

Melissa Thurman

From: Steve Chessin <steve.chessin@gmail.com> on behalf of Steve Chessin <steve.chessin@cfer.org>
Sent: Wednesday, August 28, 2024 1:44 PM
To: Public Comment
Subject: Public Comment for Public Hearing No. 3 on Los Altos district maps
Attachments: Los Altos election thresholds.pdf; Los Altos uncontested seat rate.pdf

Hello Mayor Weinberg, Vice Mayor Dailey, and Councilmembers Fligor, Meadows, and Eng.

My name is Steve Chessin. I'm President of Californians for Electoral Reform. I did an analysis of the maps to see how well they remedy the alleged CVRA violation, as compared to a proportional solution.

The best map for Asian Americans, map A, gives a district with a 38.7% Asian-American Citizen Voting Age Population (CVAP). (Since CVAP represents the pool of eligible voters, it is recognized as indicating the ability of a protected group to elect a candidate of choice, or to influence the outcome of an election.) Since it takes at least 50% of the vote to guarantee winning a seat, a CVAP of 38.7% is 77.4% of the ability to elect a candidate of choice. That is what is called an influence district. The second best district on that map has an Asian American CVAP of 29.4%, or 58.8% of the ability to elect a candidate of choice.

Compare that with a proportional remedy. Proportional ranked choice voting (PRCV) lowers the threshold of election to 33.3% when two seats are up, and to 25% when three seats are up. The city-wide Asian American CVAP is 28%. This is 84% of the ability to elect a candidate of choice when two seats are up, and 112% of the ability to elect a candidate of choice when three seats are up. That is, under city-wide PRCV, if Asian Americans voted as a block, they would be guaranteed to elect a candidate of choice when three seats are up and have a lot more influence when two seats are up than the best district in the best map for them does. (Of course, there is no requirement that Los Altos adopt the best map for Asian Americans. It could adopt the worst map and still be in the CVRA "safe harbor".)

The attachment "Los Altos election thresholds.pdf" illustrates that graphically.

PRCV also eliminates the vote splitting problem that plurality-based district elections have when "too many" similar candidates run for office. If that were to happen, Asian Americans would not be able to influence the election of a candidate of choice no matter which district map is adopted.

The second attachment, "Los Altos uncontested seat rate.pdf", shows the rate of uncontested seats (that is, only one candidate) in elections since 2000 for both Menlo Park and Campbell, cities similar in size to Los Altos, both before and after they switched to district elections. It is likely that Los Altos will suffer a similar fate after it adopt district elections, with 40% to 60% of the seats being uncontested.

As for how to get to PRCV, putting a two article charter on the November 2026 ballot will get you there in 2028. But there are also two possible paths to use PRCV in November 2026. The first is a stipulated judgement, but that is risky. It requires the agreement of Mr. Shenkman's client, it assumes the Secretary of State won't object, and it assumes that the judgement can bind the Santa Clara County Registrar of Voters to conduct that election for you.

The second path, and I want to thank Mr. Steinle for making me think of it, is a district bill that explicitly gives Los Altos the authority to conduct a PRCV election in 2026. That would eliminate any possible objection by the Secretary of State or the Registrar of Voters. It would be more likely to pass if Mr. Shenkman's client supported it as well. I could even draft

such a bill for you, as I did for Santa Clara County when it decided it needed a district bill to give it the authority to implement ranked choice voting for County offices. That bill was AB 1227 and was signed into law last year.

So my recommendation is to adopt a map, any map, so as to be immune from a CVRA lawsuit, run my numbers by Mr. Shenkman to see if he is agreeable, and in December ask either the Assembly member or the State Senator representing Los Altos to carry a district bill that would give you the authority to use PRCV in 2026, even as you put a charter on the 2026 ballot to let you use PRCV in 2028 and beyond.

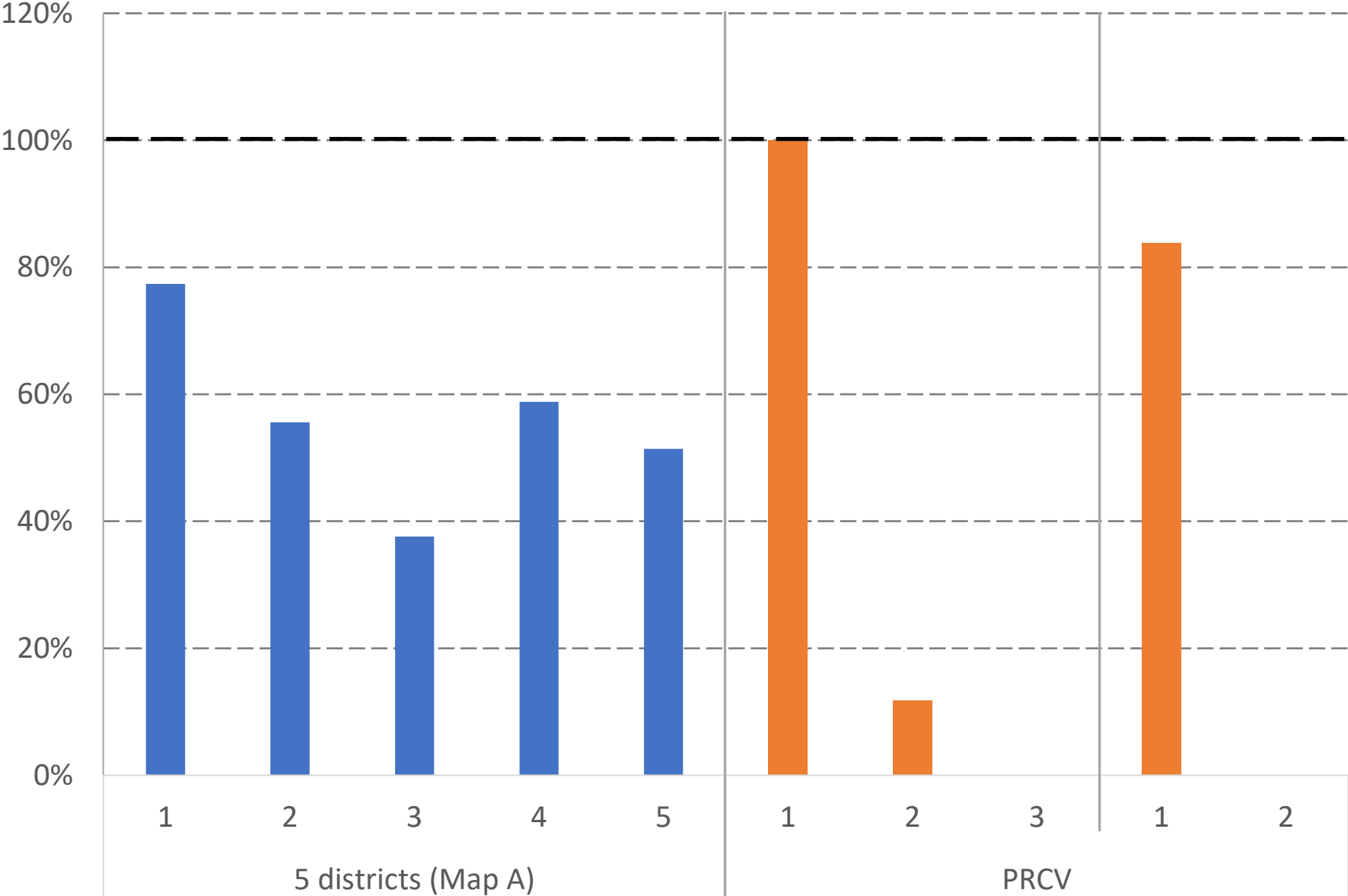
I intend to give a version of this testimony orally at today's public hearing. If possible, I would like to show the "Los Altos election thresholds.pdf" slide during my testimony.

Sincerely,

--Steve Chessin

President, Californians for Electoral Reform

Asian Citizen Voting Age Share of Election Thresholds



Share of Seats Uncontested

