximized when the number of at-large representatives is roughly the square root of the total number of representatives. This is the first positive model to establish the benefits of at-large representation and the only positive model of an election that produces such explicit recommendations.

The voting model I employ is based on an earlier voting model developed by John Banzhaf that has been used in litigation several times. I provide both an explication of his model and a review and critique of its uses by the courts. I conclude the essay with a discussion of the legal and policy implications of these results.

Keywords: At-large representation, weighted voting, Banzhaf measure

IN DEFENSE OF AT-LARGE REPRESENTATION: A POSITIVE APPROACH

Paul H. Edelman*

I. Introduction

The debate over the relative merits of at-large representation versus single district representation has been a feature of American political life since the founding of the republic. At-large representation has been seen as way to provide a unified set of representatives with a broader political view, but also has the potential for diluting minority interests. Single district representation is perceived as incorporating a greater diversity of views, but risks localism and corrupt "ward" politics. There has, to date, been no attempt to provide a theoretical account that would balance these interests.

At both the federal and state level this has become a moot point. Federal law requires Congressional representation to be chosen in single member districts in all but the most unusual circumstances,[1] and since the 1980's every state in the union has chosen to apportion its own legislatures in a similar manner.[2] At the local level, however, it is another story.

While there is a tendency to think of municipalities as having one of two types of governance, either representatives elected at-large or single-district representation, there is a third common method of representation. The mixed system, in which there are both at-large representatives and representatives elected by district, is used in over a fifth of the cities in the United States.[3] Among cities with populations between 5,000 and 1,000,000 it is the second most common form of representation (after pure at-large

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* Professor of Mathematics and Law, Vanderbilt University. I have profited from the comments of Erin O'Hara, Bob Rasmussen, Suzanna Sherry and Christopher Yoo.

[1] *Branch v. Smith* __ US __ (2003).

[2] At the federal level, one might interpret the representation to the Senate as being "at-large" since both senators are elected statewide. This does raise the question of whether a state should (or even could) apportion itself so as to district its senators. It is an interesting question, but one that I will not address in this paper. The interested reader should see Terry Smith, *Rediscovering the Sovereignty of the People: The Case for Senate Districts,* 75 N. C. L. Rev. 1 (1996) and Terry Smith, *Reinventing Black Politics: Senate Districts, Minority Vote Dilution and the Preservation of the Second Reconstruction,* 25 Hastings Const. L. Q. 277 (1998).

[3] Municipal Year Book 1998 40 (Table 5/15).

representation) and it accounts for more than half the cities with populations between 250,000 and 500,000.[4]

The percentage of cities using a mixed form of representation peaked in the early 1990's at close to 30%[5] as cities moved from systems of pure at-large representation in order to provide more equitable representation to minority voters.[6] Whether mixed systems achieve this end is the subject of some debate.[7] But what is the justification for having any at-large representation at all? Why not just have single districts? And if we want some at-large representation, how much is desirable? That is, if we take seriously both the merits of at-large representation and the importance of districted representation, how should we balance the two? In particular, can one say anything numerically about the proper ratio of the number of districted representatives to the number of at-large representatives? In this paper I argue in favor of just such a proper ratio.

By employing a new cooperative game analysis of voting power I have developed elsewhere,[8] I will show that, under commonly employed hypotheses, the "right" number of at-large representatives is roughly the square root of the total number of representatives. That is, if the city council has 49 seats, then 7 of them should be for at-large representatives. Much of the rest of this paper will be devoted to explaining and supporting the underlying assumptions of the voting model I use as well as defining what I mean by "right." The purpose of this analysis, then, is to give a *positive* justification for having at-large representation, independent of the traditional normative concerns.

This paper is organized as follows: In the next section I discuss some of the normative arguments in favor of at-large representation. While these arguments have been found less credible of late, there has been a long-standing interest in at-large

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[4] Id.

[5] Id. at 38.

[6] Susan A. MacManus, *Mixed Election Systems: The Newest Reform Structure,* 74 Nat'l. Civic Rev. (1985) reprinted in Local Government Election Practices, A Handbook for Public Officials and Citizens 40 (Roger L Kemp, ed. 1999).

[7] The most recent study on the relative merits of at-large, district, and mixed systems is Susan Welch, *The Impact of At-Large Elections on the Representation of Blacks and Hispanics,* 52 J. of Pol. 1050 (1990). This study finds that mixed systems "are not clearly ahead of at-large systems in ensuring equitable black representation. Cities with mixed systems have not improved their black representational equitability to the same degree at-large systems have." (at 1060) On the other hand, with respect to Hispanic representation Welch finds "Hispanics appear to do somewhat better in cities with both at-large and district elections than in either of the pure types, a finding which confounds expectations," although the correlations are relatively weak. (at 1065). Earlier studies showed mixed systems to be more effective relative to at-large representation, at least with respect to African-Americans. See MacManus supra note __ at 44. It is worth remembering also that these studies measure descriptive representation (the ability of blacks and Hispanics to elect members of their own race or ethnicity) rather than substantive representation. I can not find any studies that investigate the relationship between substantive representation and type of governmental structure.

[8] Paul H. Edelman, *Voting Power and At-Large Representation,* 47 Math. Social Sci. 219 (2004).

representation for both social and political reasons. Section III introduces the cooperative game model underlying the analysis. This model is based on Banzhaf's[9] which has appeared frequently in legal analysis. In section IV I define and defend the hypotheses that are inherent in the model. Section V is a discussion of weighted voting models have been viewed in litigation. I discuss what the model maximizes in order to find the "right" answer in Section VI and Section VI will present the positive results of the model. Section VIII consists of concluding remarks.

II. The Value of At-Large Representation[10]

Before considering the appropriate balance between at-large and district representation, we must first decide that there is sufficient merit in each that they are in fact worth balancing. As noted earlier, at the federal and state level it has been decided, that whatever benefits at-large representation offers are not sufficient to outweigh the costs. At the local level, though, no such consensus has emerged. So I begin this paper by surveying the putative advantages of at-large representation in order to justify the next step of finding the right balance between at-large and single district representation.

While the current consensus is clearly in favor of electing representatives to a legislative body from single member districts, the use of multi-member districts, at all levels of representation, has a long history in the United States. At-large election of congressional representatives was common until 1842, when federal legislation was enacted to stop the practice.[11] Multi-member districts were common in state legislatures

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[9] John F. Banzhaf III, *Weighted Voting Doesn't Work: A Mathematical Analysis*, 19 Rutgers L. Rev. 317 (1965)("*Weighted Voting*").

[10] In this section I use "at-large representation" and "multi-member districts" in similar ways, even though they are somewhat different. Typically one refers to an at-large representative if that representative is elected by the voters in the largest relevant geographical area. Thus senators could be considered at-large representatives from their states. Multi-member districts are parts of a larger geographical area that elect more than one representative to a legislative body that governs the whole geographical area. As an example, in the 3rd Congress (1793) the state of Massachusetts had 3 multi-member districts. Two of those districts elected four members each to the House and one of them elected two members.

This distinction between at-large and multi-member depends on the definition of the relevant geographical area. For instance, in the case of the Senate, if the relevant area is the state, then one would say that senators are elected at-large, but if the relevant area is the whole United States, then one would say that each state constitutes a multi-member district electing 2 senators. The distinction is important when some representatives are elected from districts within the geographical area, and others are elected from the whole area.

[11] 1842 Reapportionment Act. We'll return to the history of this development later. It is worth noting that at-large representation nevertheless continued in the House through the 91st Congress in 1969. Typically the need for at-large representation occurred when the state was unable to redistrict in time for the next election, although there were instances in which the state just refused to redistrict at all. Even today there are provisions under 2 USC 2a(c) for election of representatives at-large. The question of whether those provisions have been invalidated by 2 USC 2c (mandating that representatives be elected from single member districts) has been raised, but not definitively answered, in *Branch v. Smith* __ US __ (2003).

through the 1960's[12] and lasted until the 1980's in at least one.[13] And, as noted above, at-large representation in municipal councils is the norm. Given the persistence of this form of representation, it is worth considering its benefits.

A number of benefits of at-large representation have been suggested. Unfortunately, there is a paucity of empirical work to validate these claims. The empirical work that has been done is old and less than conclusive. Further complicating matters is the question of whether the benefits that do seem to accrue are due to the multi-member nature of the district or the fact that multi-member districts tend to be larger than similarly situated single member districts.[14] I will return at the end of this section to this lack of empirical work and speculate as to why there has not been more interest in these questions.

The first possible benefit of at-large representation is the strategic advantage in having a unified delegation, which, of course, is only a benefit when multiple entities—such as states—send delegations to a single legislative body, such as Congress. By electing representatives at-large one is more likely to get a cohesive delegation that will be more influential in the legislative body to which it belongs. This strategy was deliberately employed by the small states early in the history of the United States. "As Americans soon discovered, the manner of election influenced the partisan composition of a state's congressional delegation.... Whereas the minority would be overwhelmed by the majority in an at-large election, the minority gained spokesmen through the districting procedure. This difference resulted in more politically unified congressional delegations for states electing by general ticket and more divided delegations for states electing by district."[15]

It was, in fact, the fear of the power of unified delegations that eventually led to their abolition in 1842. In 1840 the state of Alabama switched from districting to at-large voting for their congressional representatives. The small states began to worry that other large states were going to turn to at-large elections, which "would be disastrous for the small states. If all states had at-large elections, the large-state delegations could be as internally unified as the small.... Not only would the small states lose whatever extra influence at-large elections had given them in the lower house, but they would become a completely inconsequential force there."[16]

More recently there have been similar claims about bloc voting by at-large delegations in state legislatures. In *Whitcomb v. Chavis*[17] voters challenged a multi-member district in Indiana's legislature. One part of the challenge was that the legislators from this multi-member district voted as a bloc, thus giving disproportionate power to the

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[12] Ruth C. Silva, *Compared Values of the Single- and the Multi-Member Legislative District,* 17 West. Pol. Q. 504.
[13] Indiana did not give up its multi-member lower house districting scheme until then.
[14] Silva, supra note __ .
[15] Rosemarie Zagarri, The Politics of Size 126 (1987).
[16] Id. at 130.
[17] 403 US 124 (1971).

citizens of that district. A table in the opinion[18] gives quite convincing evidence of slate voting by party; the Court acknowledged the bloc voting by the delegation in the legislature, noting "That bloc voting tended to occur is sustained by the record, and defendants' own witness thought it was advantageous for Marion County's delegation to stick together."[19]

The unity, and concomitant increase in power of the at-large delegation, is the flip side of the common complaint that at-large elections will have the effect of diluting minority votes. By choosing representatives at-large, the majority will be able to control the election of every representative, thus providing no voice for the minority voter. In the case of the small states in the early days of the union, this was considered a small price to pay in order to increase their influence: better that the majority of the state's voters should wield more power in Congress than that the state's population be fairly represented but weak. For the purposes of this article, in which I will assume that the at-large representatives come from the same large geographic area as the districted representatives, this particular benefit will be irrelevant. Nevertheless, the fact that at-large representatives tend to vote as a bloc will be significant in my model of a municipal election.

There is also a long history of debate as to the effect of multi-member districts on the quality of the representation. A number of possible effects of multi-member districts have been suggested, among them a decrease in localism, better qualified candidates, less emphasis on candidate personality and an increased reliance on party affiliation, and greater party discipline.[20] In this paper I will focus on two of these issues: the quality of the candidate and the decrease in localism.[21]

The concern that single-member districts will attract less qualified candidates has a long pedigree. "Proponents of the large district frequently allege that the smaller district results in the election of less able legislators. Because the district is smaller, they say, not only are there fewer competent men to choose from but there is also greater opportunity for less able men to be elected."[22] In addition, the argument goes, "multiple districts are more likely to recruit men of breadth and eminence – men who may be passed over or repelled by the triviality and localism of single-district politics."[23] In the late 1800's some claimed to have seen the results of this effect:

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[18] Id. at 134.
[19] Id. at 147.
[20] Silva supra note __ at 506. Howard Hamilton proffered a list of 13 speculations on the effect of multi-member districts to "furnish something to chew on." See Howard Hamilton, *Legislative Constituencies: Singe (sic)-Member Districts, Multi-Member Districts, and Floterial Districts,* 20 West. Pol. Q. 321 (1967). Unfortunately, few people have pursued his speculations.
[21] I will focus on these two because the others are less germane to the quality and nature of the representation. In particular, the concerns about the effect on political parties, while important, are not centrally related to how the representatives themselves do their job.
[22] Silva supra note __ at 508.
[23] Maurice Klain, *A New Look at the Constituencies: The Need for a Recount and a Reappraisal,* 49 Amer. Pol. Sci. R. 1105 (1955).

> In New York, politicians of such diverse temperaments as Thurlow Weed and Horace Greeley were agreed that the legislature, especially the senate, had sunk in the quality of its personnel since the adoption of the single-member system. A Pennsylvania governor, pleading with his state's constitutional convention in 1873 not to establish single districts, cited New York as proof that legislatures decline under the one-member system. This convention discussed the matter extensively.[24]

This is not to say that this side of the argument predominated. The supporters of single-member districts asserted that, because a single member district was likely to be less diverse in its interests, an elected representative would be better able to attend to those interests. In addition, the representative would be better able to develop personal ties with his constituents and thus be less in debt to his party apparatus.[25]

It is difficult to know who has the better case here. It is hard to see how the size of the district affects the number of competent people available to run. If the density of "able legislators" is constant one shouldn't expect to see an increase in the quality of the representatives just by moving to multi-member districts. So it would have to be that the appeal of representing a larger constituency might lead to more competent candidates. There is little empirical work on this question, probably because of the difficulty in deciding on an objective definition of "competent." The most recent study on analyzing the personal differences (as opposed to the policy differences) between representatives at-large and districted representatives shows that at-large representatives tend to have significantly higher educational levels and incomes than district representatives,[26] but it is certainly not clear that this would imply a superior ability to represent the interests of the voter.

In local politics the advocacy of at-large representation is seen as part of the Progressive urban reform movement of the turn of the century. Concerned about the prevalence of ward politics and corruption, the reformers sought to "'rationalize' and 'democratize' city government by substitution of 'community oriented' leadership."[27] The principal tools that were used in pursuit of this "rationalization" were instituting commission style government and the introduction of the city manager, the non-partisan election, and at-large election of representatives.[28] The reformers argued that election at-

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[24] Id. at footnote 30.

[25] These and other arguments in support for single-member districts can be found in Silva, supra note __ at 507, Klain, supra note __ at 1118, Hamilton, supra note __ at 328 and James D. Barnett, *Unitary-Multiple Election Districts,* 39 Amer. Pol Sci. R. 65 (1945).

[26] Susan Welch & Timothy Bledsoe, Urban Reform and its Consequences 42 (1988).

[27] Robert L. Lineberry & Edmund P. Fowler, *Reformism and Public Policies in American Cities,* 61 Amer. Pol. Sci. Rev.701 715 (1967).

[28] Id. at 702.

large would eliminate corrupt ward politics from the city council and replace it with a council concerned with the broader interests of the city as whole.[29]

There is a little question that Progressives were not motivated solely by "good government" concerns. Even one of their more sympathetic defenders has noted that "early civic reform was strongly tainted with nativism."[30] Many historians in the 1960's came to the view that, the rhetoric of the reformers notwithstanding, the principal problem with the ward system was that "[t]he ward system of government especially gave representation in city affairs to lower- and middle-class groups"[31] rather than to the business leaders of the city. In the wake of vote-dilution cases such as *White v. Regester*[32] and the passage of the Voting Rights Act, the civic "reforms" of the Progressives are commonly seen as having the primary effect (and perhaps the purpose) of disenfranchising lower-class and minority voters.[33]

Motivations aside, the question remains: do officials elected at-large really provide a qualitatively different type of representation than ones elected from districts? Are they more likely to support the "public interest" rather than narrow partisan concerns, as the Progressives asserted? Even those primarily concerned with the effect of at-large representation on minority vote dilution observe that this is an open question.[34] The empirical literature is thin and inconclusive.[35] Welch and Bledsoe show that at-large representatives spend less time on ombudsman activities than district representatives and

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[29] Michael D. McDonald & Richard L. Engstrom, *Minority Representation and City Council Electoral Systems: A Black and Hispanic Comparison* in Ethnic and Racial Minorities in Advanced Industrial Democracies 127 (Anthony M. Messina, Lusi R. Fraga, Laurie A. Rhodebeck & Frederick D. Wright, eds. 1992).

[30] Richard Hofstadter, The Age of Reform 177 (1955).

[31] Samuel P. Hays, *The Politics of Reform in Municipal Government in the Progressive Era* Pac. Northwest Q. 157 (1964) at 160.

[32] 412 US 755 (1973).

[33] As an example of this perspective see Chandler Davidson & George Korbel, *At-Large Elections and Minority Group Representation* in Minority Vote Dilution 65 (Chandler Davidson, ed. 1984).("An examination of the history of reform during the Progressive Era demonstrates that many reformers, belonging to the business classes, introduced at-large elections to wrest control of municipalities from the laboring classes and ethnic minorities. Research on the use of at-large elections since the 1920s indicates that they continued to be introduced or maintained as barriers to minority office holding, especially when disfranchising measures began to come under challenge." Id. at 78.) ("Another consequence of the choice of [at-large elections], however, has been documented impressively and forms the basis of the other side of the debate. That is the tendency for racial minorities to be more underrepresented when council elections are conducted at-large rather than with districts, an under-representation which not infrequently takes the form of total exclusion from the council." McDonald & Engstrom supra note __ at 128.) "Thus, the fundamental premise of the reformers was that at-large elections would disadvantage the lower classes: they disadvantage groups that are spatially segregated (such as blacks and lower-class immigrant groups) and they give advantage to well-organized, well-financed groups, such as business and reform groups." Welch & Bledsoe, supra note __ at 8.

[34] "Whether decisions made by at-large councils are truly of higher quality than those made by councils elected under a district format is not something readily documented." McDonald & Engstrom supra note __ at 128.

[35] There are a couple of early papers that are primarily concerned with the longevity of candidates, and effects on party structure and discipline. See Silva, supra note __ and Hamilton, supra note __.

focus more on citywide and business constituencies.[36] On the issue of policy preferences the results are mixed; they note that "no consistent differences were found in policy attitudes by structure type,"[37] although they remark earlier that "[t]he only significant difference between those elected by district and at-large was that at-large members favored raising taxes slightly more than those elected by district" which was "counter to our expectations."[38]

Another way to try to measure the effect of at-large representation is to see if there is a correlation between "public-minded" spending and at-large representation. This situation is even more complicated than the personal differences since there are inherently competing interests in spending. At-large representation might lead to less public spending because of the decrease in "ward-healing" and log-rolling, or to an increase based on a larger concern for public works projects. Lineberry and Fowler saw the former effect[39] but Morgan and Pelissero found little change in taxing and spending levels among cities that instituted municipal reforms.[40]

Because there is little empirical guidance, we are left to make this judgment on other grounds. Since an at-large representative will be elected by the entire municipality, it is logical to assume that she will be responsive to the majority within the city and thus decide issues in agreement with the majority position. Historically this has been the argument put forward for the position that at-large representatives will be sensitive to the wider interests of the polity, an argument not limited to people in the United States:

> After Britain's switch to single districts Arthur Balfour complained that "small, persistent, and selfish interests have now too much power." This is "inevitable in single-member constituencies" What is more, critics argue, the representative tends to develop a narrowness of outlook, a preoccupation with local concerns, a passion for the logroll and the porkbarrel. An assembly based on single district, Gambetta was convinced, is a "broken mirror" in which a community cannot see its own image.[41]

Even today there seems to be a presumption that at-large representatives have a responsibility to the polity as a whole. As I write this, Nashville, Tennessee is preparing to elect five at-large representatives to the Metro Council. The Nashville Scene, the local alternative newspaper, published endorsements for the at-large seats in an editorial. The

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[36] Welch & Bledsoe, supra note __ at 106 (Table 6.1)
[37] Id.
[38] Id. at 88.
[39] Lineberry & Fowler, supra note __ at 715.
[40] David R. Morgan & John P. Pelissero, *Urban Policy: Does Political Structure Matter?*, 74 Amer. Pol. Sci. Rev. 999 1005 (1980). The reforms in question were at-large representation, city manager, and non-partisan elections.
[41] Klain supra note __ at 1118.

editorial characterizes the at-large seats as ones "whose officeholders are charged with taking a broader view of city issues than their district counterparts."[42]

Taken together, then, the arguments that at-large representation is fundamentally different in kind than districted representation seem persuasive despite the lack of empirical evidence. And, if that is true, then there would seem to be good reason to consider including some at-large representation in a legislative body. Certainly the concerns that having all (or even most) of the representation at-large would tend to disenfranchise minority interests are legitimate[43] but they do not imply that there should be no at-large representation at all. The fact that so many municipalities have mixed representation suggests that it provides some benefit. All of which leaves us with the question of how to balance the influence of at-large representation with districted representation. After a brief digression, that will be the focus of the rest of this paper.

Before beginning my formal analysis I want to examine the question of why there has been so little recent empirical interest in the nature and desirability of at-large representation. I have two hypotheses. The first is that with the increase of power of the federal government starting in the 1960's academic research shifted focus to the federal government and its relationship with state and local governments. If this is the case, one might expect to see a rekindling of interest in the study of local politics as power devolves back to local constituencies.

Another possibility is that, as mentioned earlier, the vote dilution litigation of the 1970's and 1980's lead to the perception that at-large representation's only purpose was to disenfranchise minority voters. This lead to a large number of papers investigating the effect of at-large representation on minority representation. Having decided that at-large representation is inherently bad perhaps there was little reason to study it further. If at-large representation were no longer a feature of democratic life one might have sympathy with this position, but over 80% of all municipalities have some level of at-large representation.[44] Are they not worth studying at all? Or do people just pretend that they don't exist?

There does seem to be some precedent for pretending that at-large representation is a thing of the past. In 1955 Maurice Klain wrote a paper that debunked claims that multi-member districts in state legislatures were a thing of the past.[45] He cited a Committee of the American Political Science Association as reporting that "[p]opular election from single-member districts is the prevailing method by which individual legislators are chosen."[46] He cited seven then-classic texts as saying that, with few

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[42] The Nashville Scene, July 31, 2003 at 5.
[43] These concerns themselves have a long history. They were raised in the debates in Congress in 1842, and in various state legislators before that. I do not mean to dismiss them, but only to put them in some perspective.
[44] Municipal Year Book 1998 at 40 (Table 5/15).
[45] Klain, supra note __.
[46] Ibid at 1105.

exceptions, "the rule of one member to each district is generally applied,"[47] and an additional sixteen contemporaneous texts that made similar assertions.

The problem was that these statements were just false. At the time only nine states chose all of their legislators from single-member districts.[48] Sixteen states elected at least some of their senators from multi-member districts. Thirty six states elected at least some of their house members from multi-member districts. All together more than 45 per cent of the seats in state houses were elected from multi-member districts.[49] "The multiple district is no departure from the good old days and the tried old ways. It is not, as giants of the type might lead one nowadays to think, a makeshift arrangement inspired by urban agglomerates. Neither the multiple district nor its widespread use is an emergent of recent times. It is the single –member district that stands outside of history, an alien to the past, a new-fangled and upstart thing."[50]

Klain does not speculate as to why this myth was so well accepted. Evidently the authors were not sufficiently attuned to their political surroundings to realize that what they were asserting was inaccurate. I can only wonder if the same tendency is true today, and that political scientists are so out of touch with local politics that they have mistakenly concluded that at-large representation is no longer an issue at any level of government.

III. Modeling a Municipal Election

Suppose that we have been convinced by the normative arguments in the previous section that having some at-large representation is a good thing but we don't want to elect all of the representatives at-large for fear of diluting some minority interest. How should we decide on the optimum number of at-large representatives? In order to pick a number I will have do two things: first I will develop a formal model of a municipal election which will be parameterized by the number of at-large representatives. Then I will choose a function to maximize, one that is dependent on the number of at-large representatives. Finding the function's maximum will determine the number of at-large representatives.

The formal model of the election is based on an understanding of how an individual voter can affect the decision of the city council. This is a two-step process: first the voter casts a ballot for her representative, and then the representative gets to cast a ballot within the council. The influence that a voter can wield is achieved by her ability

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[47] This quote is from Charles A. Beard, American Government and Politics 577, 1936 but is representative of claims from the other texts cited. See Klain supra note __ at 1105.
[48] The states were California, Delaware, Kansas, Kentucky, Missouri, Nebraska, New York, Rhode Island and Wisconsin. Klain, supra note __ at 1106.
[49] Id. at 1108.
[50] Id. at 1111.

to alter the choice of the elected official who then has the possibility of altering the decision of the council.

Suppose that a voter is able to cast ballots for both a districted representative and the at-large representatives. Because the number of voters in the district will be smaller than in the whole city, the voter will have a greater opportunity to influence the district race than the at-large race. On the other hand, under assumptions that we will consider shortly, the influence of the at-large representatives on council decisions will be larger than that of the district representatives. It is this essential trade-off that is at the core of my analysis: the voter has more influence over the outcome of the district race, but the district representative will not have as large an influence on the outcome of the council vote as the at-large representatives.

What is the connection between this analysis and the number of at-large representatives? The fewer the number of districted representatives, then the larger the population of each district, which means the more difficult it will be for a voter to influence the outcome of the district election. On the other hand, fewer district representatives means a larger at-large contingent, which will have a larger influence over the decisions of the council. If a voter is concerned solely with her own ability to influence the outcome of a council vote, how should she prefer this trade-of be resolved? I will give a very explicit answer to this question in a subsequent section.

But before I can begin the formal model, I will have to make a number of simplifying assumptions about the behavior of the representatives as well as of the voters:

Assumption 1: The at-large representatives vote as a bloc.

This assumption, while clearly not perfect, is consistent with the general view of at-large elections. If the elections are partisan and there is sufficient party discipline, then bloc voting of the delegation is exactly what one would expect to see.[51] The assumption is also consistent with the principal objection to at-large elections: that they result in the dilution of representation of minorities, which is to say that, at least with respect to these issues, the winners of an at-large election will vote as a bloc in opposition to the minority interests. Unfortunately, I know of no empirical studies to support this assumption.

Assumption 2: A voter casts her ballot independently in the at-large election and in the districted election.

Like Assumption 1, I have not seen any empirical justification for this assumption, but it doesn't seem to be unreasonable. Under a Progressive view of the

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[51] As an example see *Whitcomb v. Chavis* 403 US 124 (1971) in which a challenge was made to a multi-member district in Indiana. The table at 134 gives quite convincing evidence of slate voting by party and the Court acknowledged the bloc voting by the delegation in the legislature. ("That bloc voting tended to occur is sustained by the record, and defendants' own witness thought it was advantageous for Marion County's delegation to stick together." At 147)

election, the voter will base her vote in the districted election on ward interests narrowly tailored to her location and her at-large vote will be based on global issues affecting the municipality as a whole. Moreover there is evidence that the more local the election the more it is decided by personal qualities of the candidates and less on particular issues, from which evidence we can conclude that voters are acting independently.

Assumption 3: In the district elections there are two candidates and in the at-large elections there are two slates of candidates. In the district election and in the at-large election, voters are as likely to cast their votes for one side as the other.

Given the abstract nature of this model, the assumption that a voter is as likely to vote for one candidate as the other is the only assumption that one could reasonably make. The difference between analyzing a current electoral system *in situ* and designing an abstract electoral system becomes evident here. While there may be evidence of a pattern of voting in elections in a particular municipality (which is what measures of polarization in voting are about) in this more abstract setting of designing an ideal election system there is little reason to suppose a pattern one way or the other.

The assumption that in the district elections there are only two candidates seems plausible as well. Duverger's Law asserts that plurality elections tend to create a two-party system,[52] and certainly in areas with strong party affiliations this is likely to be the case. It would be nice to have some empirical evidence in support of this assertion, and in particular to know more about how the size of the district affects partisan politics, but there is little evidence extant.

The most problematic of the assertions in Assumption 3 is that in the at-large election there will effectively be two slates of candidates. To the extent that party politics are important this is likely to be the case[53] but if the party affiliations are not strong then this may not be very accurate. An additional troubling point is that part of the Progressive reforms were non-partisan elections. Thus, one might expect areas with at-large representation to be less likely to run candidates on party slates.

Although there has been no formal empirical work done on this question, a look at the most recent election for the at-large representatives to the Metro Council of Nashville is illuminating. There were 19 candidates running for 5 at-large positions. The candidates ended up in three groups: 7 of the candidates each received less than 3% of the vote, 7 candidates received between 4 and 7 % of the vote each, and 5 candidates each received between 9 and 11% of the total vote.[54] If we ignore the 7 candidates who

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[52] Maurice Duverger, Political Parties: Their Organization and Activity in the Modern State (1954). For more recent commentary on the evidence in support of Duverger's Law see the essays in Electoral Laws and their Political Consequences (Bernard Grofman & Aren Lijphart, eds., 1986).

[53] See Whitcomb again.

[54] Data from the Nashville Election Commission. These outcomes do not decide the final election, however, because of the additional requirement that a winning candidate receive at least 10% of the vote, something achieved only by three candidates. Thus, there will be a run-off election in September, 2003 for

received less than 3% of the vote then the remaining candidates look very much like two distinct slates. I would not want to push this analogy very far, but it gives some modest support to the assumption. Ultimately, we will just have to take this assumption as a given, and recognize it as the cost of working with a formal model.

Based on these assumptions I can now develop a model of the election using techniques from cooperative games. As these methods are not widely known, I begin with an introduction to weighted voting games and measuring voting power.

IV. Weighted Voting Models

As discussed previously, my analysis will focus on how an individual voter can influence the outcome of a municipal council decision. This influence occurs in a two-step process: the individual voter might determine which candidate is elected and that candidate may be the determining vote in a council deliberation. Thus, there are two things to consider: how a voter can determine the outcome of the election and how a representative can determine the outcome of the deliberation. I will begin with the latter question, modeling the deliberations of the council

The model I will use is based on a standard weighted voting model. Weighted voting is a special case of a cooperative game.[55] In these games, there is a set of *voters*, each of whom has a vote of a particular *weight* (not necessarily the same for each voter), and a numerical *quota* which is used to tell if a vote has been successful. The collection of voters who vote in favor of some proposition is called a *coalition*. In an election, each voter casts a vote and the weights of the votes cast in favor are added together. If that sum equals or exceeds the quota, then the issue passes; otherwise it fails. Collections of voters whose total weighted vote are sufficient to carry an election are called *winning coalitions*; if a collection does not have enough weighted vote to carry an election it is called a *losing coalition*.

A brief (and classic) example may help to clarify these ideas. In 1958, the Treaty of Rome established the European Economic Community (EEC) and instituted a weighted voting system for the EEC's governance. The members at that time were France, Germany, Italy, Belgium, the Netherlands, and Luxembourg. The three largest countries (France, Germany and Italy) were each given a vote with weight 4, Belgium and the Netherlands had votes of weight 2 and Luxembourg's vote had weight 1. The quota was 12. Thus, if France, Germany and Italy all voted in favor of some proposition,

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the final two at-large seats between the two candidates who received more than 9% (but not the required 10%) and the next two most popular candidates (who each received 6.3% of the vote.)

[55] Most elementary game theory texts have an introduction to the subject. For example, see G. Owen, Game Theory, 3rd ed., 218 (1995), where such games are called weighted majority games.

the weighted vote would be at least 4+4+4=12. The motion would therefore pass, whether or not the other countries voted in favor of it. So the collection of France, Germany, and Italy is a winning coalition. Similarly, a motion would pass if France, Italy, Belgium, the Netherlands and Luxembourg voted in favor (4+4+2+2+1=13) and so they too form a winning coalition. On the other hand, the collection of Italy, Belgium and the Netherlands accounts for a total weighted vote of only 4+2+2=8, which does not meet the quota and hence is a losing coalition.

In my model of a municipal council I will be starting with the weighted voting game that consists of one voter with large weight, corresponding to the bloc of at-large voter-representatives,[56] and the rest of the voter-representatives will each have weight 1. I model the at-large representatives as a single voter-representative with a large weight because I have made the assumption that they will in fact vote as a single bloc (Assumption 1). To be more precise, I will assume that there are a total of n representatives, k of whom will be from districts and n-k will be elected at-large. Thus, in the model I will have one voter-representative with weight n-k and k voter-representatives with weight 1. The goal, ultimately, will be to choose the value of k that will maximize the influence of a voter-citizen on the outcome of a council deliberation.

I want to focus first on the power of individual voter-representatives to affect the outcome of a council vote. Again, using the EEC as an example, we can see that having a vote on an issue is not the same as having influence over its outcome. To see this, consider Luxembourg's situation within the EEC. It has a vote of weight 1. Is there any situation in which Luxembourg's vote could affect the outcome? Suppose Luxembourg voted in favor of some proposition and that proposition passed. In that case, the total weighted vote in favor in such a scenario would have to be at least 13.[57] So even if Luxembourg were to change its vote, the proposition would still have gotten a sufficient number of votes (12) to pass. In a similar fashion, if Luxembourg voted against a proposition which failed, changing its vote could not cause the proposition to pass. Thus, Luxembourg's vote is irrelevant to the outcome in all cases. Even though it has a vote, Luxembourg will not have any influence over the outcome.[58]

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[56] In weighted voting theory, whoever casts a vote is referred to generically as a voter. In my application, there are two different types of voters; the representatives who vote in the council and the citizens who elect the representatives. I will need to consider both because of the two-step nature of my analysis. In order to keep this as clear as possible, when I am talking about the elections in the council I will refer to the voters as voter-representatives and when I discuss the election of the representatives I will refer to the voters as voter-citizens.

[57] This occurs because only Luxembourg has a vote that has odd weight, all the rest being 2 or 4. So, since Luxembourg is assumed to have voted in favor, the total weight must be odd, and since it is larger than 12, it must be at least 13.

[58] In this example, we are ignoring the influence that Luxembourg might have over the votes of the other countries. The representatives from Luxembourg might well be able to influence the votes of the other members and in that way indirectly affect the outcome even if their vote will have no direct effect.

We must next consider how to measure the amount of influence that a particular voter-representative has on the outcome of a council deliberation. In a council election, as in the EEC, a particular vote matters if a change in that vote would alter its outcome. To make this idea precise, we will say that a voter-representative V is *pivotal* for a particular winning coalition if V is in that winning coalition and the same coalition with V removed is a losing coalition. That is, a voter-representative V is pivotal for a winning coalition if the weighted vote of the coalition (with V) meets the quota (and hence is winning) but if the weighted vote of V is removed, then it is less than the quota. For example, in a winning coalition consisting of France, Italy, Belgium, the Netherlands and Luxembourg, France is pivotal, since the coalition Italy, Belgium, the Netherlands and Luxembourg is a losing coalition. In that same winning coalition, Luxembourg is not pivotal since France, Italy, Belgium and the Netherlands is still a winning coalition. In fact, our earlier discussion shows that Luxembourg is never pivotal.

In a similar way, we will call V pivotal for a losing coalition if V is *not* in that losing coalition, but if V is added to it, then it is a winning coalition. In our example, the coalition France, Italy, and Belgium is a losing coalition and Germany is pivotal for this losing coalition since the coalition France, Italy, Belgium and Germany is a winning coalition. The Netherlands is pivotal for the same losing coalition. Luxembourg, of course, is not pivotal for any coalition. Generally, V is pivotal for a coalition if i) the coalition is winning, V is in the coalition, and removing V from the coalition makes it a losing, or ii) the coalition is losing, V is not in it, and adding V to it turns it into a winning coalition. In other words, being pivotal means that V's vote matters because if V were to change her vote, the outcome would be different.

This leaves us to decide how to aggregate all these instances into some overall measure of the influence of a voter-representative. The most common way to do this is to define a probabilistic model which assigns to each coalition a likelihood of its being formed, and then computes the likelihood of a voter being pivotal. The particular choice of probabilistic model I will use was introduced in legal contexts by Banzhaf[59] and leads to what is referred to as the Banzhaf measure. The Banzhaf measure of voting power is based on the assumption that each voter will vote independently from the other voters and that each voter is as likely to vote for some proposition as to vote against it (which conveniently accords with Assumption 3). Equivalently, it assumes that every coalition of voters is equally likely. The Banzhaf measure of a voter's power is equal to the probability of that voter being decisive in a vote, assuming that every coalition is equally likely.

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[59] John F. Banzhaf, III, *Weighted Voting Does Not Work.* The mathematics of this measure of voting power dates to earlier independent work of Coleman (J. S. Coleman, *Control of Collectivities and the Power of a Collectivity to Act* in Social Choice 269 (B. Lieberman, ed. 1971) but Banzhaf was the first to apply these voting power measures to the law.

This measure is calculated by computing the number of times that voter is pivotal in some coalition and dividing by 2^n, where n is the number of voters in the election. This particular power of 2 is chosen since the total number of possible coalitions among n voters is 2^n, and if each coalition is assumed to be equally likely, the probability of any given coalition is $1/2^n$. In our example of the EEC, we can show that France is pivotal in 10 winning coalitions and 10 losing coalitions, and hence the Banzhaf measure of France's voting power is $20/2^6 = 20/64=.3125$.[60] Note that the power of a voter depends only on the weight of its vote, so that the power of Italy and Germany will also be 20/64. The Banzhaf measure for both Belgium and the Netherlands is 12/64=.1875, and the Banzhaf measure of Luxembourg is 0.

What is the significance of the Banzhaf measure of a particular voter? It is the probability that if that voter were to change his vote, the outcome of the vote would be different (given the assumption that every coalition is equally likely). It therefore reflects the ability of that voter to affect the outcome of a vote.

As another example, consider the weighted voting game with one voter of weight 5 and 10 voters of weight 1. This corresponds to the situation in which there is a municipal council with 5 at-large representatives and 10 districted ones. A majority vote in the council corresponds to a quota of 8 in this weighted voting game. A district representative will be pivotal for a winning coalition if that coalition has a total of exactly 8 weighted votes, and she will be pivotal for a losing coalition if that coalition has a total weighted vote of exactly 7. Calculation shows, then, that a districted representative is pivotal in a total of 144 coalitions[61] and hence has Banzhaf measure $144/2048 \approx .07$. The bloc of at-large voters is pivotal for a winning coalition if the total weight of that coalition is between 8 and 12 (since the removal of 5 votes will result in a losing coalition) and it will be pivotal for a losing coalition if the coalition has a total weighted vote between 3 and 7. The number of such coalitions is 1824[62] and hence the Banzhaf measure of the at-large bloc is $1824/2048 \approx .89$. Thus, in this particular council, the at-large bloc would have more than ten times the voting power of each district representative.

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[60] The ten winning coalitions for which France is pivotal are: France, Germany, Italy; France, Germany, Italy, Luxembourg; France, Germany, Italy, Belgium; France, Germany, Italy, Netherlands; France, Germany, Italy, Belgium, Luxembourg; France, Germany, Italy, Netherlands, Luxembourg; France, Italy, Belgium, Netherlands; France, Germany, Belgium,, Netherlands; France, Italy, Belgium, Netherlands, Luxembourg; and France, Germany, Belgium, Netherlands, Luxembourg. The ten losing coalition for which France is pivotal are: Germany, Italy; Germany, Italy, Luxembourg; Germany, Italy, Belgium; Germany, Italy, Netherlands; Germany, Italy, Belgium, Luxembourg; Germany, Italy, Netherlands, Luxembourg; Italy, Belgium, Netherlands; Germany, Belgium, Netherlands; Italy, Belgium, Netherlands, Luxembourg; and Germany, Belgium, Netherlands, Luxembourg.

[61] A given district representative is pivotal in 72 coalitions made up solely of other districted representatives, and in 72 coalitions that include the bloc of at-large representatives.

[62] This computation is somewhat more complicated than the last. For details of the relevant formula see Edelman, *At-Large* Lemma 6.1.

To summarize, I will be modeling a municipal council vote as a weighted voting game in which there is one voter-representative with a large weight, corresponding to the bloc of at-large representatives, and many voter-representatives of weight 1 corresponding to the districted representatives. The Banzhaf measure of a voter-representative describes the ability of that voter-representative to affect the outcome of a council vote. There are two technical tasks left: I have to model the voter-citizens' ability to affect the outcome of an election for her representative, and then I have to connect that ability with the voter-citizens' ability to affect the outcome of a council deliberation.

Fortunately, modeling the voter-citizen's ability to affect the outcome of the election for her representative is just a special case of a weighted voting model. Suppose there are P voter-citizens, all of whom vote, in a majority election between two candidates. This is a weighted voting game in which there are P voters, each with weighted vote 1 and a quota equal to $(P+1)/2$.[63] It can be shown that the Banzhaf measure of a voter in such a game is approximately $\sqrt{2/(\pi P)}$.[64] That is, the likelihood of a particular voter being pivotal in a majority election involving P voters is inversely proportional to the square root of P. If the population is broken into k equipopulous districts, then in each district there will be P/k voters, and hence the Banzhaf measure of each of the voters in a majority election for a district representative will be approximately $\sqrt{2\Big/\left(\pi \frac{P}{k}\right)} = \sqrt{2k/(\pi P)}$.

Thus the Banzhaf measure of a voter-citizen in an at-large election is inversely proportional to the square root of the population. If that population is broken into k equipopulous districts, then the Banzhaf measure for a voter-citizen in a district election will be larger than the same citizen's at-large Banzhaf measure by a factor of the square root of k. This shows that there is an inverse relationship between a citizen's influence in an at-large elections and her influence in a districted election.

The final task to complete the model is to connect the voter-citizen's ability to affect the choice of her representatives (both districted and at-large) with the representative-voter's ability to affect the outcome of council decision, in order to determine the ability of the voter-citizen to affect the outcome of a council decision. The

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[63] There is a small technical point to be dealt with here if P is not odd, but it is not really material to the discussion. Interested readers can consult Dan. S. Felsenthal & Moshe Machover, The Measurement of Voting Power: Theory and Practice, Problems, and Paradoxes 66 (1998).
[64] Id. at 65.

classical way to handle this was, again, introduced by Banzhaf.[65] By Assumptions 2 and 3 we know that an individual voter-citizen effectively casts two ballots, one for her districted representative and one for her at-large slate, and that these votes are assumed to be independent. The individual voter-citizen, then, ultimately has two independent ways to affect the outcome of a vote in the municipal council: If that voter-citizen is pivotal in the majority election for her districted representative (which occurs with probability about $\sqrt{2k/(\pi P)}$) and the district voter-representative is pivotal in a council vote, then the individual voter-citizen has power in this "two-stage" voting game and the size of that power is the product of the powers in each stage. The other way a voter-citizen could be pivotal is if she is pivotal in the at-large election (with probability $\sqrt{2/(\pi P)}$) and the at-large voter-representative bloc is pivotal in the council; the measure of power in this two-step process is, again the product of the measures at each stage. The complete measure of the individual voter-citizen's power is the sum of these two types of power.[66]

Consider how the number of districts figures into a voter-citizen's power. In the part related to the district vote, the likelihood of an individual voter-citizen being pivotal in the district election increases with the number of districts. This is because the larger the number of districts the fewer people per district and hence the likelihood of being pivotal increases. It is also true, but less intuitive, that the larger the number of districts, the more powerful each districted voter-representative is.[67] Since the power of a voter-citizen is obtained by taking the product of these two numbers, it follows that the power of a voter-citizen is increasing in the number of districts in the part related to his district vote.

The influence of the number of districts on the power derived from the at-large component is more difficult to describe precisely[68] but the intuition is easily seen. The fewer the number of districts, the larger the at-large bloc, since I am assuming that the size of the council is held fixed. The larger the bloc, the more likely that the at-large voter-representative will be pivotal. Since the likelihood that a voter-citizen will be pivotal in an at-large election is independent of the number of districts, the power measured by the at-large component is inversely related to the number of districts.

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[65] John F. Banzhaf, *Multi-member Electoral Districts – Do They Violate the "One Man, One Vote" Principle,* 75 Yale L. J. 1309 (1966).

[66] There is more to this story than meets the eye. While Banzhaf made exactly this claim (Id.) and it was employed in litigation (see, e.g., *Morris et. al. v. Board of Estimate* 489 US 688 (1989)) the assertion that the power of the voter-citizen is the sum of the two types of power as described does not follow from the mathematical foundations that he set out. The first place this assertion was rigorously shown is in Edelman, supra note __.

[67] I say this is less intuitive, because it might not be obvious whether having more districted representatives dilutes the power of the voter-representative or, by decreasing the weight of the at-large bloc, increases the power of the districted representative. The only sure way to tell is to check the formulas which appear in Edelman, supra note __ Lemma 6.1 at __.

[68] For such a formula see Id., Lemma 6.1 at 11.

So, as the number of districts increases, the component of the voter-citizen's power through his districted representative increases. On the other hand, an increase in the number of districts means that the influence of the at-large bloc shrinks, which will make that component of the voter-citizen's power through the at-large representative get smaller. It is, perhaps, not clear whether one of these effects always dominates the other, or if there is some balancing that can be achieved between them. The only way to know for sure is to do the mathematics.

V. Weighted Voting and the Law

Readers who have successfully navigated the mathematics in the previous section might wonder whether this model has any use in law. How has weighted voting been viewed by the courts? The courts have considered the appropriate use of weighted voting models in several cases. But rather than using weighted voting to design an election system, in these cases the Banzhaf measure has been used to analyze inequities in political representation. In this section, I provide an intuitive explanation and critique of the courts' discussion of the voting models in the cases in question.[69]

In the wake of the U.S. Supreme Court's decision in *Reynolds v. Sims,*[70] which required that both houses of a bicameral state legislature be apportioned on the basis of population, many states flirted with prospect of assigning to members of their legislatures weighted votes in lieu of actual redistricting.[71] The idea was that if one legislative district was twice the size of another, then the legislator from the large district could be given a vote with twice the weight of the vote of the legislator from the small district, and the new system would meet the new requirement of "one person, one vote."[72]

John Banzhaf introduced his measure of voting power to analyze such schemes.[73] He interpreted the condition of "one person, one vote" to mean that each representative should have a probability of affecting the outcome of a vote commensurate with the size of the district that she represented, and thus the legal mandate required that each representative have a *Banzhaf measure* proportional to the size of the representing district rather than a *weighted vote* proportional to the size of the district. As an example, consider a state with three districts, two with 100,000 people and one with 50,000 people.

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[69] For a more detailed analysis, the interested reader should read the work of Felsenthal and Machover. Felsenthal and Machover, supra note __ at 79.
[70] 377 US 533 (1964)
[71] John. F. Banzhaf,III, *Weighted* supra note __.
[72] This expression first makes its appearance in *Gray v. Sanders* 372 US 368 (1963).
[73] John F. Banzhaf, III, *Weighted Voting*, supra note __.

Before *Reynolds*, the state assigned one representative to each district. However, after *Reynolds,* rather than redistrict, the state decides to give a vote of weight 2 to each of the representatives from the large districts and a vote of weight 1 to the representative of the small district. The state claims that this new weighted voting scheme meets the requirement of "one person, one vote" because the weighted vote per person is the same in every district.[74] Banzhaf, on the other hand, argued that the true power of each of the representatives is the same, in that each has the same probability of providing the pivotal vote. This can be seen intuitively: with a total of 5 votes, a proposition needs 3 votes to pass, and therefore *any* two representatives will constitute a winning coalition.[75] This means that the citizens of the small district have twice as much power per person as the citizens in the large districts, thereby violating the "one person, one vote" rule.

Banzhaf's analysis has seen some limited judicial acceptance. In *Ianucci v. Board of Supervisors Of Washington County, NY,*[76] the New York Court of Appeals struck down the structure of the Washington County Board of Supervisors because it was a weighted voting system in which the weights were proportional to the population of the various constituencies. Remarking that, "any method of allocating votes among representatives in proportion to population is liable to have hidden 'inherent defects,'"[77] and citing Banzhaf, the court went on to say that, "[i]deally, in any weighted voting plan, it should be mathematically possible for every member of the legislative body to cast the decisive vote on legislation in the same ratio which the population of his constituency bears to the total population."[78] Thus, the court accepted the Banzhaf index as the appropriate measure of "one person, one vote." It then ordered the county board to present a constitutionally valid apportionment plan within 60 days and, if the proposed plan was to be a weighted voting scheme, then it must include a mathematical analysis demonstrating that the Banzhaf measures of the proposed scheme were sufficiently close to the population percentages so as to pass constitutional muster.[79] Ultimately, the board did so successfully, and this form of weighted voting for the Washington County Board has persisted to this day.

While successful in *Ianucci*, Banzhaf's analysis has not been accepted at the federal level. The first time his analysis was considered by the federal courts was in

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[74] In the large districts this number is 2/100000=.00002 and for the small district this number is 1/50000=.00002.

[75] If the representatives from the large districts are called A and B and the representative from the small district is C, then each voter is pivotal in 2 winning coalitions and in 2 losing coalitions. For example, A is pivotal in the winning coalitions A,B and A,C and in the losing coalitions B and C. Voter C is pivotal in the winning coalitions A,C and B,C and in the losing coalitions A and B. The Banzhaf measure of each voter is $4/2^3 = 4/8 = 1/2$.

[76] 282 NYS 2d 502 (1967).

[77] Id... at 507.

[78] Id.. at 508.

[79] Id.. at 510. ("Considered judgment is impossible without computer analyses and, accordingly, if the boards choose to reapportion themselves by the use of weighted voting, there is no alternative but to require them to come forward with such analyses and demonstrate the validity of their reapportionment plans.")

Whitcomb v. Chavis.[80] In that case, Banzhaf's methods were proffered to show that multi-member districts in state legislatures were *per se* unconstitutional. The use of multi-member districts was another way in which states attempted to avoid reapportionment after *Reynolds.* The idea was that if one legislative district was twice the size of another, then the first would be allocated two representatives, to be elected at-large, while the smaller district would receive only one. In this way, the states hoped, the mandate of "one person, one vote" could be achieved. In *Whitcomb*, the plaintiffs employed Banzhaf's methods to show that even if the number of representatives were allocated on a population basis, the voting power of the *voters* (as opposed to the representatives) were vastly different, and hence multi-member districts did not comply with *Reynolds*.

To understand the plaintiff's argument, note first that Banzhaf's analysis of multi-member districts differs from his analysis in *Ianucci.*[81] The right of "one person, one vote" attaches to the *voter*, not to the representative. So the states should be concerned with the probability that a voter can affect the outcome of the governing body. As we saw in the previous section, the ability of a voter to affect a legislative outcome arises in two stages: first, there is the probability that the voter affects the outcome of the election of her representative, and second, the probability that her representative then affects the determinations of the legislative body.[82] Moreover, as we saw in the previous section, the voting power of a voter in such a system is roughly the voting power of her representative times the reciprocal of the square root of the population of the legislative district.[83] For instance, the power of a voter in a district of 10,000 is proportional to the power of the representative of that district in the legislature times 1/100. [84]

As an example, suppose we have two districts, L, with 10,000 people, and S with 4000 people. In addition, suppose that within the legislature's weighted voting system the representative from L has Banzhaf measure of 10 and the representative from S has Banzhaf measure 4. From what we have seen so far, this would seem to meet the requirement of "one person, one vote." In fact, it does not. A *voter* in L has power proportional to $10 \times 1/100 = .1$ (as noted above), while a voter in S has power proportional to $4 \times 1/63.25 = .063$. [85] So the power of a voter in L is much larger than

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[80] 403 US 124 (1971). *Whitcomb* is better known as the case in which the Supreme Court begins its analysis of vote dilution. See Samuel Issacharoff, Pamela S. Karlan, and Richard H. Pildes, The Law of Democracy 2nd ed. , 673 (2002).

[81] John F. Banzhaf, III, *Multi-member Electoral Districts—Do They Violate the "One Man, One Vote" Principle,* 75 Yale L. J. 1309 (1966) ("*Multi-member Districts*").

[82] This two stage affect is modeled by a composition of two weighted voting games. See G. Owen, supra note __ at 241.

[83] Supra at 16. For simplicity I am leaving out the factors of 2 and π that appear in the formula, since they do not affect the relative size of the voting power.

[84] The square root of 10,000 is 100 and so the power of the voter to elect the representative is 1/100.

[85] The square root of 4000 is approximately 63.25.

that of a voter in S.[86] This is a general result: if the power of the representatives is chosen to be proportional to the population they represent,[87] then the voting power of the citizens of the larger districts will always be considerably larger than the power of the citizens in smaller districts.[88]

With this background, we can now describe Banzhaf's attack on multi-member districts. He makes two assumptions: first, that the representatives elected at-large will vote as a bloc in the legislature;[89] and second, that the power of these blocs of voters will be proportional to their number.[90] Based on these assumptions, he finds that if the number of representatives is proportional to the size of the district, then the power of the voters in the large districts will be much larger than that of voters in small districts and hence there will be a violation of the "one person, one vote" criterion. This was the argument that was put forward in *Whitcomb.*[91]

This analysis was soundly rejected by the U. S. Supreme Court. While acknowledging the mathematical soundness of Banzhaf's argument,[92] the Court,

> note[d] that the position remains a theoretical one and, as plaintiffs' witness conceded, knowingly avoids and does 'not take into account any political or other factors which might affect the actual voting power of the residents, which might include party affiliation, race, previous voting characteristics or any other factors which go into the entire political voting situation.' The real-life impact of multi-member districts on individual voting power has not been sufficiently demonstrated, at least on this record, warrant departure from prior cases.[93]

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[86] This analysis actually shows that the court made a mistake in accepting the more simplistic analysis of weighted voting in *Ianucci.* For more details, see Felsenthal and Machover, supra note __ at 94.

[87] This is the requirement set out in *Ianucci.* See supra at __.

[88] To be somewhat more precise, if the population of the district is *P*, and the power of the representative is proportional to *P* then the power of a citizen of that district is $P \times 1/\sqrt{P} = \sqrt{P}$ and this power evidently grows with the population of the district. Thus, citizens of large districts will have more voting power than citizens of small districts.

[89] Which is, of course the same as our Assumption 1 supra at 11.

[90] The careful reader will note that given what we've seen earlier it is not necessarily the case that the voting power of the bloc will be proportional to its size. Banzhaf was not as careful about this as he might have been. On the other hand, for large legislatures with a large number of voters, it is a reasonable approximation to make. See Ines Lindner and Moshé Machover, *LS Penrose's Limit Theorem: Proof of some Special Cases*, preprint (2003).

[91] Actually, this is but one of a number of arguments raised in *Whitcomb.*

[92] *Whitcomb* at 145 ("The District Court did not quarrel with plaintiffs' mathematics, nor do we.")

[93] Id.. at 145 (footnotes deleted.) One of the deleted footnotes (fn. 23) has quite an extensive discussion of the fact that the power of a voter in a majority election is proportional to the reciprocal of the square root of

As has been commented elsewhere,[94] it is difficult to see how Banzhaf's analysis is any more "theoretical" than the traditional assumption that voting power is equalized in districts of uniform size, an assertion that also does not take into account any of the factors that the Court mentions.

In his dissent, Justice Harlan, while no more persuaded by Banzhaf's analysis than the majority, at least takes the arguments seriously and offers a critique aimed squarely at Banzhaf's assumptions. He notes that "minor variations in assumptions can lead to major variations in results."[95] In particular, if one assumes that the voters are just slightly more likely to vote for one candidate than another[96] (that is, the coalitions are not all equally likely contra our Assumption 3), then the voting power of an individual is reduced by a factor of 1,000,000.[97] Or, if some of the voters are already committed to particular candidates,[98] then the voting power of an individual is decreased by a factor of 120,000,000,000,000,000,000.[99] He concludes that a model that is so sensitive to variations in the political situation is not very persuasive and "[i]t is not surprising therefore that the Court in this case declines to embrace the measure of voting power suggested by Professor Banzhaf."[100]

The U. S. Supreme Court returned to the question of Banzhaf's methodology in *Board of Estimate of City of New York et. al. v. Morris et. al.,*[101] a case that seemed better suited than *Whitcomb* to a weighted voting analysis. The New York City Board of Estimate was composed of three officials who were elected at-large (the mayor, the comptroller, and the city council president) as well as the presidents of each of the five boroughs of New York City. The three at-large members of the Board each cast two votes and the presidents of the boroughs each had one vote. Six votes were needed to

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the population. To our knowledge this is the only place in any Supreme Court opinion that has the factorial function exhibited.

[94] Felsenthal and Machover, supra note __ at 106.

[95] *Whitcomb* (Justice Harlan dissent) at 169.

[96] Id.. In Harlan's example he assumes that the probability of voting for one of the candidates is .505 and the other is .495 rather than .5 for each.

[97] My calculations indicate that the likelihood changes by a factor closer to 3,000,000.

[98] Id.. Harlan uses the example of 15,000 voters committed to one candidate and 10,000 committed to another, out of a total vote of 300,000.

[99] Id.. This is the largest number ever to appear in a Supreme Court opinion. My calculation would suggest, however, that the actual factor is closer to 52,817,800,000,000,000,000 (which is also larger than any other number in a Supreme Court opinion.)

[100] Id.. He goes on, though, to comment "But it [the Court] neither suggests an alternative nor considers the consequences of it inability to measure what it purports to be equalizing….Instead it becomes enmeshed in the haze of slogans and numerology which for 10 years has obscured its vision in this field…"

[101] 489 US 688 (1989).

pass a resolution.[102] Registered voters from Brooklyn (the most populous borough with 2,230,936 residents) filed suit claiming that the structure of the Board violated the "one person, one vote" requirement because they had the same representation as the borough of Staten Island (with a population of 352,151.)

The City proposed that the Court evaluate this legislative scheme using a Banzhaf-type analysis. It argued, just as I have done in the previous section, that the voting power of a citizen was a combination of her ability to affect both her borough representative and the three at-large representatives with the abilities of these four representatives to affect the outcome of the Board. Using similar techniques to those used in *Whitcomb*, the City concluded that there was total deviation of 30.8% in voting power between voters in Staten Island and Brooklyn.[103]

The Supreme Court was, again, not persuaded, stating: "[t]he Court of Appeals gave careful attention to and rejected this submission....We note also that we have once before, although in a different context, declined to accept the approach now urged by the city. *Whitcomb v. Chavis,* 403 US 124 (1971). In that case we observed that the Banzhaf methodology 'remains a theoretical one' and is unrealistic in not taking into account 'any political or other factors which might affect actual voting power..."[104]

The decision to reject the Banzhaf analysis left the Court in a quandary. The Court has not articulated a method of evaluating a weighted voting system for compliance with "one person, one vote" and the Board is inherently a weighted voting system. If they weren't going to accept Banzhaf's analysis, with what would they replace it? The Court decided to adapt its usual method for measuring representation to this new situation.

For the purposes of its analysis, the Court viewed the Board of Estimate as consisting of 11 representatives, 6 elected at-large (corresponding to the 6 votes distributed among the 3 at-large representatives) and 5 elected from the boroughs. To measure the amount of representation provided to each citizen, they allocated the six votes associated with the at-large representatives to the various boroughs on a proportional basis. That is, since Brooklyn represented 31% of the population of New

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[102] The voting rule was somewhat different for budgetary matters. In those cases the mayor did not participate in the vote. The Court did not worry about the difference in the two types of votes, focusing on the more general structure described above.

[103] The citizen of Staten Island has 25.7% more voting power than if the boroughs were equally apportioned. The citizen of Brooklyn has 5.2% less voting power for a total deviation of 30.9% The Court reports this deviation is 30.8% See *Board of Estimate, supra note* at 698. Justice Blackmun observed in his concurrence, however, that even if the Court accepted this analysis, a 30.8% total deviation is far in excess of what is considered acceptable under *Reynolds.* See *Board of Estimate*(Blackmun concurring) at 704.

[104] Id.. at 698.

York, the citizens of Brooklyn were thought to have 31% of the 6 at-large votes (1.89) as part of their representation. Thus, Brooklyn was considered to have 2.89 representatives.[105] In a similar fashion Staten Island (with 4.9% of the population) was thought to have a an extra .29 share of a representative above their own single representative. For each borough, the Court computed the quotient of population to total representatives and then looked for the total percent deviation from an apportionment in which all the boroughs were of equal size. They calculated this was 78%.[106] This total deviation was well beyond what had been previously considered acceptable, and so the Court found that the Board was in violation of the "one person, one vote" criterion.[107]

The Court's analysis, however, is not consistent with the weighted voting nature of the Board. To see this most clearly, imagine a different board in which there is a single at-large representative with a weighted vote of 6 and one representative from each borough with a vote of weight 1. If the quota is 6, then the only vote that matters is the at-large representative, and one should conclude that "one person, one vote" is satisfied since the at-large representative was representing all the citizens of New York equally. The analysis of the Court, however, would still conclude that the citizens of Brooklyn are underrepresented since, in their analysis, a single at-large voter with a vote of weight 6 would have his 6 votes allocated proportionally to the various boroughs in the exact same proportions as the 3 at-large voters each with weight 2 had theirs.[108]

The *Board of Estimate* decision has led to an interesting development in more recent federal judicial discussions of Banzhaf's methodology for analyzing weighted voting. In *Jackson v. Nassau County Board of Supervisors*,[109] a federal district court case in the Eastern District of New York, a challenge was brought to the weighted voting method used by the Nassau County Board. The weighted voting scheme was very similar to that considered by the New York Court of Appeals previously in *Ianucci* in that the representatives from each town in the county were assigned weighted votes so that their respective Banzhaf measures were proportional to population of their city.[110] However, completely disregarding *Ianucci*, the judge interpreted *Board of Estimate* to stand for the

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[105] Each borough has one representative to the Board plus the 1.89 representatives which were Brooklyn's share of the at-large votes.

[106] For example, Brooklyn had 2230936/2.89 = 771146 people per representative. Since the total population of New York was 7,071,030, the average number of people per representative overall is 7071030/11=642824. The percent deviation of Brooklyn from this average is 19.96%. A similar calculation shows that Staten Island deviates from this average –57.82% for a total deviation of 77.8%. These calculations are not explicit in the opinion. . Apparently the idea of measuring representation in this fashion was raised in the District Court but not on appeal. The Justices raised it during oral argument before the Court. Id. footnote 9 at 702.

[107] Id.. at 702.

[108] This is because the Court allocated the total number of at-large votes among the boroughs not worrying about how those votes were distributed among the at-large representatives.

[109] 818 F. Supp. 509 (1993).

[110] This case also had a long and interesting history which is too involved to go into here. See Felsenthal *and* Machover, supra note __ at 117.

position that weighted voting is *per se* unconstitutional.[111] As a result, the weighted voting scheme for the Nassau County Board was struck down and replaced by a board composed of representatives elected from equipopulous districts. In short, what was given a judicial imprimatur in New York State court (in *Ianucci*) was found unconstitutional by its federal courts.

We have seen that the Banzhaf analysis of weighted voting has not fared well in the courts. It is considered too abstract and unrealistic to be useful in assessing compliance with "one person, one vote."[112] On the other hand, courts have been unsuccessful at supplying a persuasive alternative analysis.

For the purposes of this article, however, the criticisms of the Banzhaf analysis are much less persuasive. Rather than using it for assessing compliance with "one person, one vote" I am using it to design an election system which, by its nature, satisfies the requirements of "one person, one vote."[113] The substance of this enterprise is itself rather abstract, and so the assumptions made in the analysis are much less troublesome.

VI. The Optimum

At last I am in a position to define the measure used to compute the optimum number of at-large representatives. As we have seen in the last section, the power of an individual voter-citizen in this voting game is the sum of the power of that voter in her district election with her power in the at-large election. Moreover, the power in the district election is inversely related to the power in the at-large election. My choice for an optimization criterion will be the total power of a voter. I will choose the number of districts that maximizes the voting power of an individual voter-citizen.[114]

Why choose the power of an individual voter-citizen as the appropriate measure to maximize? From a rational choice perspective, this is a natural thing to do. In most rational choice models, a citizen will only cast a ballot if his expected benefit of doing so

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[111] *Jackson* at 531. ("What is clear from these excerpts, and what the defendants seek to minimize, is that the Supreme Court firmly rejected weighted voting, not only because of the mathematical quagmire such a system engenders, but just as importantly because the methodology fails to take into account other critical factors related to the actual daily operations of a governing body.")

[112] Although, as Justice Harlan remarked in his dissent in *Whitcomb*, "The only relevant difference between the elementary arithmetic on which the Court relies and the elementary probability theory on which Professor Banzhaf relies is that calculations in the latter field cannot be done on one's fingers." *Whitcomb* (Justice Harlan dissenting) supra note __ at 168 footnote 2.

[113] This is evident because every citizen is treated exactly the same, residing in a district of a fixed size and having the same number of at-large representatives.

[114] This measure is called the *sensitivity* of the voting game. See Felsenthal & Machover, supra note __ at 52.

exceeds the cost of voting. The expectation of the benefit is dependent on the likelihood that the vote matters, i.e., is pivotal. So, by choosing to maximize the voting power of the individual voter we will be maximizing the turnout in an election, as well.

I would also argue that implicit in the proposed optimization of voting power is the normative trade-off between at-large representation and districted representation. The goal in having at-large representation is to provide for some representatives beholden to the whole jurisdiction, who will not be biased by parochial local issues. On the other hand we may not want so many at-large representatives that local issues can be ignored. By choosing the number of representatives to maximize the power of the individual voters we are allowing the voters to maximize their influence in a way that balances their concerns between the local and the global issues.[115]

The maximization of voting power is not without its downside. As was seen in Florida during the last presidential election, there is a certain inherent error rate in the process of casting a ballot. Voters may either fail to cast a valid ballot, or possibly, mistakenly cast it for their less favored candidate. Choosing to maximize the voting power exacerbates the effect of erroneous ballots as well. If a voter is truly pivotal and she mistakenly casts a vote for her less favored candidate, then that candidate will win even though fewer of the voters prefer such an outcome. The more likely it is that a vote will be pivotal, i.e., if we have maximized the voting power in the design of the election, then the more likely that a vote cast in error will decide the election. Nevertheless, the benefits of providing each voter with her maximum influence over the outcome would seem to outweigh such a drawback.

VII. The Results

Having specified the model and what I am optimizing I can state the principal result:

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[115] Another option would be to choose the number of at-large representatives so that the two contributions to power are equalized. That is, we could find the number that balances the power controlled by a voter in the at-large bloc with the power from her districted representative. Empirically this number seems to be close to the optimum value found by maximizing the total power, although these values are not identical and diverge for large sized councils. Unfortunately I have been unable to prove anything conclusive about this value.

> The power of an individual voter is maximized when the number of at-large representatives is approximately the square root of the total number of representatives.[116]

For example, the Metropolitan Council of Nashville and Davidson County in Tennessee consists of 40 members; this theorem suggests that the optimum number of at-large representatives is 6.[117] In reality, the Council has 5 at-large representatives.

One implication of this result is to give a positive justification of at-large representation. The optimization performed in the model allowed for the possibility of no at-large representation, and the result shows that voting power is maximized when there is some at-large representation. I know of no other positive justification in support of at-large representation. The increase in voting power is not insubstantial on a relative basis. For councils with sizes between 7 and 21 the relative increase of power of the optimal value over a council of only single member districts ranges between 43% and 45%.[118]

This analysis also allows one to see how the number of at-large representatives should scale if the size of the council changes. That is, if Nashville were to decide to halve the size of the Metro Council, how many at-large representatives should it include? One thought would be to halve the current number of at-large representatives, but the model suggests instead that the number should drop to about 70% of its previous size.[119]

The number of at-large representatives prescribed by this theorem is mathematically interesting as well. The square root function arises in at least two other contexts in analyzing voting games[120] so to have it appear once again is surprising.[121] The answer also feels about the right size.[122] Whether the example of Nashville is typical awaits an empirical analysis which, while greatly desirable, is beyond the scope of this paper.[123]

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[116] For the technical details of this theorem see Edelman, At-large, Appendix at 11. The actual result only holds when the total number of representatives exceeds 5.

[117] The theorem actually states that the optimum number of at-large representatives is the largest integer less than the square root of the total number. The square root of 40 is approximately 6.32 and hence the optimum number is 6.

[118] These computations were done with the aid of the symbolic system Mathematica. I would be happy to share the scripts with anyone interested. It would be nice to have a theoretical expression for this relative increase of power, but so far a formula has eluded me.

[119] Technically it should drop by a factor of $1/\sqrt{2} \approx .707$

[120] See Felsenthal & Machover at 63.

[121] And pleasing. I don't know of any unified explanation for the plethora of square roots in this area.

[122] As in the example of Nashville, where it is off by only 1 from the actual number of at-large representatives.

[123] The empirical information is, somewhat surprisingly, not collected anywhere, and would require individual inquiries to every municipality employing a mixed system of representation.

VIII. Concluding Remarks

What I have presented in this paper is a positive model of voting power that justifies a specific level of at-large representation as maximizing the voting power of the voters. While clearly not dispositive, it does suggest that there are legitimate benefits to be gained by the voters if some appropriate level of at-large representation is provided.

There are a number of different conclusions one might draw from my argument. The strongest conclusion is that every municipal government should contain some at-large representation and the number of such representatives should be the square root of the total number of representatives. While I would be delighted if that was the conclusion reached by the reader, I am skeptical that many would take this paper quite that literally.

A more measured reaction would be to conclude that if the normative merits of at-large representation are compelling then choosing the number of at-large representatives to be the square root of the size of the council would be a good, principled place to start. There will surely be local concerns that argue for some sort of adjustment, but the analysis in this paper provides a place to begin the discussions. It is worth noting in this context that the benefits accrued from having at-large representation exhibit decreasing marginal returns. As an example, in the case of a city council with 40 representatives, having one at-large representative increases the voting power of a citizen by 12%. The addition of a second increases this power by 9%, and the third representative increases the power by 6%. The addition of the last three representatives increases the power by 4, 2 and .4%, respectively. Thus, most of the benefits in power come from adding the first few at-large representatives, so even if achieving the full quota of at-large representatives is politically infeasible (or politically undesirable) many of the benefits can be obtained by including some.

The analysis in this paper offers a more general insight as well. Whatever the number of at-large representatives, as long as the districted representatives come from equipopulous districts the composition of the council will withstand a traditional "one person one vote" challenge.[124] Every citizen will have an equal opportunity to affect the outcome of an election. Yet what this paper shows is that among the many different choices of districting that meet this standard, some are much better than others at being sensitive to the votes of individuals in the electorate. The moral is that, despite Supreme Court jurisprudence to the contrary,[125] there is more to measuring the level of political representation than just making sure that districts of equal size are achieved. As this paper shows, even in a completely homogeneous population, some "one person one vote" schemes are better than others.[126]

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[124] I am assuming here that the districting is not subject to a vote dilution claim under Section V of the Voting Rights Act.

[125] *Karcher v. Dagget; Kirkpatrick v. Pressler, etc.*

[126] By "better" here I mean the same thing as in the body of the paper, that the election should be as sensitive to the choices of the electorate as possible. See supra __.

The position that at-large representation is for the public good has a long pedigree. The pitfalls of relying solely on such representation have also been known for a considerable time. Surprisingly there has been no attempt, before now, to try and find the proper balance between them. I hope that this positive analysis will spur others to once again take at-large representation seriously.

Attachment: Single-member district - Wikipedia

Single-member district

From Wikipedia, the free encyclopedia

A **single-member district** or **single-member constituency** is an electoral district that returns one officeholder to a body with multiple members such as a legislature. This is also sometimes called **single-winner voting** or **winner takes all**. The alternative are multi-member districts, or the election of a body by the whole electorate voting as one constituency.

A number of voting systems use single-member districts, including plurality (first past the post), runoffs, instant-runoff voting (IRV), approval voting, range voting, Borda count, and Condorcet methods (such as the Minimax Condorcet, Schulze method, and Ranked Pairs). Of these, plurality and runoff voting are the most common.

In some countries, such as Australia and India, members of the lower house of parliament are elected from single-member districts; and members of the upper house are elected from multi-member districts. In some other countries like Singapore, members of parliament can be elected from both single-member districts as well as multi-member districts that are headed by members of the Cabinet.

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Aspects

Constituency link

It has been argued by proponents of single-member constituencies that it encourages a stronger connection between the representative and constituents and increases accountability and is a check on incompetence and corruption. In countries that have multi-member constituencies, it is argued that the constituency link is lost. For example, in Israel the whole country is a single constituency and representatives are selected by party-lists.

On the other hand, today most voters tend to vote for a candidate because they are endorsed by a particular political party or because they are in favour of who would become or remain the leader of the government, more than their feelings for or against the actual candidate standing. Sometimes voters are in favor of a political party but do not like specific candidates. For example, voters in Canada re-elected the Alberta government in 1989 but, because of dissatisfaction with its leadership, the premier and leader of the governing party, Don Getty, lost his seat.

Fewer minority parties

It has been argued that single-member districts tend to promote two-party systems (with some regional parties). Called Duverger's law, this principle has also been empirically supported by the cube rule which shows how the winning party in a first-past-the-post system is mathematically over-represented in the final chamber of representatives. Supporters view this as beneficial, as parliamentary governments are typically more stable in two-party systems, and minorities do not have undue power to break a coalition. First-past-the-post minimizes the influence of third parties and thus arguably keeps out extremists. Critics of two-party systems believe that two-party systems offer less choice to voters, create an exaggerated emphasis on issues that dominate more marginal seats, and does not completely remove the possibility of a balanced chamber (or hung parliament), which can also give undue power to independents and lead to even greater instability.

Safe seats

A safe seat is one in which a plurality or majority of voters, depending on the voting system, support a particular candidate or party so strongly that the candidate's election is practically guaranteed in advance of the vote. This means all other voters in the constituency make no difference to the result. This results in feelings of disenfranchisement and to nonparticipation by some voters, both supporters of the dominant candidate as well as his or her detractors.

Comparison of single-member district election methods

	Monotonic	Condorcet	Condorcet loser	Majority	Majority loser	Mutual majority	Smith	ISDA	Clone independence	Reversal symmetry	Polynomial time	Participation, Consistency	No favorite betrayal	Later no harm
Approval	Yes	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Range (Score) Voting	Yes	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Schulze	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Ranked pairs	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Kemeny-Young	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No	No	No
Nanson	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	No	No
Baldwin	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	No	No	No
AV/IRV	No	No	Yes	Yes	Yes	Yes	No	No	Yes	No	Yes	No	No	Yes
Borda	Yes	No	Yes	No	Yes	No	No	No	No	Yes	Yes	Yes	No	No
Bucklin	Yes	No	No	Yes	Yes	Yes	No	No	No	No	Yes	No	No	No
Coombs	No	No	Yes	Yes	Yes	Yes	No	No	No	No	Yes	No	No	?[1]
MiniMax	Yes	Yes	No	Yes	No	No	No	No	No	No	Yes	No	No	No
Plurality	Yes	No	No	Yes	No	No	No	No	No	No	Yes	Yes	No	Yes
Anti-plurality	Yes	No	No	No	Yes	No	No	No	No	No	Yes	Yes	Yes	?[1]
Contingent voting	No	No	Yes	Yes	Yes	No	No	No	No	No	Yes	No	No	Yes
Sri Lankan contingent voting	No	No	No	Yes	No	No	No	No	No	No	Yes	No	No	Yes
Supplementary voting	No	No	No	Yes	No	No	No	No	No	No	Yes	No	No	Yes

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1. Coombs' method and anti-plurality voting are defined only for situations where each voter casts a complete ranking of all candidates.

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Categories: Voting systems

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Attachment: Plurality-at-large voting - Wikipedia

Plurality-at-large voting

From Wikipedia, the free encyclopedia

Plurality-at-large voting, also known as **block vote** or **multiple non-transferable vote** (**MNTV**),[1] is a non-proportional voting system for electing several representatives from a single multimember electoral district using a series of check boxes and tallying votes similar to a plurality election. Although multiple winners are elected simultaneously, block voting is not a system for obtaining proportional representation; instead, the usual result is that the largest single group wins every seat by electing a slate of candidates, resulting in a landslide.

Even if the term "at-large" describes elections for representative members of a governing body who are elected or appointed to represent the whole membership of the body, this system can be used by a country divided in some multi-member electoral districts, but in this last case the system is commonly referred to as **block voting** or the **bloc vote**.

This system is usually based on a single round of vote, but it can sometimes appear in a runoff (two-round) version, as in some local elections in France, where candidates who do not receive an absolute majority must compete in a second round. Here it can be better called as **majority-at-large voting**.

The term *bloc voting* sometimes means simple plurality election in multimember districts. In such a system, each party introduces a list of candidates and the party winning a plurality of votes wins all the seats. In contrast to such a system, the system described in this article can be called *unlimited voting* (contrary to *limited voting*, in which a voter has fewer votes than the number of seats contested).

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- 2 Effects of block voting
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Casting and counting ballots

In a block voting election, all candidates run against each other for *m* number of positions, where m is commonly called the district magnitude. Each voter selects up to *m* candidates on the ballot (voters are sometimes said to have *m* votes; however, they are unable to vote for the same candidate more than once as is permitted in cumulative voting[2]). Voters are most commonly permitted to cast their votes across more than one party list.[3] The *m* candidates with the most votes (who may or may not obtain a majority of available votes) are the winners and will fill the positions.

Example

The Dinertown City Council consists of three seats, and seven candidates are vying for these seats. There are 1,500 voters, and the voters each select the maximum three candidates.

Election Results:

- Flo -- 1,250
- Mr. Big -- 800
- Bernie -- 650
- Simon -- 600
- Derek -- 500
- Rosie -- 400
- Cookie -- 300

Since Flo, Mr. Big, and Bernie received the most votes, they will comprise the Dinertown City Council. Flo and Mr. Big each obtained a majority of the maximum 1,500 votes available per candidate; Bernie obtained only a plurality.

Tactical voting and strategic nomination

Plurality block voting, like single-winner plurality voting, is particularly vulnerable to tactical voting. Supporters of relatively unpopular third parties have a substantial incentive to avoid wasted votes by casting *all* of their votes for a slate of candidates from a major party.

Parties in block voting systems can also benefit from strategic nomination. Coalitions are actively hurt when they have more candidates than there are seats to fill, as vote-splitting will occur. Similarly, a coalition has a substantial incentive to nominate a full slate of candidates, as otherwise supporting voters may cast some of their remaining votes for opposing candidates.

Bullet voting is a strategy in which a voter only votes for a single candidate in an attempt to stop him being beaten by additional choices. Because the voter is essentially wasting a portion of his vote, bullet voting is only a good strategy when the voter has a strong preference for his favorite and is unsure of (and/or indifferent to) the other candidates' relative chances of winning, for example, if the voter supports an independent candidate or a minor party which has only nominated one candidate.

Effects of block voting

The block voting system has a number of features which can make it unrepresentative of the voters' intentions. Block voting regularly produces complete landslide majorities for the group of candidates with the highest level of support. Under block voting, a slate of clones of the top-place candidate is guaranteed to win every available seat.

Additionally, like first past the post methods, small cohesive groups of voters can overpower larger numbers of disorganised voters who do not engage in tactical voting, sometimes resulting in a small minority of voters electing an entire slate of candidates by merely constituting a plurality.

Some uses of this system have fostered the creation of an electoral alliance between political parties or groups as opposed to a coalition. This has been the case in the National Assembly of Mauritius, the New Hampshire House of Representatives with the election of multiple Free State Project as well as New Hampshire Liberty Alliance members and in the Vermont Senate with the elections of Vermont Progressive Party members Tim Ashe and Anthony Pollina.[4] Historically, similar situations arose within the multi-member constituencies in the Parliament of the United Kingdom.

While many criticize block voting's tendency to create landslide victories, some cite it as a strength. Since the winners of a block voting election generally represent the same slate or group of voters, there is greater agreement amongst those elected, potentially leading to a reduction in political gridlock.

Variations of block voting

Partial block voting, also called **limited voting**, functions similarly to plurality-at-large voting, however in partial block voting each voter receives fewer votes than the number of candidates to be elected. This in turn can enable reasonably sized minorities to achieve some representation, as it becomes impossible for a simple plurality to sweep every seat. Partial bloc voting is used for elections to the Gibraltar Parliament, where each voter has 10 votes and 17 seats are open for election; the usual result is that the most popular party wins 10 seats and forms the ruling administration, while the second most popular wins 7 seats and forms the opposition. Partial block voting is also used in the Spanish Senate, where there are 4 seats and each voter receives 3 votes. Historically, partial block voting was used in three- and four-member constituencies in the United Kingdom, where voters received two votes, until multimember constituencies were abolished.

Under partial block voting, the fewer votes each voter is granted the smaller the number of voters needed to win becomes and the more like proportional representation the results can be, provided that voters and candidates use proper strategy.[5] At the extreme, if each voter receives only one vote, then the voting system becomes equivalent to the single non-transferable vote and the minimum proportion needed is the Droop quota.

Block voting, or *plurality block voting*, is often compared with **preferential block voting** as both systems tend to produce landslide victories for similar candidates. Instead of a series of checkboxes, preferential block voting uses a preferential ballot. A slate of clones of the top preferred candidate will win every seat under both systems, however in preferential block voting this is instead the instant-runoff winner.

The **party block voting**, or **general ticket**, is the party-list version of the bloc vote. If in the classic BV the candidates formally stand as non-partisan and some minority nominations can be theoretically successful, in the PVB each candidate are linked to his party-list, which is voted by the electors producing a landslide, and any minority representation is excluded. So, the full at-large PBV is considered completely anti-democratic, and it is used only to elect portions of assembly.

Usage of block voting

These countries use the block vote:[6]

- Ecuador in 1998
- Kuwait
- Laos
- Lebanon
- Mauritius
- Mongolia
- Philippines for Senate elections
- Singapore in group representation constituencies (GRCs)
- Syria
- Tonga
- Tuvalu
- United Kingdom, in some local elections.
- United States, in some state and local elections.

Block voting was used in the Australian Senate from 1901 to 1948 (from 1918, this was preferential block voting). It was used for multi-member constituencies in parliamentary elections in the United Kingdom until their abolition, and remains in use throughout England and Wales for some local elections. It is also used in Jersey, Guernsey, the Isle of Man, the Cayman Islands, the Falkland Islands and Saint Helena.[6]

Plurality block voting is or was also used in the election of the Senate of Poland (until 2011), of the Parliament of Lebanon, the plurality seats in the Palestinian Legislative Council and for the National Assembly of Mauritius. In some Lebanese and Palestinian constituencies, there is only one seat to be filled; in the Palestinian election of 1996 there were only plurality seats, but in 2006 half the seats were elected by plurality, half by proportional representation nationwide.

A form of plurality block voting was used for the elections of both houses of Parliament in Belgium before proportional representation was implemented in 1900. The system, however, was combined with a system similar to a runoff election; when not enough candidates had the majority of the votes in the first round, a second round was held between the highest ranked candidates of the first round (with two times as many candidates as seats to be filled). In some constituencies there was only one seat to be filled. A similar system to elect part of the Mongolian parliament. 48 Representatives are elected from districts with 1-3 members, the representatives are required to achieve at least 28% of the vote in a district to be elected, if there are unfilled seats after the first round of voting, a second round similar to the Belgian system is held to fill the remaining seat. The remaining representatives are elected separately using party list proportional representation on the national level. [7]

In most of British Columbia, Canada, including Vancouver, plurality (there called "at-large" block voting) is used in local elections, in place of the ward system found elsewhere in Canada. When Toronto was amalgamated in 1997, the new entity's first election used a similar rule. Block voting was also in place in a number of multimember ridings of various Canadian provincial parliaments.

In Hong Kong, block voting is used for a tiny proportion of the territory's population to elect the members of the Election Committee, which is responsible for selecting the territory's Chief Executive.

Block voting was used in some constituencies for the House of Representatives of Japan in the first six general elections between 1890 and 1898: while the majority of seats was elected by plurality in 214 single-member districts, there were 43 two-member districts that elected their representatives by block voting.

Block voting is often used in corporate elections to elect the boards of directors of corporations including housing cooperatives, with each shareholder's vote being multiplied by the number of shares they own; however, cumulative voting is also popular.

The Philippines is the country with the most extensive experience in plurality-at-large voting. Positions where there are multiple winners usually use plurality-at-large voting, the exception is the election for sectoral representatives in the House of Representatives. The members of the Senate and all local legislatures are elected via this method. The members of the Interim Batasang Pambansa (the parliament) were also elected under this method in 1978.

See also

- Preferential block voting
- Limited voting
- First past the post
- General ticket
- Plurality voting
- At-large
- Voting bloc

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- Electoral Design Reference Materials (http://www.aceproject.org/ace-en/topics/es) from the ACE Project (http://www.aceproject.org)
- ACE Electoral Knowledge Network (http://www.aceproject.org) Expert site providing encyclopedia on Electoral Systems and Management, country by country data, a library of electoral materials, latest election news, the opportunity to submit questions to a network of electoral experts, and a forum to discuss all of the above
- TallyJ Election System (https://tallyj.apphb.com/) A website tool customized to support Baha'i elections.

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Categories: Non-proportional multi-winner electoral systems

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Jonathan Beard: Austin's Gentleman's Agreement

From: Jonathan Beard [mailto:jonbeard1964@gmail.com]
Sent: Saturday, January 07, 2017 8:22 PM
To: Charter
Subject: Austin's Gentleman's Agreement

Members of the Charter Review Committee ...

As I reviewed the committee's folder of public comments, I did not see copies of information related to the all at-large Austin City Council and the "Gentleman's Agreement" by the business community to not fund White candidates running against a Hispanic and a Black candidate in two of Austin's places, to seek to ensure minority representation on Austin's city council, in order to avoid federal legal challenges under Section 2 of the Voting Rights Act. See the attached articles from Austin: 1) The Gentleman's Agreement: A Relic of Austin's Racist Past, 2) The Sordid History of Fair Geographic Representation in Austin, and 3) "What's Left." And after a council district effort was defeated in 2002, Austin voters have since voted in favor of a hybrid system that includes at large and district representation.

This invented informal means of perpetuating a racist voting system (the Gentleman's Agreement) appears to be replicated in Columbus's pattern of appointing Democrat Party African American members to council and pouring money into their campaigns (as evidenced in prior testimony I submitted), when history has shown no African American Democrat has initially been elected to council in more than 50 years.

It is time to abandon this discriminatory voting system and move either to all single member districts, or to a hybrid system of at large and single member district-elected council members. The goal of uniformity on council is not worth the repressive effect of at large elections on our African American population.

-- Jonathan Beard

Attachment: The Sordid History of Fair Geographic Representation in Austin

Austin, Texas

DISCLAIMER: No City resources are used to maintain this website. This is a personally funded website.

The Sordid History of Fair Geographic Representation in Austin

Lily-white reformers in the early part of the 20th C. pushed to change urban voting systems from single-member districts to at-large in order to disempower the ethnic voting machines.[1] Austin had a variation of guaranteeing minorities representation, but without actual geographical districts until 1953.[2]

In 1951, the first African-American in Austin history, Arthur DeWitty, came in 6th place, not quite receiving enough votes to win one of five seats on the Austin City Council.[3] The Austin City Council, supported by the Austin American-Statesman, reactively rushed to place a charter amendment on the next city ballot to change Austin to an at-large system.

This exclusion worked until 1971, when the first African-American was finally elected to the Austin City council, Beryl Hancox. Though the exact date is in dispute, this was the approximate year the so-called "Gentlemen's Agreement" came into existence, though some reported discussions were underway in 1969. The agreement was completely informal and, according to court testimony and opinion pieces in the *Statesman*, it was designed to help Austin circumvent the Voting Rights Act of 1965 and the potential for lawsuits like the many that had been filed in states with a legacy of Jim Crow. Texas, of course, was one of the states fully covered by the Voting Rights Act, along with seven other states.[4]

The gentlemen's agreement was, and still is, the agreement that white business interests would refrain from funding white candidates running for two of Austin's 7 Council seats (at that time, Places 5 and 6). *Statesman* articles on this

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[1] While it is true that ethnic voting machines participated in corruption, it can be argued that the racism of white reformers (together with their support for welfare-state policies), was an even match in keeping minorities and the poor in their dependent places.

[2] Voters could use as many votes as candidates were running, but pool them behind one candidate. African-Americans in 1951 "bullet voted" for DeWitty by giving him all of their votes, rather then splitting them between the other candidates.

[3] Interestingly, the first woman to be elected to the Austin City Council was Emma Long, who was reelected in this election. Emma passed away in 2010. DeWitty is deceased.

[4] These states either had large populations of African-Americans and Latinos, or had the largest urban cities in the country e.g. California, New York and Texas, though Illinois was not included.

subject shed some humorous light on the agreement when no one wanted to admit its existence. Liberal Democratic icon of the time, Ed Wendler[5], testified in court that he participated in the shaping of the agreement. His testimony was promptly disputed by other political activists outside the courtroom, while they claimed they had nothing to do with it. This wasn't a legal issue, since no one could be sued about an agreement that wasn't in writing. It was – and still is – an embarrassment to liberal Austin.

Political consultant, Peck Young[6], wrote an opinion piece published in the *Statesman* in 1997, following a heated City Council election that he believed exposed the agreement for what it is – "paternalism." Young said,

> "Traditionally, the black and Hispanic backed by East and South Austin minority precincts won with some kind of white support, so for 26 years this created the illusion of minority-elected minority representation."
>
> "On Saturday, that illusion was forever shattered. In a reversal of three years ago, African-Americans voted heavily to re-elect [Eric] Mitchell to the Place 6 seat. That same day in the Place 5 race, Hispanic precincts voted heavily for Manuel Zuniga and the idea of a second Hispanic n the city council. In both cases, the minority community's votes made no difference as both their candidates went down to a sound defeat."
>
> "What is does mean is that the white majority finally and irrefutably demonstrated that the selection of the minority representatives is the white majority's prerogative, and the ethnic communities' preferences are not determinative."[7]

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[5] Wendler ran for office twice, but was not elected. He helped many local Democrats get elected. He died in 2004. His son, Ed Wendler, Jr., is a real estate attorney and developer who lives in Austin.

[6] Peck Young has worked as a political consultant for such notables as Gov. Ann Richards, former State Senator Gonzalo Barrientos, former presidential candidate Bill Bradley and many more. He is now at ACC as the Director for Public Policy and Political Studies.

[7] This was a *Statesman* opinion-editorial by Peck Young in June 1997 entitled, "Racial paternalism must yield to Single-Member District Voting."

It was during this period that conservative whites in Austin, who had opposed single-member districts since the days of Arthur DeWitty, switched to supporting a single-member district system.. This made them allies (if not strange bedfellows) of black and Hispanic voters seeking some modicum of political independence from the Austin city "fathers."

The most recent vote for SMDs was taken in 2002 and it lost, by a significant margin with 58% voting against it (over 6,000 votes).[8] What caused the defeat in 2002, since most conservative neighborhoods wanted them? Editorials in the Austin Chronicle indicate that there was fear amongst central city based organizations that they might have to share power with more moderate or conservative suburbanites and/or they simply didn't trust the City to carve the districts.

The discussions underway in Austin amongst activists is for smaller districts, and a revenue neutral package that will not give the opposition any arguments about it costing taxpayers precious tax dollars. In addition, there has to be a non-partisan process for drawing the district lines. Non-partisan independent redistricting commissions are being passed by voters in states across the country from Florida to California to Washington State and Arizona.

The truth is that the current system is costing taxpayers billions of dollars in rigged deals for unnecessary water treatment plants, over-priced real estate deals for such projects, badly negotiated energy deals (read about the "BioMess" in this site), thoroughly gamed property taxes and so much more. The missed property taxes alone, due to gross (40%) under-valuations of large-scale commercial properties and $1M homes (25%), is a staggering $375M.[9] Add to this the off-

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[8] The last time SMDs had been voted down was in 1994, failing by 2,976 votes, just 2%. SMDs went down to defeat in 1988 with 57% voting no. In 1986, SMDs lost in court. The federal court ruled against the NACCP, citing the fact that since blacks and Hispanics had been regularly elected to the Council, the case hadn't proven racial bias in Austin's at-large system. The court was unconcerned as to who actually elected them.

[9] Back-up data for this claim can be found here in a study released by the Texas Association of Appraisal Districts in 2006: http://costofgrowth.com/wp-content/uploads/2011/03/Need-for-Mandatory-Sales-Disclosure.pdf. We calculated this for Travis County and included this in question #1 of our City Council questionnaires for the May 2011 election here: http://changeaustin.org/home1/costofgr/public_html/changeaustin/wp-content/uploads/2011/04/Questionare-place-3.pdf

loaded costs of infrastructure (for roads, schools, water hookups, etc.) of amounting to $150M per year giveaways to developers[10], and you have a perfect storm for a voter revolt.

The bottom line is that no such voter revolt is likely to happen without smaller districts that citizen candidates can walk. This is why fair geographic representation for Austin City elections is at the cutting edge of any and all reforms in Austin politics. It is pre-requisite for any earthquakes voters can put under City Hall.

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[10] Back up for this claim can be found on the website of Eben Fodor, ace community planner and author, who was commissioned by Brian Rodgers of ChangeAustin.org to compute the costs of growth in Austin in 2010. The study results can be found here: http://www.fodorandassociates.com/Reports/Austin_Report_Link.htm

Attachment: The "gentlemen's agreement" - A Relic of Austin's Racist Past

ORA HOUSTON FOR CITY COUNCIL #1 (/)

August 19, 2014 (/blog/2014/8/19/the-gentlemens-agreement-a-relic-of-austins-racist-past-or-why-did-we-need-to-change-the-system-anyway)

THE "GENTLEMEN'S AGREEMENT" - A RELIC OF AUSTIN'S RACIST PAST: OR, WHY DID WE NEED TO CHANGE THE SYSTEM, ANYWAY? (/BLOG/2014/8/19/THE-GENTLEMENS-AGREEMENT-A-RELIC-OF-AUSTINS-RACIST-PAST-OR-WHY-DID-WE-NEED-TO-CHANGE-THE-SYSTEM-ANYWAY)

Op-Ed (/blog/?category=Op-Ed)

Until the passage of 10-1, Austin, Texas used an at-large 'places' system to elect city council members. "At-large" means every voter votes for every council member – and that means none of us had a council member that represented our neighborhood. We were the largest city in the country without geographic representation. (The 'places' don't refer to geography or location at all -- just when a council member is up for re-election.) In a city the size of Austin, that means that each council member represented all 800,000 citizens.

At-large elections are a system where communities of color or of lower-income levels have the cards stacked against them. Citywide elections are expensive to run and in Austin, all elections were city wide before 10-1. Regular folks didn't

have the money to compete. But, we're Austin. There's no way that we would intentionally set-up a system that oppresses members of our community? We're progressive, right?

Maybe not so much.

Ignorance and Influence: Austin, Texas in the '50s

Austin's recent at-large council system was founded in racism. In 1951, after WW2, Arthur B. DeWitty, an African-American, ran for Austin City Council. DeWitty was the President of the NAACP and a leader in the growing civil rights movement. DeWitty almost won under the system then in place, infuriating the white majority. The next year, city council changed the way Austin held its elections by creating at-large council seats, making it impossible to elect a person of color to council. The new at-large 'places' system required that all Austinites approve all councilmembers. That meant that the 1950's white majority controlled who won council elections.

The racist at-large system created in the 50's was the same system we had in Austin until 10-1, with the addition of the 1970's "gentlemen's agreement" to comply with the Voting Rights Act.

So ... What's the 'gentlemen's agreement'?

In the early 70's, after City Council's racist history with DeWitty, the Voting Rights Act (VRA) forced Austin to allow minority representation. However, the white power elite found a way to maintain control. Rather than abolish the racist at-large system, Austin's moneyed interests committed to only support an African-American for Place 6 and an Hispanic for Place 7.

The 'agreement' went something like this: To make sure that people of color were elected to council, rich, Anglo business leaders in town vowed to hold 2 seats on the council for people of color: 1 for an African-American and 1 for an Hispanic.

How could they be sure that Austin would consistently elect a minority to those seats? Easy. The power elite promised not to give money to anyone who was Anglo and ran in those spots. That commitment satisfied the VRA, but kept all the power in the hands of the moneyed interests and out of the minority communities.

How did the power elite remain in control? Simple. All council seats were at-large, which meant that all elections remained expensive to run. This also meant that the Anglo majority had to approve all council members – even those two reserved "minority" seats.

Since that time, 15 out of the last 17 mayors and a full 50% of council have come from 4 ZIP codes in downtown and West Austin. The Anglo majority still controls city council, and even controls which minority candidate "represents" the minority communities.

Shockingly, this is how the Austin City Council had maintained minority representation until now. There is history in the making in the 2014 City Council elections. Each corner of the city will have a designated council member, of their choice, on the city council, which means better representation and a better chance of being heard.

Be a part of making history by electing your first Austin City Council District Representative. Vote early ... and don't forget to vote local at the end of the ballot!

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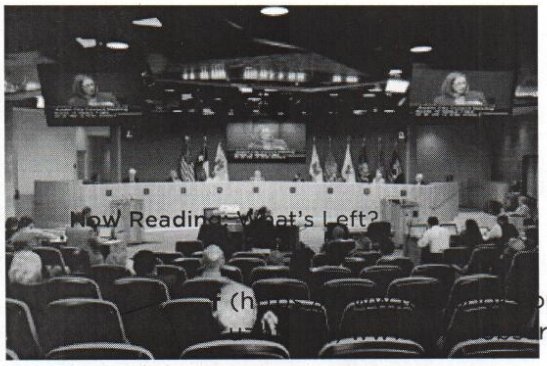
A Brave and Startling Truth, By: Maya Angelou (/blog/2014/8/12/a-brave-and-startling-truth-by-maya-angelou)

Attachment: What's Left - The Texas Observer

What's Left?

For nearly four decades, white liberals have dominated Austin politics. Now the city may finally embrace true progressivism.



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Austin City Council meeting, November 21, 2013.

What you think you know about Austin is true: It *is* the most reliably liberal city in a conservative state. It is a transformed sleepy college town that has grown along with the rest of Texas into an economic draw. It is the sort of progressive place where politicians vote to require construction companies that receive city incentives to pay their workers a livable wage. It is largely still the same place where so-called progressive environmentalists can go toe to toe with developers.

It *is* all of that. But it is also the home to what is, at best, an odd remnant of Jim Crow: a deal—locally known as the "gentlemen's agreement"—that reserves two of Austin's City Council seats for members of the city's African-American and Hispanic populations. The deal dates to the 1970s as a way to prevent the city's

Anglo business community from defeating minority candidates. But what began as an effort to diversify the City Council became a cap on African-American and Latino representation.

While most American cities have used single-member districts—in which a council member is elected by a specific area—to diversify their politics, Austin had, until very recently, held out. It was for many years the largest city in the country without single-member districts, and an anomaly even in Texas, where formerly all-white suburbs like Arlington and Irving have opened their local politics to more minority representation. In Austin, all seven councilmembers were elected citywide, an expensive proposition that in practice has meant that the white liberal establishment usually picks the winners.

ARTICLE CONTINUES AFTER ADVERTISEMENT

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Illustration by Steve Brodner

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In practical terms, that looks like this: The 2011 City Council elections saw the return of retired engineer and public health expert Laura Morrison, a white woman. Chris Riley—a lawyer and avid bicyclist who lives in a restored house that dates to 1890—was re-elected. Riley had inherited his seat in 2009 from white retired airline pilot and U.S. Navy veteran Lee Leffingwell, who decided to run for mayor. Another 2011 race ended in a runoff between two white women in which challenger Kathy Tovo upset Councilmember Randi Shade.

A year later, in 2012, the status quo held again. Leffingwell was narrowly re-elected as mayor over a white woman, former Councilmember Brigid Shea, and a young white man, Clay DeFoe. White female challenger Laura Pressley took on the gentlemen's agreement by running against Mike Martinez, who holds the designated Latino seat. Pressley lost by 9 percent. Incumbent Bill Spelman, a white University of Texas professor, fended off six challengers, including young Hispanic Republican Dom Chavez. The Council's lone African-

American, Sheryl Cole, won too, beating white male challenger Shaun Ireland by 50 percentage points, thereby holding on to the seat reserved for African-Americans.

The resulting City Council—elected by just 10 percent of eligible voters—of five Anglos, one African-American and one Latino doesn't reflect Austin's increasingly diverse populace. Anglos make up only 49 percent of Austin residents, according to the 2010 Census, making it a so-called majority-minority city. Though the African-American population has been declining in Austin, Hispanic residents are moving to the city in relative droves, yet they were limited to one City Council seat. Still, the deal persisted for four decades in spite of its distinctly anachronistic conservatism, which is an uncomfortable fit for a city that claims to keep it weird.

Finally, in 2012, Austin voters threw out the gentlemen's agreement, approving a plan that will seat 10 council members, all elected from single districts, and an at-large mayor.

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Austin is now on the brink of its first major electoral change in decades. What's coming will replace an awkward (at best) system that reeks of establishment politicking, or (at worst) has entrenched the power of Austin's white liberal oligarchy. But the change is not universally loved. Some members of the Austin political establishment who were once allies and have helped define Austin politics for a generation find themselves on opposite sides of the issue. Peck Young has stumped for ending the gentlemen's agreement. He hopes that the new system will open Austin politics to council members from all corners of the city. Young and other single-member district proponents contend it will be easier and cheaper for candidates to campaign in a defined area than citywide. In fact, with new maps now in place, candidates from parts of Austin that once had little chance of gaining representation are already expressing interest in running for office.

Still, David Butts—who some have called Austin's liberal version of Karl Rove—worries, like many of the city's old guard, that the new system will throw open the doors of City Council to not just more Latino candidates, but to a group so

resoundingly reviled in Austin politics that it has been largely shut out of power: Republicans.

The Texas of David Butts' youth was informed by Lyndon Johnson but headed for John Connally—a place where racism was real and established, driven by the Ku Klux Klan and by white citizens' councils. It was a nasty time.

Even as a kid, Butts says, he "knew what he felt," and in 1960 he liked John F. Kennedy. In Meridian, a small municipality about halfway between Waco and Dallas, that meant street fights with kids who didn't think much of the senator from Massachusetts. "I had to whip my weight in kids who thought that Kennedy was going to bring the pope into the White House if he got elected," Butts says. "It was bad. It wasn't like we were trying to kill each other, but we weren't playing, you know?" He was 10.

Butts' precocious interest in politics was furthered by the demographic data he says he started pulling from precinct boxes in 1962, when he was 12. It was from this data that he started to figure out the sort of math that would eventually make him a must-have consultant for Austin's politicians. "What I started to realize [was] these precincts are like fingerprints; they tell you something about the type of people that live [there]. There are patterns here to be seen," he says. "And so I began my great love affair—and I still have it today—of looking at [illegible] Austin."

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Butts transferred to the University of Texas for his junior year in 1970, where he found like political minds on the left. There he met William "Peck" Young, an Austin native who would crust over into a tough, colorful, big-gutted, hat-and-buckle-wearing consultant and who, along with Butts, would have a huge influence on Austin politics.

While Young has consulted for city and statewide politicians, Butts has remained exclusively local. He has a hand in nearly every council election and seat. As a kingmaker in Austin, Butts employs the same confrontational instincts that made him a street brawler on behalf of Jack Kennedy in 1960. "David is a political operator," Young says, "that over the last 20, 25 years has

elected all of those [Austin City] Councils." That all councilmembers answer—through channels of election funding and power brokering—to Butts is an oft-repeated local legend. Butts laughs this off and says just because he helps council members get elected doesn't mean he has control of City Council. Whatever the case, there's no doubt that, as Young puts it, "David is the establishment."

And this being Austin, it's a liberal establishment. Both Butts and Young identify with progressive politics. In that respect, the gentlemen's agreement that they helped arrange was a true oddity: It tried to defeat institutional racism by institutionalizing race. That neither Butts nor Young found the arrangement all that palatable—a "best-we're-going-to-get" sort of deal—makes the fact that it stuck around well into the 21st century disturbing. Progressive the gentlemen's agreement is not.

But oddly enough it was the gentlemen's agreement that aided Austin's emergence as a bastion of white liberalism.

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Like so many other small southern towns, mid-20th century Austin was dominated by white politics. It was, after all, still a small place. In 1965 there were just 212,000 Austinites. By contrast, Dallas already had well over 600,000 people within its limits by 1960; Houston was already close to boasting one million.

The modern Austin political establishment emerged in the early 1970s, depending on whom one asks. Butts' version of the story starts with Wilhelmina Delco. Delco would eventually ascend to become Texas House Speaker Pro Tem, but in 1968, she ran for a seat on the Austin school board. Butts says then-future Austin Mayor Roy Butler and "Will Davis, who was a [John] Connally crony," served together on the school board at the time and backed Delco. "Bussing was getting ready to happen, and they thought that a black person should be on the school board, and they got behind her," Butts says. "She had serious conservative opposition, and she did not win by any massive landslide, but she did win."

Then, in 1971, Berl Handcox mulled a run for City Council. Handcox grew up in Denton, was a veteran of the U.S. Navy and served as the Equal Employment Opportunity Coordinator for IBM. According to an oral history account posted on the University of Texas' web site, Handcox "and his family challenged the unwritten rule that forced African Americans to live almost exclusively in East Austin. He became known within the black community as president of a group called the Young Men's Progressive Club, and this exposure inspired some of his associates to suggest that he run for a seat on the Austin City Council."

That he did. When Handcox won, he became the first African-American elected to the Austin City Council since reconstruction. Butts says that a coalition of progressive students backed Handcox, even though he and his colleagues weren't exactly sure what they were getting into. He describes it this way: "We didn't know him at all—he might have been a Republican for all we knew, he might have been anything. The people running against him were conservatives, business-oriented. We thought it would be a good thing to elect a black person to the Council."

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In 1975, John Treviño became the first Hispanic member of the Austin City Council in much the same way—with separately organized support from the business community and the progressives. "The liberal-progressive community, at best, was sort of brought in as an afterthought," Butts says. "Our attitude was, 'Sure, we want to see minorities elected.'"

But in 1977, Treviño faced a difficult re-election campaign. Butts puts it bluntly:"A bunch of the old racist businessmen want[ed] to run somebody against him, beat his ass, and get the Mexican out of office."

With Treviño facing strong opposition from the business community, Young says, Ed Wendler, an Austin attorney who carries his own level of legendary status, went to Bill Youngblood with a threat. At the time, Young and his people were preparing a legal challenge to Austin's at-large voting system via the Voting Rights Act of 1965. They would claim, as activists in many cities would, that at-large elections disenfranchise minority voters.

Youngblood, another honcho in midcentury Austin politics and a friend of Roy Butler's, was close to the business community. Young says Youngblood and Butler weren't racists, but they had put money behind Treviño's opponent. So Wendler offered Youngblood "a way to fix" the pending legal issues: "You pull all the money out from behind Treviño's opponent, and you guarantee there is one Mexican and one black on the City Council for perpetuity, and Young and his people [won't] ever get fucking single-member districts."

It was a way for both sides to call a truce and get some of what they wanted. The business leaders got the continuation of expensive citywide at-large elections, which helped them maintain control of city politics by steering money to the establishment's choices. Meanwhile, Austin's emerging progressive kingmakers, including Butts and Young, could guarantee at least two minority council members. The result was that the business community agreed to support the election of one African-American and one Latino council candidate, regardless of the city's demographics. Thanks to citywide at-large elections that setup has persisted. It became known as the gentlemen's agreement.

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Attorney David Van Os, who has filed legal challenges to the gentlemen's agreement, has a more cynical take on why the gentlemen's agreement came about. "The specific motivation was to let the 'Blacks and Mexicans' have one seat each in order for the city to be able to defend against the voting rights lawsuits that everybody knew were coming, and thus preserve the at-large system. It was not for the purpose of ceding representation to the communities of color, it was for the purpose of maintaining the at-large system," Van Os wrote in a 2008 email published in the *Austin Chronicle*. "That was what the business interests wanted because they believed maintaining the requirement for candidates to campaign city-wide would maintain the need for business money to run campaigns and thus keep promoting the elections of candidates friendly to the business interests."

Van Os also details how the arrangement morphed into status quo. "[It is] where the alliances between conservative white business interests and certain elements of the communities of color started to bloom," he notes. "The white

Anglo grassroots voters did not contribute campaign dollars to the Hispanic and African-American candidates like they did to the Anglo candidates. So Hispanic and African-American candidates learned to look to the business interests to finance their campaigns, and the business interests were pleased at the opportunities to purchase City Council candidates who turned into compliant City Councilmembers."

With the gentlemen's agreement in place, elections in Austin became eminently predictable, and voter turnout cratered.

In 1971, not long before the gentlemen's agreement was forged, 56.8 percent of registered Austin voters showed up at the polls, according to a 2009 study by Austin Community College's Center for Public Policy and Political Studies, which Peck Young runs. Turnout then began a steep decline. By 2009, just 13 percent of voters turned out. In 2011, a mere 7.4 percent of eligible Austinites bothered to vote in city elections.

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The people who did turn out were mostly white. As part of his report, Young observed that the Austin precincts with the highest voter turnout were "characterized by an Anglo population that exceeds 90 percent, an African American population that is less than 1 percent, and an Hispanic population that is less than 7 percent."

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In 2009, the city's most active voting population, Young's report concluded, was "located in northwest Austin"—a region that generally features a concentration of wealth.

Councilmembers elected in 2009 generally reflected that voting population. Then-Councilmember Leffingwell, the white retired airline pilot, earned more than 50 percent of the mayoral vote. Chris Riley beat Perla Cavazos, a young Hispanic woman who challenged the gentlemen's agreement by running for a seat not reserved for a Latino candidate. She would have been the council's second Latino member. But she lost, earning less than 35 percent of the vote. Two years later, the *Chronicle*'s Wells Dunbar suggested that Cavazos' loss lent "perspective to the failings of

the at-large system." Dunbar noted that "Cavazos said political consultants advised her that she needed at least $200,000 for a competitive citywide run, and added that the at-large system 'perpetuates a cycle of forgotten neighborhoods and people, where voter turnout is low and easy to ignore.'"

Meanwhile, the 2009 election continued to perpetuate the gentlemen's agreement. Former Austin Firefighters Association head Mike Martinez was re-elected to the Hispanic seat with 84 percent of the vote, and Sheryl Cole was returned to the African-American spot with roughly 83 percent.

Though challengers like Cavazos sneak through, and assigned seats have been swapped, the arrangement has seen surprisingly little in the way of a real fight. Young says this is not for lack of legal efforts. In fact there have been legal challenges to Austin's at-large system over the years, and several referendums to install single-member districts have failed.

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"Many white progressive voters were fooled by the illusion of equal access to the political process created by the two minority-held Council seats—just as the business moguls who manipulated the 'gentlemen's agreement' into being foresaw," Van Os wrote in a message posted to the site of the Austin Neighborhoods Council. Of the court challenges, which he helped lead along with the NAACP and MALDEF, Van Os wrote, "[T]he courts held that since one Hispanic [illegible] to the Council, thus occupying [two] out of [seven] or 28% of the Council, the communities of color therefore had equal access to the political process so there was no Voting Rights Act violation.

"[We] argued vigorously that channeling minority political access into two designated Council seats in elections whose outcomes were controlled by the majority white community rather than by the minority communities themselves was NOT equal access to the political process."

It was a losing legal argument. The genius of the gentlemen's agreement was that it gave the appearance that minorities could get elected to City Council while preventing Latino and African-American communities from achieving

any lasting political power. It took until 2012 for Austin to choose another kind of politics.

While Butts has worked exclusively on local elections, his onetime ally Young took himself to a larger stage as a consultant for Gov. Ann Richards. In addition to successful runs with numerous state legislators, he also served as a Texas consultant for the presidential campaigns of Michael Dukakis and Bill Bradley. Young also dabbled in San Antonio politics, where he worked on a transition to a 10-1 system in which all 10 City Council members are elected from individual districts. It would become a model for Austin's own reform.

In 2012 Young became an active participant in a city commission established to examine changes to the city's charter. The group's charge included a potential move from the at-large system to a geographically elected council. Young didn't serve on the commission. But a former client, longtime state Sen. Gonzalo Barrientos, chaired it. And there were other friendlies, including local attorney Fred Lewis.

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Butts did serve on the commission and so did familiar members of the Austin progressive establishment: former state Rep. Ann Kitchen, local activist Ted Siff and Susan Moffatt, the spouse of *Austin Chronicle* publisher Nick Barbaro.

Months of debate eventually boiled down to a vote over two competing proposals: a system that featured 10 geographically elected and two at-large council members, in addition to a mayor, and one that did away with the two at-large seats in favor of a strictly district-based body. On Feb. 2, 2012, the commission voted to endorse the 10-1 plan.

Later that month, the Charter Revision Commission delivered its report to the Austin City Council, recommending a single-member district plan and ending decades' worth of race-based local politicking.

Austin City Council members, however, were not bound by the vote, and a faceoff loomed. Mayor Leffingwell signaled concern over the 10-1 approach endorsed by the charter commission in remarks delivered at his inauguration.

There, Leffingwell also took the opportunity to endorse his own call for a system that retained some level of at-large representation. The *Chronicle*'s Josh Rosenblatt called Leffingwell's statement "something of a surprise." Rosenblatt wrote, "Foregoing the ceremonial niceties, Leffingwell described his plan as 'much-needed reform' while decrying the 10-1 plan proposed by Mike Martinez and Sheryl Cole as 'worse than the exclusively at-large system we have today.'"

Cole and Martinez, you'll remember, are sitting in the Council's gentlemen's agreement-reserved African-American and Hispanic seats. They—along with Leffingwell, as well as the rest of the sitting Council—are Butts clients.

Barrientos, Travis County Republican Party Vice Chair Roger Borgelt, and local NAACP head Nelson Linder—who also served on the charter commission and voted for the 10-1 plan—all got behind a now-citizen-backed effort to institute the 10-1 plan. Young was also an active participant in that effort. The group called itself Austinites for Geographic Representation and, conscious of where things could be headed at the council, its members began a petition drive to get their preferred version of geographic representation on the November 2012 ballot. They would eventually collect roughly 30,000 signatures.

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The hybrid-ers—Austin establishment politicos who wanted to keep some form of at-large government—also formed a citizens group. They knocked two geographic districts off of the 10-1 voting plan and began pitching an 8-2-1 proposal with eight single-member districts and councilmembers elected at-large. Both proposals went before Austin voters in November 2012.

For their part, Young and his colleagues suggested that the 8-2-1 plan—and the effort to place it on the 2012 ballot, led by none other than Butts—was intended to split the small number of votes expected on election day, and ensure that neither proposal garnered the requisite 50 percent, meaning neither would become law and the gentlemen's agreement would survive.

To the surprise of some—not, says Young, him—the 10-1 proposal passed overwhelmingly, and the gentlemen's agreement was officially no more.

The work of creating the 10 City Council districts fell to the newly created Independent Citizens Redistricting Commission—a body so entangled with rules intended to keep it honest that some worried whether it would actually have a large-enough pool of applicants. The commissioners also had to work fast to meet a December deadline (they finished in mid-November).

They have created a map that they feel will present a reliable African-American opportunity district, and some count as many as three Hispanic opportunity districts. But it remains to be seen whether the group has ultimately cracked the racial struggle that may continue to pervade city politics. Still, Austin City Council will soon see an influx of new people from parts of the city that were rarely represented at City Hall.

Butts isn't thrilled with the outcome. "I look at numbers," Butts says. "I question their assessment of numbers." For Butts this starts with the decline of the African-American population and the coinciding rise of the Hispanic population in Austin. "Biology is history. You can ignore lots of things but you can't ignore biology. Hispanics have a younger population, they have a higher birthrate than the Anglos and the blacks combined." While Butts believes that he and the 10-1 coalition both want African-American representation on the Austin City Council, he isn't sure that the 10-1 method is going to achieve that result.

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"They've drawn lines...that Peck Young showed me," he said. "What they did is that they are cutting all of the white voters out of what would be the black district." This, argues Butts, would leave only African-American and Hispanic voters in regions of the city that could safely be called African-American opportunity districts—the places where the city's African-American community could count on a chance at electing a representative of its choosing. "What they seem to fail to realize," Butts says, "is that if you only have blacks and Hispanics primarily, the black population is in decline, the Hispanic population is [increasing]. Don't get me wrong, blacks outvote Hispanics dramatically...but at some point, biology is history, and it will give away [the endgame]."

While he worries that the 10-1 plan will result in no African-Americans on the City Council, he also frets about the re-emergence of a previously endangered species—Austin Republicans.

"Republicans were behind 10-1 solidly," he says. "They emailed, they sent out messages, their precinct chairs had signs for 10-1 in their yard, I know they did. They understood.

"[Republicans] are a nonfactor citywide. In an 8-3 system, you can create districts that would basically be dominated by Obama majorities in every case. In a 10-1 scenario, that is not as easy to do."

He lays out this scenario: "Do you want one or two councilmembers—Republicans—running to the Legislature every time the City Council does something that they don't like?"

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At best, Butts' partisan scenario is an interesting reflection of state-level politics. Texas Democrats have been shunted to political insignificance, some of it through creative gerrymandering, much the same way that Austin Republicans have a difficult time in local politics. And so, at worst, Butts' argument reads like his own brand of voter disenfranchisement. Don't Republican voters, even in Austin, deserve their own representation on City Council? Butts is certainly not alone locally, at least in arguing that they don't. That, of course, doesn't necessarily resolve the issue here: Writing Republicans out of local politics may be satisfying, but it's also just about as backward as, say, limiting minority representation to one or two seats on a seven-member body.

Butts divides the recent history of Austin politics into three major eras: the student movement of the 1960s, the progressive takeover of the city in the 1970s, and the greening of the city in the 1990s. He worries that a move toward geographic representation threatens the gains made by liberals in Austin even as the state Democratic Party floundered into irrelevance. Without citywide elections, will Austin remain as progressive a place?

Young points to San Antonio as a precedent, and to the emergence of Henry Cisneros, Leticia Van de Putte, and Julian and Joaquin Castro. "I know for a fact that [Mayor Castro] doesn't [get elected without single-member representation]; neither does Cisneros.

"That's one of the things Austin desperately needs," Young continues. "There is a lot of talent that we don't know about that Austin has squelched...because Austin has no way for those people to develop." He believes Austin's single-member districts will actually help Texas Democrats' hoped-for resurgence. For years, Austin's locked-in politics produced plenty of well-meaning, well-educated City Council members, but not one candidate who could win statewide.

"You are going to wake up some morning and some star is going to emerge, and they are going to emerge from some district where, if they didn't have the ability to walk streets and raise money"—an impossibility in an at-large system in a city as huge as Austin—"they never would have been able to get elected."

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Mike Kanin has covered Austin politics for InFactDaily *and the* Austin Chronicle. *He's now publisher of* InFactDaily.

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Daniel Woodley: Reasons to add two members on council

From: Daniel Woodley [mailto:danielwoodley33@gmail.com]
Sent: Tuesday, January 10, 2017 10:40 PM
To: Charter
Subject: Reasons to add two members on council

Dear Charter Review Committee,
I am writing this letter in hopes of city hall adding two new seats to city council in 2019. Columbus is doing extremely well right now, and so is our city government. Our population is increasing everyday, and adding two new council members this will continue to help make sure that we are equally represented. Our Charter Review committee should continue to listen to voters and not make such radical changes to our form of government. Columbus doesn't need to be broken up into wards. What we need is to continue holding our elected office holders accountable of their actions and add two new members to council so we can better represent our great city of Columbus.

Adding two new seats on council will also help to keep our great city accessible and responsive to the community's needs. As a charter review you should continue to support keeping council at-large and listening to the will
of the voters add additional members which will help better represent Columbus, and make council be a full time position, instead of part time.

--
- Daniel Woodley Columbus State Community College c/o 2017 Intern in U.S. Senate Page in House of Rep. Social Media Strategist for Ryan Koch

Michael D. Aaron: Charter Review Testimony by Email

From: Maaron4justice [mailto:maaron4justice@aol.com]
Sent: Wednesday, January 11, 2017 8:21 AM
To: Charter
Subject: Charter Review Testimony by Email

To: Charter Review Commission, City of Columbus
From: Michael D. Aaron, Southside Community Leader
Date: January 11, 2017

Dear Members of the Charter Review Commission,

I would first like to thank you for the time you have dedicated to serving the citizens of Columbus as the city looks to update its charter. I appreciate the countless hours you have spent reviewing documents, seeking counsel and taking testimony from residents around the city. I am familiar with the issues, having since 2011 followed the the conversation surrounding appointments to city council, increasing the number of members of council, etc. and would like to have these comments added to the record.

About 12 years ago I considered relocating to another city. Downtown Columbus was not vibrant, in fact it was very sleepy compared to other major cities. I and many other community leaders working in core neighborhoods that surround downtown felt that our voices were not being heard and much of the work we were pursuing was being done in vain. However, over the past few years I have marveled at how far our city has come. We have received numerous awards and much recognition for our ingenuity, technological advances both in the public and private sectors. Our population continues to increase yearly; transplants from across the world are coming to Columbus because of the opportunity our city presents to those willing to take a risk, work hard and dream big. Columbus is working well. Government in Columbus is working well. I have realized that no great advances in society that are to be stable and long term will happen over night; such has been the case of our fair city. Columbus City Council has been receptive to the needs of my community, whenever we have needed to have a conversation regarding an issue of concern, I have experienced no hurdles to finding a listening ear at City Hall.

Voters overwhelmingly decided in 2016 that the purposed changes brought by a segment of concerned citizens was not the pathway forward. I agree that considering our population growth to date and the projected growth of population and business development, the size of Columbus City Council should increase. I have placed my name for consideration to a vacancy on City Council, having done so in December 2015. Had I been chosen for that seat, I had already determined I would work full-time. I believe full-time public officials are able to be much more effective and have the opportunity to meet all the demands that the citizenry places upon them. Having to supplement one's income is a heavy burden and may take the focus from the public to one's personal. I support Columbus City Council members becoming

full-time public servants. Also regarding the vacancy process, I think that it would be beneficial for the committee to find a way for the process to be more open - perhaps public hearings for the finalists who are to be considered versus the current in-house meeting/interview with Members of Council. There has been much conversation in other cities regarding campaign finance reform and limiting the costs of elections or the amount of money a candidate can raise, many progressive cities have considered this such as Seattle. The ability to raise money should not limit a citizens ability to have a fair opportunity to contend with incumbents on a public platform.

I believe in the ability of this commission to submit outstanding recommendations to city leadership. If our city is as progressive as we believe it to be, as it is purported to be than let us bridge the gaps of dissent and formulate a forward thinking and progressive change to the Columbus City Charter.

Thank you again for your service.

Regards,

Michael D. Aaron
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Columbus, Ohio 43206
614-264-9718
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Joe Sommer: Comments on Charter Review Committee's first working meeting

From: JCSommer@aol.com [mailto:JCSommer@aol.com]
Sent: Wednesday, January 11, 2017 9:06 AM
To: Charter
Cc: tokaji.1@osu.edu; jonbeard1964@gmail.com
Subject: Comments on Charter Review Committee's first working meeting

Charter Review Committee:

After viewing last week's working meeting, I feel that several subjects relating to it deserve additional consideration. I hope the Committee will focus more on the following topics at future meetings and in its final report.

Best practices of peer cities

When Mayor Andrew Ginther announced on July 6, 2016 that a Charter Review Committee would be formed, he said: "The Committee will look at the country's most successful cities and learn from them: How are their city governments structured? What works for them? What might Columbus adopt to make our city stronger and poised for the future."

Council member Shannon Hardin likewise said when the Committee Members were named on Sept. 6: "The Charter Review Committee's Members . . . will examine best practices from around the country."

At last week's meeting, I didn't hear any "best practices from around the country" identified. There was a statement that Columbus City Council is smaller than the councils of most other large cities, and thus its size should possibly be expanded. (We really didn't need a Committee to tell us that.) Under the same logic, however, Council should possibly add district representation, as virtually every other large U.S. city has.

I hope that at future working meetings and in its final report, the Committee will identify what it found to be "best practices from around the country" and explain why those practices were considered the best.

One-party composition of Columbus City Council

For nearly 15 years, all seven Council members have been Democrats. This has meant no representation on Council for the hundreds of thousands of Columbus residents who aren't Democrats. I was pleased to see Committee Member Fred Mills raise this issue several times at the meeting. But I was disappointed that no other Member seemed concerned about it.

Having all City Council seats controlled by one party can produce other problems besides a lack of representation for political minorities. In an August 16, 2015 editorial about scandals in the

Columbus city government, The Dispatch wrote that the corrupt acts of lobbyist John Raphael "probably were made easier by the fact that for years, the city has been ruled by one-party government."

The editorial also said: "One of the benefits of having government bodies made up of members of competing political parties is that the parties act as a check on each other, blowing the whistle on abuses of office by their opponents. Where one party is all-powerful, dispensing favors and advancement in return for loyalty, complicity and silence, there is no check. Heedlessness and a sense of entitlement can flourish."

Similarly, when then-Mayor Michael Coleman ran for governor in 2005, he blamed Coingate on one-party domination of the state government. He said the scandal was "an example of the arrogance of power that comes with one-party rule. It reinforces the need for change in Ohio."

In view of those considerations, it would be astounding if the Committee concluded that a "best practice" is to continue having all members of City Council from one party. I think the Committee should instead look for ways to promote diversity of political views on Council. This diversity would provide representation for minority segments of the city's population, be a check on the acts of the majority party, and promote examination of issues from wider perspectives.

Competitiveness of Columbus City Council elections

I was surprised to hear a Member describe as "compelling" a presentation previously given to the Committee about the competitiveness of district versus at-large elections. And I was disappointed that no Committee Member disagreed with the description.

In written materials that I believe were provided to the Committee, and in recent Facebook posts, Jonathan Beard explained that the presentation referred to was flawed and misleading.

Mr. Beard wrote on Facebook that "the Charter Review Committee was given a presentation by city staff who claimed the average margin of victory in recent council elections was 5.2%, when, in reality, the actual winning margins were 16%, 78%, 146%, 189%, 207% - meaning the lowest placing winning candidate more than doubled the vote total of most of the challengers."

A lack of competitiveness can also be seen in the political campaigns for Council seats. The incumbents have plenty of money for flooding local TV and radio with ads. They also appear on CTV. The challengers normally don't have money for TV or radio ads, resulting in the public hearing little to nothing about them. They can't even appear on public access TV, because the city government eliminated it in about 2002.

Mr. Beard's Facebook post also addressed the imbalance in funding for Council candidates. He said that "in the 2013 elections, incumbents spent 96% of all the campaign money ($375,000)

and . . . all the challengers combined had just $16,578.46 to spend on their campaigns - (i.e., enough money to mail one letter to about 10% of the electorate)."

This information shows that Columbus City Council elections are not competitive, and reforms are needed to promote competitiveness.

Alleged parochialism and difficulty drawing lines regarding district elections

Comments were made at the meeting that district representation can cause parochialism and infighting among council members who supposedly would be more concerned about their districts than the entire city. Cleveland was cited as an example.

That argument was addressed in The Dispatch on July 1, 2012 by James Mitchell Jr., a district council member in Charlotte, NC. He said district opponents who point to cities with all-ward council elections, such as Cleveland, are using extreme examples. He added: "Why don't they ever mention Charlotte, or Washington, D.C., or San Diego, or the many more that are thriving?"

In looking at best practices, the Committee should have found cities where district elections are working well. And there should have been more to say at the meeting than just the same tired Cleveland argument that district opponents in Columbus have trotted out for years. (If Cleveland has in fact been performing so poorly compared to Columbus, it's strange the city was chosen over Columbus to host last year's Republican National Convention.)

Moreover, in OSU law professor Daniel Tokaji's 2013 book *Election Law in a Nutshell*, he discusses on pages 2 to 3 James Madison's *Federalist No. 10,* which he describes as "perhaps the most famous articulation of the rationale for the republican form of government." He explains that Madison believed: "Those elected to the national legislature would have the wisdom and capacity to rise above parochial considerations and promote the 'public good.'"

That belief about the ability of district representatives to rise above parochial considerations - and promote the public good - is at the foundation of not only the national government but also all the state governments and virtually all the municipal governments of America's largest cities, except Columbus. It's astonishing that such a widely accepted Madisonian view could be rejected in Columbus as not a best governmental practice. The public deserves an explanation for why, if that's ultimately the Committee's position.

Finally, a claim was made at the meeting that there can be problems drawing district lines. But in a May 27, 2016 article analyzing gerrymandering, *The Week* magazine said: "Computer software could easily redistrict maps in the fairest way possible, so that each district is a standard, geometric shape."

Thus, establishing fair districts is not difficult. It's a matter of having in place the necessary governmental processes to ensure the fair drawing of district lines.

Conclusion

I hope that at future meetings and in its final report, the Committee gives more consideration to these matters. A focus on the best practices of thriving large U.S. cities would likely lead to ways to promote political diversity on Council, make Council elections more competitive, produce a Council that's more responsive to neighborhoods while avoiding parochialism, and draw district lines in a fair manner.

Joe Sommer
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Columbus, OH 43231-3067
614-226-1685 (cell)

Jonathan Beard: Charter Review Public Comment

Data from form "Public Comment" was received on 1/12/2017 11:08:47 PM.

Contact the Charter Review Commission

Field	Value
Name	Jonathan Beard
Email address	jonbeard1964@gmail.com
Subject	Charter Review Public Comment
Message	I want to provide an update on questions asked by committee members at various points through the process. Specifically, committeemembers asked if Section 2 voter dilution claims were made against non-southern cities, and didn't get a comprehensive reply. I would again note my earlier testimony that the Department of Justice filed successful lawsuits against Euclid City Council and Euclid City School District (Ohio). Just yesterday, the Department of Justice filed a Section 2 lawsuit against Eastpointe, Michigan (near Detroit) for the unlawfully discriminatory effects of its at-large voting structure. According to one news article submitted with this comment "Lawyers for the city say nearly all previous court rulings on such controversies have been in the federal government's favor." Earlier testimony I submitted from the Department of Justice website says that such Section 2 litigation against at-large systems is the most frequent type of complaint filed by the department (far outweighing complaints against the design of districts). Also, committee member continues to talk about the alleged relative competitive nature of Columbus elections, which city staff testimony I disputed in my written testimony by providing the actual vote tallies of the last 3 elections. The staff analysis was inaccurate and incomplete, in claiming an average margin of victory of 5.2% over the past 2 election cycles -- in addition to the logical fallacy of looking at the percent difference among all votes cast, rather than individual candidate vote tallies, it looked only at the lowest winning candidate and the highest vote getting unelected candidate -- neglecting the fact that there are 3 or 4 losing candidates ni each race. Going back into that data and looking at all the candidates, I note that the average margin of victory was 71% in 2011, 109% in 2013, and grew to 152% in 2015. In other words, the average winning candidate has well more than double the number of votes of the average losing candidate in each of the last two elections -- a gap which has grown in each of the last 3 election cycles. If the committee is serious about competitiveness being an issue, as members have stated during the deliberation meetings, this is something worth further discussion and consideration. I would suggest council districts and campaign finance reform [i.e., recommending the city finally adopt an ordinance placing caps on contributions to city campaigns at a minimum -- which voters permissively approved in a charter amendment of (I believe) 2004 but which council did not enact, meaning people can give more to a city council member than they can to the presidnet of the united States, or a member of the Ohio legislature ...] When the election data shows so clearly the noncompetitive nature of our council elections (which -- council elections IS a charter issue), to not make recommendations on the citizens' behalf would speak to an unnecessary superficiality in this Charter Review Commission's work. I appreciate your efforts.

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from jonbeard1964@gmail.com on 1/12/2017 11:08:47 PM.

Jonathan Beard: DoJ Files Lawsuit Against At Large System in Michigan (Yesterday)

From: Jonathan Beard [mailto:jonbeard1964@gmail.com]
Sent: Thursday, January 12, 2017 11:35 PM
To: Charter; joe sommer
Subject: DoJ Files Lawsuit Against At Large System in Michigan (Yesterday)

Please see attached articles about the U.S. Department of Justice's recent filing (yesterday) of a Section 2 Voting Rights Act complaint against the City of Eastpointe, Michigan. The DoJ says the at-large system denies Blacks the right to have a representative of their/our own choosing (regardless of race). As shown by the DoJ's successful suit against Euclid City Schools and City Council (OH), this is not just an issue in the Deep South.

Sadly, one of the articles points to two of Eastpointe's Black clergy defending the discriminatory at-large elections system and opposing the DoJ's effort to enforce federal law,which indicates that what people are used to is not necessarily the same as what is moral, just, or lawful. Harriet Tubman once said "I freed a thousand slaves. I could have freed a thousand more if only they knew they were slaves." Unfortunately the same type of dynamic exists today -- people often don't recognize the reality of their daily existence and often fight against all logic to maintain it.

There is no excuse for enlightened citizens of Columbus to recommend maintaining a system of enforce racial hegemony when a clear and more commonly-accepted alternative exists. How embarrassing it would be to the city and its national reputation should the DoJ or LDF file suit here -- it would make a national hollow mockery of this process and all the "Best Of" awards the city has solicited and received if there was national press coverage that our city is violating the most basic of some of our citizens' civil rights.

The CRC --which I assume represents all citizens -- should take steps to recommend a nondiscriminatory system of governance, to show that all the citizens have a seat at Columbus's big table -- that political access and influence isn't just reserved for those with invitations.

Regardless of the vote on Issue 1, the time is always right to advocate for truth and justice and history rewards those who do. You have the information -- I urge each committee member to do the right thing, and to recommend moving Columbus from its past and into a more fair and just future where all citizens have equal political opportunity. I believe that making such a recommendation fulfills your moral obligation (or at least raising the real issue in the committee report provides you some moral cover) ... then it is up to the electeds to put it on the ballot and the people to vote -- both of which are beyond your control.

Jon Beard
(614) 395-1946

Attachment: Justice Department Files Voting Rights Suit Against City of Eastpointe, Michigan

JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Wednesday, January 11, 2017

Justice Department Files Voting Rights Suit Against City of Eastpointe, Michigan

The Justice Department filed a lawsuit late yesterday to challenge the at-large method of electing the city council of Eastpointe, Michigan. The complaint alleges that the election system in Eastpointe violates Section 2 of the Voting Rights Act by denying black citizens in the city the equal opportunity to elect representatives of their choice.

The lawsuit, filed in the U.S. District Court for the Eastern District of Michigan, follows an extensive review of the city's electoral practices, history and current conditions, guided by extensive precedent applying Section 2 of the Voting Rights Act. Among other important factors highlighted in the case law, the lawsuit alleges that Eastpointe has racially polarized voting patterns, with white voters consistently opposing and defeating the preferred candidates of Eastpointe's sizable black community. Although black residents comprise roughly one-third of the electorate and consistently support black candidates for local office, no black individual has ever served on the Eastpointe City Council. With Eastpointe's current system, voting patterns combined with other local factors dilute the black community's voice and lead to a discriminatory result.

The complaint also alleges that changing the method of voting – for example, by electing each councilmember from a district – could create an equitable opportunity for black voters to elect a candidate of their choice to the Eastpointe City Council. The lawsuit seeks a federal court order implementing a new method of electing the Eastpointe City Council.

"Federal law seeks to protect diverse communities from discriminatory systems that weaken the power of the franchise," said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Civil Rights Division. "The Justice Department hopes to work cooperatively with Eastpointe to ensure that all communities enjoy equitable opportunity in our elections."

"Section 2 of the Voting Rights Act prohibits practices such as Eastpointe's at-large City Council system where they improperly dilute the ability of citizens to elect the candidates of their choice," said U.S. Attorney Barbara L. McQuade of the Eastern District of Michigan. "We filed this lawsuit to ensure that all voters in Eastpointe have a fair opportunity to participate in their local government."

The Justice Department continues to have positive discussions with the city of Eastpointe and remains hopeful that a settlement will be reached. As Eastpointe's next regularly scheduled city council election is set for November 2017, the department's filing was necessary to preserve the ability of a court to hear this case in a timely manner.

Complaints about discriminatory voting practices may be reported to the Civil Rights Division's Voting Section at 1-800-253-3931. More information about the Voting Rights Act and other federal voting laws is available on the Justice Department's website at www.justice.gov/crt/voting.

Eastpointe Complaint

17-033

Civil Rights Division
Civil Rights - Voting Section
USAO - Michigan, Eastern

Topic:
Civil Rights

Updated January 11, 2017

Attachment: Eastpointe leaders criticize feds' demand for racially-driven election reform

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Eastpointe leaders criticize feds' demand for racially-driven election reform

Eastpointe City Manager Steve Duchane explains changes in council elections demanded by the U.S. Department of Justice. Ray Skowronek--The Macomb Daily

By Norb Franz, The Macomb Daily

Posted: 12/15/16, 7:52 PM EST | Updated: 3 weeks, 5 days ago

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Eastpointe City Manager Steve Duchane listens as Mayor Pro-Tem Michael Kleinfelt answers questions from the media at a press conference at Eastpointe City Hall Thursday. Ray Skowronek--The Macomb Daily

Eastpointe officials and some community leaders Thursday criticized the U.S. Department of Justice for its unexpected and urgent demand for reforms aimed at improving the chances for African Americans to get elected to city government.

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Federal authorities notified Eastpointe by mail last month that the Justice Department's Civil Rights Division has authorized the filing of a lawsuit against the city for allegedly violating the Voting Rights Act, stating the current at-large method of electing council members denies the city's black voters an equal opportunity to elect representatives of their choice.

In the Nov. 18 letter, U.S. Attorney for the Eastern District of Michigan Barbara McQuade and Vanita Gupta, principal deputy assistant attorney general in the Civil Rights Division, said, "We hope to resolve this matter amicably and without protracted litigation. Accordingly, we will delay filing the complaint for a short period to permit us to try to negotiate a remedy for this violation by means of a consent decree to be filed with the complaint."

Four federal officials, including two from Washington, D.C., met with Eastpointe officials at City Hall Dec. 2. They brought a copy of a consent agreement and a map that would radically change how Eastpointe voters elect most council members.

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At a press conference Thursday, city officials said their federal counterparts are pressuring council to adopt a plan that establishes four wards in which voters would elect four council members and only within districts. Only the city's mayor would continue to be an at-large position, with mayoral

candidates appearing on all ballots.

The proposed District 1, stretching across approximately the southern one-third of the city, was described by federal authorities as the "black district," City Manager Steve Duchane said.

Such terminology troubles Eastpointe officials.

"To even stand here and talk in these terms, it's repulsive," said Duchane, the city's top appointed administrator, flanked by council members whom he emphasized are uncomfortable using the term.

"It creates tensions where there are none."

As drawn by federal officials, District 2 includes the northeastern quarter of Eastpointe. District 3 includes the northwestern area, and District 4 covers most of the city's midsection, stretching from the city's border with Warren, east toward Gratiot Avenue.

In terms of population, the wards have about the same number of residents, based on the 2010 Census, ranging from 8,092 residents to 8,126. District 1 has, by far, the highest percentage of residents within a district that are black and at least 18 years old, at 55.7 percent. The next highest is District 2, where 34.1 percent of residents of voting age are black. The lowest is District 3, at 19.3 percent.

Changing the way council members are elected normally requires an amendment to the Eastpointe City Charter, which is a constitution of sorts for city government. Amending a charter requires voter approval. However, a federal supremacy clause would trump the city charter.

Mayor Pro-Tem Michael Klinefelt said Justice Department representatives acknowledged the normal path to changing the charter and that the city could put a district elections proposal on the ballot, yet they will forge ahead with federal complaint.

The ward system would take effect with the 2017 election. Two seats would have 4-year terms and two would carry 2-year terms, to create staggered terms.

Establishing districts does not ensure that at least one resident — of any race — will run for council.

Klinefelt said city officials pointed out during an hours-long meeting Dec. 2 with federal authorities that even a district of predominantly African Americans doesn't guarantee that an African American would win.

"We asked the question verbatim, 'What if a white person is elected?' They said they don't care."

Black candidates have never won a City Council seat:

• In 2009, Patricia Robinson and Priscilla Wells finished third and fourth, respectively, among four candidates for two open seats.

• Clarence Duren got the fewest votes in a four-candidate field for two seats in 2011.

• In February 2015, Monique Owens and Serina Pinkston lost in a landslide to Cardi DeMonaco Jr. in the race for a 2-year term. Nine months later, Alexandria Bibb Williams was defeated by Sarah Lucido and John Marion in the contest for two, 4-year terms.

13
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Marion said Thursday that Eastpointe can't defe deep pockets" of the federal government if the city's wages a legal challenge.

Duchane said residents have never formally expressed concerns over the at-large voting process that has been in place in the city since 1929 but officials will embrace the opportunity to adopt a more "contemporary way" of selecting elected officials.

Pastors of two predominantly black churches in Eastpointe say they, too, are dismayed by the actions of Justice Department representatives forcing election reform in the city.

"I feel like they're putting a foot on our neck and forcing this down our throat," said Frank Collins Jr., pastor of Breath of Life Christian Church. Collins said he also is dismayed the federal terminology of a "black district."

"I hate to say it, I feel like we're being picked on," said Pastor Albert rush of Immanuel United Methodist Church, pointing also to the threatened state takeover of the East Detroit Public Schools. "This is a positive (city), no matter what people on the outside tell us."

The election reform will result in revamping of voter precincts across the city and carry unknown financial costs, ranging from lawyer fees to new voter identification cards.

City Attorney Robert Ihrie said Eastpointe officials told federal authorities the city has strived to avoid drawing anything along racial lines and asked Justice Department officials if they're prepared for potential backlash from residents.

"The answer to that question was not particularly forthcoming," Ihrie said.

Former Eastpointe Mayor Harvey Curly angrily accused the federal government of interfering with local control.

"This is all BS," said Curley, noting district lines would mean the loss of at least one out of two current council members who reside within one of the proposed wards.

"We're smart enough to know what's going to happen, and we know it's going to be jammed down our throats."

City officials plan to publicly discuss the Justice Department's demand for voting districts at the next two regular Eastpointe council meetings, Tuesday and Jan. 3.

Klinefelt said council members will welcome ideas and reaction from residents. If a council plan isn't approved by Jan. 9, the Justice Department will head to court that day to seek a court order to implement the districts but negotiations between both entities could continue, he said.

The Voting Rights Act of 1965 "prohibits any voting practice or procedure that results in a denial or abridgement of the right to vote on account of race."

Lawyers for the city say nearly all previous court rulings on such controversies have been in the federal government's favor.

According to the U.S. government, African Americans currently comprise approximately 34 percent of the city's total voting-age population of more than 25,000 residents. Duchane said federal officials studied federal demographic data of Eastpointe going back six or seven years.

The vast majority of communities in Michigan and across the country use an at-large system for selecting elected officials.

A few area cities have adopted a district form of electing council members. In 2010, Warren voters approved a companion ballot proposal that reduced the size of the Warren City Council from nine members to seven, with five elected in separate districts and two chosen citywide. In Lansing, four council members are chosen from districts, and four seats are on ballots citywide.

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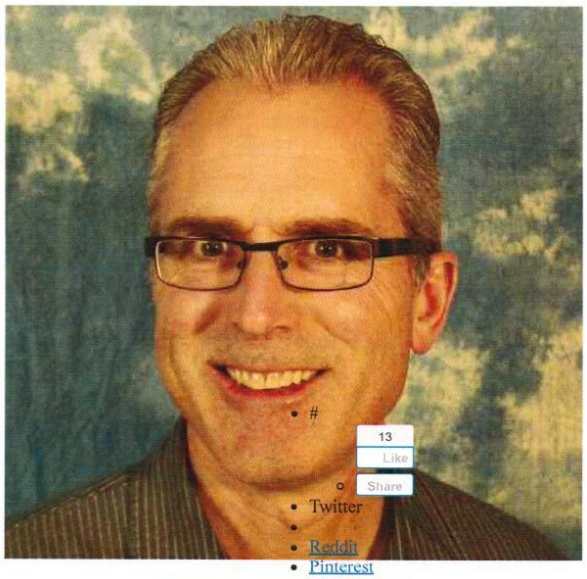

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Attachment: U.S. Accuses Eastpointe, MI of denying black residents equal voting rights

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AP / *January 11, 2017, 1:41 PM*

U.S. accuses Eastpointe, Michigan, of denying black residents equal voting rights

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DETROIT -- The Justice Department is suing a Detroit suburb, alleging that it violates the Voting Rights Act by denying black residents an equal opportunity to elect city council members of their choice.

The lawsuit, which was filed Tuesday in Detroit, says no black candidate has ever served on the Eastpointe City Council and that white voters have consistently opposed and defeated black voters' preferred black candidates. It seeks a court order that would force Eastpointe to change how its city council is elected. It currently consists of the mayor and four council members who serve staggered four-year terms.

Of the 32,000 people living in Eastpointe in 2010, nearly 10,000 were black, according to the U.S. Census. Current estimates place the city's black population at closer to 40 percent.

Eastpointe's black voters consistently vote for black city council and school board candidates, however none of them have ever been elected, the lawsuit contends.

A review of elections shows "the black population of Eastpointe is politically cohesive and that the white population votes sufficiently as a bloc to usually defeat the preferred candidate of black voters," the lawsuit argues.

If Eastpointe had four voting districts, the black community is "sufficiently numerous and geographically compact to constitute a majority of the citizen voting-age population in one single-member district," the lawsuit contends.

"Section 2 of the Voting Rights Act prohibits practices such as Eastpointe's at-large City Council system where they improperly dilute the ability of citizens to elect the candidates of their choice," Barbara McQuade, U.S. attorney for the Eastern District of Michigan, said Wednesday in a news release. "We filed this lawsuit to

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ensure that all voters in Eastpointe have a fair opportunity to participate in their local government."

Eastpointe City Manager Steve Duchane told The Associated Press on Wednesday that city officials have known since November that the lawsuit was coming and that they hope to enter into a consent judgment with the Justice Department to settle it.

Duchane, who is named in the lawsuit along with the city council, said the city charter requires at-large elections, in which voters throughout the city vote for all council seats rather than voters electing members by districts. He said a charter change would have to go before voters in the fall.

"We don't necessarily have a philosophical difference," he said.

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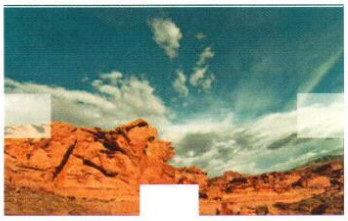

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Joe Sommer: Committee's handling of the district elections issue

From: JCSommer@aol.com [mailto:JCSommer@aol.com]
Sent: Wednesday, January 18, 2017 12:58 PM
To: Charter
Cc: jonbeard1964@gmail.com; mcurtin2323@yahoo.com; tokaji.1@osu.edu
Subject: Committee's handling of the district elections issue

Charter Review Committee:

In viewing your working meetings, I've been disappointed that the issue of district representation has sometimes been treated as decided at the August 2016 special election. Moreover, the Committee's "working draft recommendations" referenced Columbus elections held decades ago as an additional basis for opposing district representation.

It therefore appears the Committee might not decide whether district elections are a best practice of large cities, and may simply defer to past election results in Columbus. This would be inconsistent with what the public was led to believe the Committee would do. And it would be an unsound basis for recommending a future structure for the city government.

Public explanations of the Charter Review Committee's purpose

In announcing that a Charter Review Committee would be formed, Mayor Andrew Ginther said on July 6, 2016: "The Committee will look at the country's most successful cities and learn from them. How are their city governments structured? What works for them? What might Columbus adopt to make our city stronger and poised for the future."

The Dispatch's article about the announcement was titled "Columbus plans to appoint panel to study city council wards." The city officials quoted in it included Councilmember Elizabeth Brown saying: "I am interested in the five best cities and what they are doing."

Neither the article nor city officials said that if Issue 1 didn't pass, the Committee would decline to analyze district representation in other large cities.

When the Committee Members were named on Sept. 6, Councilmember Shannon Hardin explained: "The Charter Review Committee's Members . . . will examine best practices from around the country."

He too said nothing about district elections being off the table as a best practice. This was after Issue 1's defeat.

Public pronouncements thus gave citizens the impression - both before and after the special election - that the Committee would determine whether district representation is a best practice of large cities.

Interpreting the Issue 1 election results

The Committee sometimes appears to interpret the defeat of Issue 1 as Columbus residents clearly rejecting district representation. I disagree for three main reasons.

First, the public was urged to reject Issue 1 based on the process used to write it. In a July 10, 2016 editorial, The Dispatch wrote: "If Columbus is to change its governing structure, it shouldn't be rushed, a flaw of Issue 1. The community's best minds - Democrats, Republicans, neighborhood representatives and experts on urban governance such as those at Ohio State University - should have time to examine alternatives, weigh the pros and cons and propose options vetted by the community."

The editorial said that's what the Charter Review Committee would do. It explained that the Committee would "conduct a comprehensive review of the council's structure, and examine the vacancy-appointment process, the number of members, wards and other reforms."

The Dispatch similarly urged citizens to vote no on Issue 1 in a July 31 editorial titled "Thoughtful reform is better." It said: "Redesigning the entire legislative branch of the city's government should be done thoughtfully, with broader community and expert input, not in a heedless manner."

Based on such urgings, many surely voted no on Issue 1 not because they necessarily opposed district representation. They wanted a different process for determining whether such reform would be good for the city. The public was led to believe that the Charter Review Committee would supply the desired process, not defer to the election results as a final decision on the matter.

Second, the anti-Issue 1 campaign contained misinformation. For example, a July 25 Dispatch editorial said Issue 1 opponents engaged in "misdirection and distortion" in a mailer sent to voters. The editorial described the mailer as "misleading."

And in The Dispatch's July 6 article about the decision to form a Charter Review Committee, Councilmember Michael Stinziano said: "I think that there is a need to get complete information, and when you have campaigns going on for and against the issue, the complete information isn't what is being presented."

Because many voters were deciding Issue 1 based on misleading or incomplete information, the election's outcome does not indicate how they would feel about district representation if they were provided accurate and thorough information.

Third, over 90% of the city's registered voters didn't vote on Issue 1. They apparently had no strong feelings either way on whether the city should continue the all at-large Council or change to one including district representation. They could benefit greatly from learning about which system appears to be a best practice for large cities.

In view of these considerations, Columbus residents cannot be said to have definitively rejected district representation at the Issue 1 election. A huge majority of them didn't vote in it, an indeterminate number of the voters wanted a different process for addressing the issue, and an indeterminate number voted on the basis of misleading or incomplete information.

The 1968 and 1975 elections

Based on information presented to the Committee about the unsuccessful attempts to add district representation to Council in 1968 and 1975, those elections also should not be viewed as reflections of voter sentiments on the issue's merits.

The information showed that both elections were efforts to remedy the problem of the all at-large Council excluding African Americans from it. Although a black was first elected to Columbus' former ward-based Council in 1880, no black was elected to the at-large Council until 1969 - which was 55 years after the present Charter was adopted.

The Committee was informed of "a strong racial divide in the city" in the 1968 and 1975 elections. Black areas supported district elections as a means of allowing them representation on Council. White areas, except near the University, opposed the change. After the 1968 vote, a Democratic Councilmember said some of the opposition may have been due to "a certain amount of white backlash . . . a fear of some whites that Negroes would be on council."

With support for district elections in 1968 and 1975 being a reaction to decades of racial oppression, and with some of the opposition to the proposed reforms being based on racial prejudice, there are sober lessons to be learned from these elections. But the lessons don't support a claim that at-large elections have been good for the city and should be continued.

They actually support an opposite position. Those distasteful and divisive elections would not have occurred - and stained the city's history - if the all at-large Council had not excluded blacks for decades and if they had been provided representation on Council through district elections.

Continued thwarting of minority representation on Council

The Committee also received evidence of continuing problems with minority representation on Council. In over 100 years under the present system, only one black Democrat has been elected to Council without first being appointed. And that happened 48 years ago.

Since then, black Democrats on Council have initially been appointed, likely after a determination that they were acceptable to a mainly white wealthy donor class, which provides most of the funding for the expensive citywide political campaigns. This raises a question of how representative the appointees are of the city's African American community.

There have been instances of older, more experienced, and more independent-minded blacks passed over for a Council appointment in favor of a much younger and less experienced black. Having most of their careers ahead of them and not yet financially secure, the younger ones are less likely to make waves in a system that they may need jobs from in the future. Plus, running citywide, the appointees must be palatable to a large percentage of the city's white voters to win election.

It's doubtful whether those appointees would have been the representatives chosen by voters in a largely black district of the city. Minority groups, in particular, sometimes need elected officials to make waves by demanding a fairer system. These considerations lead to the question of whether the city is much further along than in 1968 and 1975 concerning minority representation on Council.

When considering district elections in other large cities, the Committee should examine whether African Americans: (1) were excluded from the city councils for decades, (2) attain council seats almost always through appointment instead of election, (3) should be acceptable to a mainly white donor class to obtain the appointment and receive needed campaign funding, and (4) must receive votes from a large percentage of white voters to retain the office. If those four factors aren't present in cities having district elections, it's hard to see how Columbus' all at-large elections can be considered a best practice for minority representation.

Conclusion

The Committee should not use the Issue 1 election result or other past election outcomes as a basis for declining to determine whether district elections are a best practice of large cities. In voting against district representation in past elections, many voters had reasons other than the merits of the proposals. Some reasons were respectable but others were not.

The issue of district representation should be decided on the merits, as the public was led to believe it would be. And if the Committee decides to recommend continuing the all at-large Council, the public deserves an explanation for why district elections were not deemed a best practice when virtually every other large U.S. city has them.

Joe Sommer
5672 Great Hall Court
Columbus, OH 43231-3067
614-226-1685 (cell)

Debi Hampton: Charter Review Public Comment

Data from form "Public Comment" was received on 1/20/2017 2:50:20 PM.

Contact the Charter Review Commission

Field	Value
Name	Debi Hampton
Email address	debi@creativeoverdrive.com
Subject	Charter Review Public Comment
Message	Attending my first Charter Review Committee Meeting today. This may have already been considered at a previous meeting. I wonder if current Civic entities are being included in conversations pertaining to residence representation in Columbus? ie Established Area Commissions, Civic Associations, HOAs, Block Watches, Police Zones and Precincts. The established groups would encompass diverse groups and include 1,000s of Columbus residents who are already engaged in their areas. These bodies likely are not a complete reprentatation. However, it might be a great place to gather info regarding specific concerns within pockets of our City, as this discussion continues. Thank you for your consideration. Debi Hampton, President Cross Creek Village Civic Association (1,004 homes) debi@creativeoverdrive.com 614.209.9688

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from debi@creativeoverdrive.com on 1/20/2017 2:50:20 PM.

Amanda King: Columbus Charter Review Committee

From: Amanda King [mailto:kingamandaj@gmail.com]
Sent: Sunday, January 22, 2017 1:50 PM
To: Charter
Subject: Columbus Charter Review Committee

Good afternoon,

As a Columbus resident (Near East Side Area), I would like to express my support for the Columbus Charter Review Committee's consideration of a 9-member City Council that would include a mix of at-large and district representative council members. I think is an excellent step for improving the representation of Columbus residents in the City Council structure.

Thank you!

--
Amanda King
kingamandaj@gmail.com

Carol Whitmer: Charter Review Public Comment

Data from form "Public Comment" was received on 1/26/2017 7:50:39 AM.
Contact the Charter Review Commission

Field	Value
Name	Carol Whitmer
Email address	cwhitmer63@yahoo.com
Subject	Charter Review Public Comment
Message	Thanks for the opportunity to submit my comments about the charter review of city council. I am in favor of have a mixed council. A council with officials that are elected by wards and council members that are at large. By having members elected by wards citizens will have an individual who represents them in their neighborhood. Individuals will know who to contact when there is an issue in their neighborhood. There will be a person to fight for the issues that matter most to the people that elected them. I believe that the at large members will be able to keep the ward members in check. This will create a good balance on the council. Again thanks for your consideration. Carol Whitmer

Email "Charter Review Public Comment" originally sent to edjohnson@columbus.gov; sbmegas@columbus.gov from cwhitmer63@yahoo.com on 1/26/2017 7:50:39 AM.

Jonathan Beard: Public Comment

From: Jonathan Beard [mailto:jonbeard1964@gmail.com]
Sent: Thursday, February 02, 2017 4:34 PM
To: Charter
Subject: Public comment

Please see attached public comment to be distributed to members, in response to the January 5th and 20th Charter Review Committee discussions. Thank you.

Attachment: February 2nd CRC Public Comment

PUBLIC COMMENT TO THE 2016 CHARTER REVIEW COMMITTEE
JONATHAN C. BEARD
February 2, 2017

I comment with respect to the committee deliberations of January 5th and 20th. For 20 years, I have worked to revitalize Columbus's most distressed neighborhoods – the HUD-designated Columbus Empowerment Zone – a collection of neighborhoods comprising 14 square miles and 10% of our population that meet federal statutory criteria for "pervasive poverty (minimum 30% poverty rate) and social distress." Through this 20 years of work – often successfully doing things that had been long-requested but never before done -- I am acutely aware of the problems and issues in our relatively wealthy city that could be addressed, but that are not given even a modicum of significant political attention as that attention is lavished on what is already working well.

Issue One came about, and I have relayed my frustrations about this, due to the council's failure to address the drug and gun violence issues that threatened the commercial redevelopment successes we were having on E. Main Street. This was, to me, the last straw in a pattern of inattention that I had seen in neighborhood after neighborhood, year after year. We got the disorder problems on E. Main Street resolved (unfortunately after several murders), but the resolution came without any constructive engagement of any member of city council – including those on the Safety Committee who likewise ignored our repeated requests for help. I would be happy to show you the video evidence of shootings, including a videotaped murder in the middle of the street after many months of business and citizen complaints, that we presented to our council members. 22 neighborhood organizations including the city-designated business association, the city recognized civic associations, city funded nonprofits, and the neighborhood area commission signed onto a letter expressing anger about the lack of concern and attention from all seven of the members. The problem is that nobody is accountable for anything with an all at-large council, and that needs to change if all our neighborhoods are to be well-served to their differing concerns. This is not a question of neighborhood people who don't know how council works, it is an issue of a council that is designed to be nonresponsive to minority population interests.

This is something that the Neighborhood Area Commission program – which the vast majority of citizens do not even know exists – cannot resolve, nor should we expect our volunteer neighbors to do the job of our well-paid elective representatives. In my neighborhood I have seen my neighbors elected to serve in their volunteer position on the area commission with as few as six votes, and with the highest vote getter receiving something like 40 votes -- these are often low profile positions within the neighborhoods. I have also seen an area commission chairperson in place for 18 years, although the bylaws call for two year rotations. Let's not be fooled: the area commission program is a supplement, but is not a replacement for real political accountability.

In committee discussions about the shape of its formal recommendations versus deferring to the 2022 planned charter committee, I was encouraged to hear Chair Coe ask the question "do we punt too much?" (I note the 1997 charter review committee punted on the issue of election by council district.) I believe we do punt too much, and that the time to do the right thing and simply make sound recommendations is now.

It was good to hear discussions about a way to improve upon our current system to provide better representation, though I do have significant concerns about what the committee was calling the District/At-Large Plan ("The Clark-Johnson Plan)." I would like to offer my observations on a couple issues raised or discussed during the deliberation meetings, with a goal of helping this committee to make real recommendations in its day:

1. I believe a discussion about districts is a good step forward for the committee. It was good to hear some discussion about Section 2 of the Voting Rights Act. To Mr. Mill's question, to clear, no Section 2 complaint has been filed. The NAACP Legal Defense and Education Fund has issued a FAQ to Columbus in the wake of the Issue 1 vote, indicating its concern about our at-large voting system. The LDF says it sends these as an educational tool to communities when they suspect a potentially unlawful electoral condition. President Obama is quoted as saying the LDF is "simply the best civil rights law firm in the nation." As we all know, the LDF successfully litigated Brown vs. the Board of Education, and also litigates Section 2 Voting Rights Act cases across the country. I have been clear about my concerns about our electoral system, and I would be quite happy to serve as Plaintiff should the LDF through its research have further interest in litigating what I believe to be an unnecessary and discriminatory electoral system that focuses on affluent Whites, and that does not serve lower income and Black residents adequately. I also submitted testimony documenting that the Department of Justice filed a Section 2 voter dilution violation lawsuit against Eastpointe, Michigan last month– just to again illustrate this is not an issue only for the Deep South, as earlier city staff testimony seemed to suggest.

2. On September 20th, Adam Freeman (sp?) read off the 7 "Senate Factors" that accompany Section 2 of the 1982 Voting Rights Act amendments that create a prima facie case for violation of the federal law. As Mr. Freeman read, those factors include consideration of "the extent to which the state of political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, <u>such as unusually large election districts</u>, majority-vote requirements, and prohibitions against bullet voting." In addition to what Adam quoted from the Senate report, it is important to note that the courts have found that at-large voting systems constitute "<u>unusually large election districts</u>," when combined with racially polarized voting and when at least one lawful majority-minority district could be drawn, as is the case in Columbus -- evidenced by the multiple maps I can submitting showing how easy it is to create a number of majority Black districts. <u>If a court were to find evidence of racially polarized voting upon petition</u>, Columbus's at-large electoral system would be found to be unlawful. In my recent (1/31/17) article in the Columbus Free Press **"BAMBOOZLING BLACK FOLK: THE SILENT CONSPIRACY TO MAINTAIN COLUMBUS'S DISCRIMINATORY AT LARGE CITY COUNCIL ELECTIONS "** I make the case that the Franklin County Democratic Party has used the system of appointments to collaborate with the business community to circumvent federal law – much as Austin, Texas used the "gentleman's agreement" to do the same thing (see my prior submitted written public comment). In my article, I ask whether our Black elected officials know they are being used as pawns in a chess

game designed to seek to sustain an otherwise like fully unlawful system of White electoral supremacy, or whether they are merely ambitious innocents being duped. I would suggest that concern about federal law violation – but more importantly moral concern about the systemic subordination of minority votes that at-large voting creates – should be of concern to a citizens' committee. I ask whether "The Columbus Way" is based on an electoral system of racial dominance. I am concerned that it is, and that all vestiges of historic nationalism and racism must be removed from the charter.

3. The committee members' concerns that the results of the recent Issue 1 election (defeat) should influence committee recommendations are well-intended, but misplaced. We all stress to our children that "doing the right thing" should never be about a popularity contest – the same applies here in adult world. Your stated goal is to make "best practice" recommendations on moving forward – not to revisit the past. By way of encouragement and example, I would again note it took 3 efforts for civil rights marchers to make from Selma to the steps of the Montgomery courthouse – when the pivotal moment in our nation's history was the failed attempt to cross the Edmond Pettus Bridge on "Bloody Sunday." Further, to be clear, those opposed to Issue One (the entrenched political establishment) spent $1.2M, to defeat the issue -- including $724,000 of negative advertising in the last two weeks before the vote, compared to just $12,000 by us citizen proponents during that time frame. We were underfunded citizen political novices – while they had high-powered and experienced political operatives, like Mr. Clark who is now staffing your work, working successfully to mischaracterize the initiative. Many of the things the committee has expressed appropriate concern about, were indeed included in Issue 1, such as creating a multipartisan approach to redistricting– but that was characterized to the 70% majority Democratic electorate during the political campaign as an effort to create permanent Republican wards, rather than an attempt to create fair play and a balanced process unlike the hyper partisan state and federal processes. There was little rational debate on the issue, mostly the fear-mongering, hyperpartisanized and exaggerated campaign rhetoric that distorted a normal governance form into something that seemed grotesque. Issue 1 clearly had political flaws – for instance, in part because of my experience living in Cleveland with a large (33 member) city council while our city's population halved, it/we wrote language allowing the size of council to rise or fall with the population (limited between a minimum of 7 and capped at a maximum of 25 members if the city's population more than doubled to 1.65 million people. This was a thought process echoed by Mr. McCarthy in the January 5th discussion, but I would suggest that it was a ballot and maybe policy mistake we made as political novices, and the opponents capitalized on it by positioning it with $1.2 million in uncontested negative political advertising spending as a proposal for a 25 member council (even though MORPC population projections through 2050 would indicate a maximum size of 15 members through at least 2062). So again, your recommendations should not be affected by the results or size of the Issue One defeat.

4. I continue to disagree with the math used by Mr. Clark to define competitive elections. First, in his testimony at 1:24:20 on the YouTube video, he gives some really shaky math in a

misrepresentation of what I calculate. I look first at the definition he uses for "margin of victory," which in his slide he defines by subtracting the lowest winning vote percent from the highest percent. Thus, he said if one candidate receives 75% of the vote and the other 25% of the vote, it is a 50% margin of victory. But that is not real math: that is a 300% margin of victory, as the losing candidate would need to triple his/her vote tally to match the winning candidate. It also neglects that there are 6 – 8 candidates in each of Columbus's field elections – thus, the margin of victory he cites would be for only the narrowest percent win among all votes cast and only for one of what are really three or four contested seats in our field (not just the one closest election). The math is easy, and our at-large, field elections are not competitive, as shown below.

5. I previously submitted the election tallies from the last 3 elections, and when I fact-checked that dubious claim of competitive elections, I found that in the last election Jaiza Page (the lowest vote-getting elected candidate) received 16% more votes than the closest non-elected competitor Dimitrious Stanley (i.e,: her 75,223 votes to his 64,830 is 16% more votes than his), 78% more votes than John Rush (her 75,223 to his 42,252), 189% more than Besa Sharrah (Jaiza's 75,223 to Besa's 26,029), and 209% more than Ibrahim Sow (her 75,223 to his 24,471). Her average margin of victory over all the nonelected competitors was thus 123%. And Jaiza's were the narrowest vote margins, as the other winning candidates had even more votes (and thus larger winning margins) than did she. **Using similar math based on real numbers anyone can look up on-line or find in my testimony, I found that the average margin of victory of council incumbents over their challengers was 71% in 2011, 109% in 2013, and 152% in 2015 – meaning that winning council members on average, now get two and a half times more votes than their challengers**. Far from being the competitive elections Clark claims, the gap has been large and growing dramatically in every election from 2011. This fact alone merits significant committee discussion and action. Yet comparing national election results by form of government is not an analysis of best practice – I don't know anybody who would assert current American municipal election practices routinely evidence best practices – and I review of what is is just the start of this committee's stated charge, to what was promised as an examination of what should be (best practices). And beyond structure, the committee has taken no effort or invited no testimony to examine best practices to help make elections fair and competitive, such as examining the obvious role that unlimited campaign donations to incumbents have on making our elections about access to money rather than policy. Despite submitted public comment, there has been absolutely no discussion or analysis of campaign spending—which would be critical in any discussion of the expansion of at-large elections the committee is now considering. Further, I don't believe the number of 9 council members has any grounding in best-practice, as review of committee presentations indicates it was arrived at by staff presentations where other cities were arbitrarily described as "outliers" and removed from review. The average top 50 city council has 13 members, 2 at large and 11 from districts. It stands to reason that Columbus, as a Top 15 city with a large geography, could be similarly sized.

6. In his January 20th presentation, Mr. Clark presented national data indicating at-large, by place elections were more competitive than our current at-large field elections, which was a reversal from his testimony at one of the committee's first meetings last year. (I note that Austin formerly had at-large, by place elections that were the object of Austin's racist Gentlemen's Agreement whereby the business community reserved 2 places for minority community candidates – please refer to my previously submitted public comment). And that continues to be a concern for the At-Large/District Plan (also called the Clark-Johnson Plan or the Columbus Plan during the meeting): such a plan would continue to dilute minority votes unless a contrived mechanism is developed to ameliorate that. It gives the political parties and business community far more power than is warranted, since you would have more underfunded candidates more reliant on campaign contributions from the parties and big businesses. Far from being a best practice or electoral reform – such a system would simply exacerbating the core problems of an at-large system to provide a semblance of geographic representation without providing any assurance of political or racial representation since a locally-preferred candidate could simply be drowned out in a citywide election (potentially exacerbating a Section 2 issue). Further, such a system would exacerbate the problem of under-voting discussed in my earlier public testimony: it is unclear that people across the city would know anything about, or even vote for, candidates to represent districts on the other side of the city. Is an uninformed vote really worth the meaningless fig leaf of a desire to have elected officials accountable to all citizens? I submitted testimony earlier that showed how under votes (i.e., the nonvoter for "not one more person") got twice as many non-votes than the winning candidate (Zach Klein) got votes in the 2015 election. The district/at-large plan would exacerbate that issue. Further, the original at-large rationale that citizens should be able to vote for everyone who can raise their taxes does not seem to hold true today – I can't think of a single proposed tax increase over the last 30 years that has not hit the ballot. We vote on property taxes, we voted on a car rental tax, and we voted on an income tax. I'm not sure that is a real issue worthy of being a decision point. Further, with comparison cities of Reno, NV, Sparks, NV and some school districts in Washington State, I struggle to see how a district/at-large system could be recognized as a "best practice." The best practice is a hybrid mix of some council members elected at-large and some elected by district – but committee members run from the most common form of big city government. I don't understand the committee's paralyzing concerns about disagreements between council districts. Things get done in every city that has wards or districts and in the few remaining cities that are all at-large, and political or policy disagreements – whether by ward or citywide -- are resolved by grownups through the political process and a vote.

7. It seems as though the committee wants to recognize the longstanding concerns about the limitations of an at-large system, but is trying to be too-smart by half in spending time examining something different than the recognized best practice, which is a hybrid system with a number of at- large seats and more district seats – the type of system proposed by citizens in Issue 1. Further, I submitted what I believe to be uncontested testimony from a Vanderbilt University Law/Mathematics professor who has calculated that individual voter power is

maximized in an electoral system when that system is a hybrid system where the number of at-large members is approximately the square root of the total number of members.

8. I am surprised that the committee, as of what was supposed to be its final meeting date, had not any discussion about reforming the inordinate number of petition signatures it takes for a potential candidate to simply qualify for the ballot. It takes 1,000 such valid petition signatures from Columbus electors for a city council member – the same number required to run for Governor - while it only takes 50 signatures to qualify for the ballot to run for state representative or state senator (Ohio Revised Code Sec. 3513.05). Both parties have recently (last month) endorsed candidates who haven't even qualified for the ballot—indeed before the Declaration of Candidacy deadline has even arrived -- simply because ordinary people need a lot of help (i.e., party resources) simply gathering the 1,000 valid petition signatures needed to qualify for the ballot – particularly now, during the middle of the winter (Declarations of Candidacy with 1,000 valid signatures were due by February 2nd). So once again, we have a system set up to ensure the party insiders remain in control of elections – to the point of having a major impact on which candidates even appear on the ballot. This is the most simple, straightforward, and noncontroversial reform that could be proposed, but it hasn't even been discussed.

9. Also, there was testimony January 20th presented that ward-elected councilmembers are defeated less frequently than members elected by other electoral systems, to which the collective response should have been a big yawn. That doesn't matter. The public purpose of electoral system design shouldn't be to create a system to turn over elected officials ... the public purpose of electoral system design should be to design a system of fair and competitive elections so the best candidates, most desired by their constituents (with good information) have a fair chance to win. The data presented didn't show satisfaction under each system (other than potentially the electoral outcomes) – it is quite possible (indeed quite likely) that ward-elected members better serve their constituents and their constituents are thus bonded to and happier with them. And so long as the district had no unreasonable barriers to entry/competition (such as our unaffordable expensive citywide elections, which was documented in my earlier testimony as providing a greater barrier particularly to Black candidates), a continued stay in office is probably a desirable outcome. There may then be a different, but related discussion on the advisability of term limits (as for any office), but tenure (as long as there can be meaningful competition) is not in and of itself a bad thing as the presentation suggested.

10. The committee has not had any discussion about campaign finance reform or caps on contributions to political campaigns, which is a "best practice." It has not had any discussion about public financing of campaigns, although citizens have twice proposed such ballot initiatives and public financing is recognized as a "best practice." If at-large elections are to be recommended for continuation or expansion, the committee will have failed miserably at its charge if it has not seriously considered making campaign financing recommendations.

In last Sunday's Dispatch, Mayor Ginther noted that The Columbus Partnership had been written up by the Harvard Business Review as a best practice. Being curious, I downloaded a copy of the January 2015 report for $9.00 (http://www.hbs.edu/faculty/Pages/item.aspx?num=49148), and was stunned by what I read about the business community and its desired (if not implemented) relationship with our local political establishment and public policy outcomes, as Les Wexner describes a conversation with J.W. Wolfe that lead to the formation of The Columbus Partnership. The HBR reads as follows:

"Wexner recalled the origins of the Columbus Partnership:

One day in the late 1980s, J.W. Wolfe [the Wolfe family patriarch before John F. Wolfe] called me into his office and asked if I wanted to join him as one of the three or four people who decides what happens in town—like who's mayor and where the highways go. I said, 'No way, not with that few people' and I left his office. Within an hour, my banker called me up, said I was crazy, and told me to call J.W. immediately to apologize and accept his offer. I refused."

And they formed the Columbus Partnership, with Wexner continuing, saying "We expanded gradually, up to about 50 members today. But the core was that three of us—John F., myself, and the head of Nationwide at the time—were trusted, and we trusted each other."

I don't believe this was idle chatter: I take serious people seriously, and I don't believe a handful of people (or 50 as the partnership has grown to be), including one who famously lives in a wealthy community outside of Columbus and is not a Columbus elector, should pick who is the Mayor (or the council members). I hope this committee makes recommendations to put a financial firewall between politicians and those who would pay to own them to influence public policy for their private benefit. This week the Dispatch ran an article about the $68 million residential tax abatement for Easton developers (led by Mr. Wexner) who the Dispatch says contributed nearly $81,000 to the Mayor's political campaigns. How in the world are citizens supposed to believe that the billionaire who was at the center of a group initially called with a mission to select the Mayor, who contributes to the campaigns of the flawed candidate (now Mayor) whose public actions over the last decade have left him just one step outside the penitentiary doors on multiple occasions, who was a big contributor to the anti-Issue One campaign that maintained noncompetitive elections leaving a council reliant on his campaign funding, who then receives a $68 million tax abatement isn't influencing public policy? Given citizen disgust on this issue, it is long past time for a city body charge with making "best practices" recommendations on our charter and related issues, to make a strong recommendation to stop the unlimited flow of money into city campaigns.

11. In short, I urge the committee to recommend that Columbus grow and evolve with the times, moving to a council electoral system that supports residents by fair and competitive elections with accountable office holders, that includes:
    a. **Charter Recommendation**: To recommend council allow the people to decide between one or more council governance formats, including one or more hybrid (at large and

districts) council district designs placed on the ballot at the same election as a best practice to allow for public consideration of alternatives (including the status quo), as happened in Austin's recent charter change. I believe an ideal size and format council is 13 members, with 3 at-large to maintain some political competition, and 10 from districts. An alternative could be 11 members, with 3 or 4 at-large.

b. **Charter Recommendation:** To further study and consider recommending at-large, by place elections to replace at-large field elections for all at-large elections going forward in any new design.
c. **Charter Recommendation:** To recommend a disqualified place-holder method of appointment for mid-term council vacancies, in conjunction with council districts elections..
d. **Legislative Recommendation:** To recommend council to immediately pass legislation to enact a comprehensive system of caps on contributions to Columbus campaigns, as authorized by voters in the 1994 charter amendment.
e. **Legislative Recommendation:** To further study and recommend council pass legislation creating an opt-in program for the public financing of elections (particularly of at-large elections), which includes candidate debates and candidate extended campaign advertising aired on CTV-3 to increase high quality information about candidates and reduce costs of campaigning, and
f. **Charter Recommendation:** To reduce the number of petition signatures required on a Declaration of Candidacy to 50.

Thank you for your work on this committee. I hope for substantive recommendations for change from this committee.

Jonathan C. Beard

Joe Sommer: Cols. Free Press article about Charter Review Committee

From: JCSommer@aol.com [mailto:JCSommer@aol.com]
Sent: Wednesday, February 08, 2017 3:27 PM
To: Charter
Subject: Cols. Free Press article about Charter Review Committee

Based on viewing some of the Charter Review Committee's meetings, I wrote the attached article in the February issue of The Columbus Free Press.

I wanted to make sure the Committee has the article. In case the submitted manuscript might be easier to read, I have pasted it below.

Joe Sommer
Columbus

Charter Review Committee's focus narrower than what's needed

The Columbus Charter Review Committee is considering possible recommendations for changing Columbus City Council. City officials announced the committee just weeks before the August 2, 2016 special election on Issue 1. Columbus voters in that election turned down a citizens' initiative to expand the size of council and add district representation. Before the vote, city officials said the committee would use a better process for studying reforms of council.

The committee sees problems with the present council of seven members all elected at large. They recognize that council's size is smaller than in similar cities. They likely think each council member cannot be familiar with all of Columbus' more than 200 neighborhoods. And they're concerned that some areas have had no representative on council for decades.

At its January 20 meeting, the committee began formulating possible reforms to address those problems. The Committee is considering for council's structure: (1) expanding council's size to nine members; (2) dividing the city into nine council districts, each represented by a council member who must reside in the district; and (3) electing the council members citywide instead of from the districts, in both the primary and general elections.

This plan guarantees each area a council member residing there, thus increasing the chances that at least one member will be familiar with the area. But the plan ignores a number of problems that many have identified regarding council. Those problems helped lead to the Issue 1 citizens' initiative.

First, the plan does nothing about the problem of council consisting entirely of Democrats. In a city approximately 70% Democratic, citywide elections will almost surely continue producing all-Democratic councils. This leaves Columbus' hundreds of thousands of non-Democrats unrepresented on council. Plus, even The Dispatch has blamed the one-party makeup of council

as a probable cause of recent scandals in the city government, pointing out that no one from an opposition party is there to blow the whistle on wrongdoing.

Second, the plan continues the problem of council candidates having to turn to big-money special interests to fund their expensive citywide political campaigns. This increases the likelihood of council members being more responsive to those wealthy interests than to neighborhoods and regular citizens.

Third, it's doubtful how accountable the district representatives will be to their districts under the plan, because almost 90% of their voters will live outside the district. If residents in a district are dissatisfied with their council member and vote to remove the person, their wishes could easily be thwarted by residents in the rest of the city voting to keep the person in office.

Fourth, the plan could produce violations of Voting Rights Act of 1965. The Act says a violation occurs when an election system leaves racial minorities with less opportunity "to elect representatives of their choice." If a largely African-American district voted for a person as the district's representative, but their decision was nullified by white voters in other parts of the city, the result would appear contrary to the Voting Rights Act.

All these problems would be solved by having district representatives elected from districts instead of citywide. The city's political and racial minorities could elect council members from districts where they constitute a substantial percentage of the population. The costs of running in districts would be lower than running citywide. And voters in the districts could hold their representatives accountable.

So far, a majority of the committee has disfavored recommending those types of district elections, probably because of unsubstantiated claims from the mayor's office that the result would be infighting on council. The committee could obtain a different view by receiving more objective information.

For example, Conor Johnston is a legislative aide in San Francisco and has knowledge of that city's experiences with district and at-large elections. He wrote: "I think district representation is far better for constituent services and the overall responsiveness of our elected officialdom. . . . I also think it greatly reduces infighting since they don't run against each other and, in a lot of day-to-day ways, operate independently."

His information was received by this author within hours after an email was sent to the San Francisco Board of Supervisors. But the Columbus city employees researching for the committee seem to have trouble obtaining pro-district information for the members.

It's therefore important that citizens share their views with the members. The committee's next, and possibly final, meeting will be on Thursday, February 9, at 1:00 p.m. in City Hall. A subsequent meeting, if necessary, has tentatively been set for Friday, February 17, also at 1:00 p.m. in City Hall. Public comments can be made at the meetings. Written comments can be

submitted on the committee's website at https://www.columbus.gov/council/Charter-Review/Charter-Review-Committee/

Joe Sommer
Jan. 25, 2017