

City of Salem, Massachusetts



**"Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25 and
City Ordinance Sections 2-2028 through 2-2033."**

The City of Salem Board of Registrar of Voters met with the City Council Committee on Government Services co-posted with the Committee of the Whole in person in the Council Chamber on Wednesday, July 12, 2023, at 6 P.M. for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on July 10, 2023, at 10:28 A.M.

(This meeting is being recorded)

BOARD OF REGISTRARS OF VOTERS: Donald Bates, Chair, Charles Barton, Member, Alexandra Piñeros Shields, Member, Ilene Simons, City Clerk & Ex-Officio Member of Board

CITY COUNCIL ATTENDANCE: Chair Prosniewski, C. Cohen, C. Dominguez, C. Varela as members of the Committee on Government Services; C. Merkl, C. Morsillo in-person; C. McCarthy via remote participation, as members of the Committee of the Whole.

ABSENT WERE: C. Hapworth, C. Stott, C. Watson-Felt, C. McClain

SUBJECT(S)

Home Rule Petition for a charter change relative to Rank Choice Voting

Chair Prosniewski called the meeting to order at 6:07 P.M. and read the agenda. C. Varela introduces Billy Jackson, board chair of Rank the Vote and North Shore Community College math professor, as well as Bonnie Bain from Voter Choice Massachusetts.

Billy Jackson: There are flaws in the current voting system which is why many Massachusetts municipalities use it [Rank Choice Voting]! Flaws: "Spoiler Effect" such as 2000 presidential election. George W. Bush won by 537 votes. Ralph Nader had over 97K. Should Nader drop out so as not to influence? 45% of Nader voters would've voted for Gore; 27% of Bush supporters would've voted for Gore. Had Nader dropped out, Gore would've won by a landslide! Top two runoffs prevent "Spoiler Effect". "Vote Splitting": If there are too many candidates, they split the vote, and none will be elected! "Bullet Voting": This happens in multi-candidate (At-Large) elections. "Block Voting": This is voting for "like" candidates. This is not proportional. How Rank Choice Voting (RCV) works: It fixes flaws. Rank candidates in order of preference. Single-winner (Mayor, Ward Councillor) and multi-winner (At-Large, School Committee) elections. (Shows slides; on file in City Clerk's Office). Typically, voters pass over candidates because they fear their top choice will be eliminated. In RCV, rank candidates; and if first candidate is eliminated, then second choice advances. In single-winner elections, must get the majority of votes to win. Look at first choice of all ballots then tally. See who has the majority of the votes and they win. Can't prevent a majority candidate from winning. When there is no majority, you would eliminate candidate with the least percentage of votes. Those votes would be redistributed. Keep going like this. No votes get "thrown out". Fair election outcomes! For multi-winner elections (proportional representation), voter would indicate candidate preference. The last place candidate is eliminated (based on number of winners) and votes are redistributed to other candidates. Block voting is traditionally used to "block" minority voters/ parties. RCV can eliminate blocking.

Cons of RCV: Too complicated, expensive, delaying results, there are alternatives to RCV. On the contrary, anyone can do this! Lots of other places already use RCV.

Expense: Yes if there is a need to upgrade voting equipment to accommodate RCV. Many need to upgrade equipment anyway. There are cost-cutting measures with RCV.

Delay in results: Good, fair results are worth the wait! It's a hard time for practical use of other voting methods. I would like to invite Bonnie Bain to give arguments for RCV.

Bonnie Bain: Thank you, Billy. Thank you, Chair. Bonnie Bain, 22R West Ave. I have research from a year ago, not most up-to-date numbers (shows slides). Cost and work associated with preliminary elections: 2021, 45K, 140 temporary hires. I don't have police detail amount. Lower turnout. Much attention goes to national elections. RCV is better for candidates and turnout with only one election. Voting for At-Large and School Committee is "weird". Don't want to vote strategically; want to vote sincerely.

B.J.: One of the main benefits of RCV is it eliminates preliminary elections. Instead of low turnout for preliminaries, would have one high turnout for final election. Also prevents vote-splitting. Other benefits: More people of color, women of color would vote. More women as candidates. Less negativity, "mudslinging" during campaigns.

Implementation: Voting companies, Dominion and ES&S are capable of handling RCV. Voter Choice Massachusetts is a great resource. Easthampton is willing to consult with Salem, also Cambridge. Fair Vote and RCV Resource Center.

B.B.: Next steps are to have further conversation with the public. I want to see this move forward for Salem. Thank you.

C. Cohen: Thank you Chair, through you to B.J.: Regarding At-Large races, seems 4th vote has same weight as 1st vote?

B.J.: Yes, it does! Under RCV, 4th choice doesn't come into play. Currently, could be detrimental.

C. Dominguez: Thank you, Chair. Through you to B.J.: How does this work with questions on ballots?

B.J.: May be something in City Charter. I recommend ballot questions stay the same. Just use RCV for candidates and not ballot initiatives.

C. Dominguez: Talking statistics: How long to adjust to new system? How long for education of City?

B.B.: We are fortunate to have non-partisan League of Women Voters for voter education. Barry Institute of Politics can host forums.

B.J.: Lots of communities have "front loaded" information to voters prior. Lots of effort to implement but has gone very well!

C. Dominguez: Does RCV increase voter turnout numbers?

B.J.: I don't have turnout numbers. I can get them for the Council.

C. Varela: Zoom presenter Greg Dennis can answer if there is a higher turnout.

Greg Dennis: I can get links to data. The trend is generally going up. Causes of turnout debated.

B.J.: Summarizes studies I referenced.

Chair Prosniewski: Councillor Merkl?

C. Merkl: Thank you, Chair. Thank you all for your presentation. Thank you, City Clerk and the Elections staff, here. Elections are already confusing to people! Especially with preliminaries. I like RCV because it will eliminate preliminaries and reallocate "surplus voters". Please explain further.

B.J.: Not just one method. Municipality can use different methods of RCV. Council should consult to see what method is best.

C. Varela: Thank you, Chair and thanks to Billy Jackson and Bonnie Bain. This is fascinating presentation. Why is RCV a benefit? It would eliminate "primary". Stress point for office. "All hands on deck". Save money for City Clerk's Office. More time to prioritize work. Voting needs to be less confusing. Simplifying will help. This should be taken seriously. Thank you.

C. Morsillo: Thank you Chair; not being a member of the Committee. I appreciate hearing this presentation. I am an advocate for statewide RCV. How would this increase minority and women turnout? To Candidates running: You should always go to the houses with opponents' signs. People need to know all information! I have a problem with the statement "Voters don't need to know 'nuts & bolts', they just need to vote."! Have any elections gone to court?

B.J.: I defer to Greg Dennis.

G.D.: Easthampton, no, Cambridge. One candidate challenged Cambridge's method. But this is the best way. Constitutional and valid way to vote.

C. Morsillo: One candidate vs. another. Would that go to court?

G.D.: No.

C. Morsillo: How many pages of Cambridge's Home Rule Petition (HRP) proposal regulations?

G.D.: One page, front and back.

C. Morsillo: What does that include?

G.D.: Lots of details.

C. Morsillo: I am 1000% comfortable with RCV at state level because Secretary of State regulates. City Clerk has that to fall back on. She won in court because she follows Secretary of State! If the Clerk has discretion, folks have discomfort.

B.J.: Contacts at Fair Vote can help?

G.D.: Maybe. What regulations? Regulations from Secretary of State are independent of voting method. HRP law is passed by legislature which defends law as Salem implements.

C. Morsillo: Thank you, Greg. I thought this was for single-vote?

C. Varela: Brought the opportunity for RCV as implementation at-large and single.

C. Morsillo: Why did Easthampton only choose single winner?

G.D.: There was a tight time crunch. They just did it for single seat elections. One of only a few communities without preliminaries in the first place. Goal is to add multi seat elections in the next two years.

C. Morsillo: Multi seat elections: Need to get $1/3 + 1$?

B.J.: Need to get down to 1.

C. Varela: Thank you, Chair. If we do a HRP, how do we proceed? It is wise and fair to put RCV on a ballot for voters to decide. Filing a HRP is contingent upon majority of what voters want.

B.J.: City votes first, then HRP.

Chair Prosniewski: Any further questions from the Council? Board of Registrars?

Chair of Bd. of Registrars, Donald Bates, 31 Settlers Way: Need an advisory. We are not going to vote. Need to hear all negatives as well. Then report back to Council.

Alexandra Pineros-Shields (Bd. of Registrars, 7 Bristol St.): Thank you all for presentation. My mind went to Founding Fathers and their concern for "Tyranny of Majority". Thoughts on how RCV can be a response to this fear?

B.J.: Concept related to multiple chambers of government; doesn't really apply to city elections and City Council. Just how folks are elected. Increases proportional representation. Maybe "Tyranny of Minority".

AP-S: Some groups feel there is a tyranny of a majority. May be a way to address those who feel unrepresented.

B.J.: G.D. to respond.

G.D.: Block method allows 51% to control 100% of seats.

Chair Prosniewski: Thank you, G.D. Any more comments?

Ilene Simons, ex-officio member of the Bd. of Registrars, 79 School St.: Regarding turnout, I only want numbers for Massachusetts. Easthampton adopted RCV in 2019 for 2021 election. In 2017 they had a 43% turnout without RCV. In 2019, 35% turnout without RCV. In 2021, 34% turnout with RCV. Vote By Mail and In-Person Early Voting did not increase our turnout. I absolutely want more turnout and more minorities and women to run for office! HRP took 2-2½ years before got HRP. Not the same method for each community. I also thought this was just for single-vote elections.

In Easthampton, they submitted HRP then ballot question because if it doesn't pass, the question on the ballot isn't valid. Some think the State is stalling because it's not statewide. I want to reiterate: We can't just submit HRP to Council. We need diverse commission to do research then write HRP. It shouldn't just be Council who decides.

New equipment: I submitted a Request for Proposal (RFP) for new voting machines, but it didn't include RCV. For come, Dominion is a bad word. I don't think that! Folks question and comment on security; concerned with cyber security. Many conspiracy theorists. We have manual adjudication after our elections. We have deadlines to certify results. Now, we would have additional adjustments. We need ample timing to do all. Thank you.

C. Merkl: Thank you, Ilene, for your information. If RCV is on the ballot, we still need a HRP, yes?

C. McCarthy (via Zoom): Thank you, Chair, not being a member of the Committee, this has been a great presentation. Always looking to increase voter turnout. Next steps: Need to educate voters. Voters should get signatures to get this on ballot. We have a 4-year mayor; turnout always higher when there is an opponent. What drive turnout is candidates and issues. Should be on ballot during mayoral election year, and not directly from Council! Thanks to all for presentation. I learned a lot!

C. Cohen: I support the process C. McCarthy said. Appreciate the Clerk's comments. If we send HRP to State, then someone from another municipality has input on what happens in Salem. HRP process is tedious and doesn't reflect the will of the voters!

C. Morsillo: If more communities send in petitions, this signals legislature that we need to have RCV statewide. Going forward: Commission/ working group to get details on paper. If limited to single winner, not saving money because could still have preliminary for other multi-vote elections.

C. Merkl: I 100% agree. If it is not for all municipal elections, it defeats the purpose.

CC Simons: In response to saving money: I put a call in to the State election legal office. Need HRP to change City Charter. No preliminary and all candidates on same ballot in November. I concur with C. McCarthy regarding mayoral elections having higher turnouts. The state of Maine wants to rescind and eliminate RCV!

G.D.: Maine expanded to all elections. Still have opponents [to RCV] in Maine.

CC Simons: I agree that voter education is huge! State needs to spend more money to educate voters! I have tried to offer voter education, but no turnout. State needs to do their part with voting in Massachusetts!

Chair Prosniewski: Thank you, Madam Clerk.

Liz Bradt, 22 Larchmont Rd.: Voters did approve. In 2020 by 52%, Salem passed RCV. I am happy to work with LWV. I will be happy to educate voters.

B.J.: 2020 only for single-winner elections.

Felipe Zamborlini, 19 Linden St.: I am running at-large. Voters do struggle with voting currently. This can help to ease confusion. Great model!

Lois Sargent, 10 Norman St.: I have voted for 68 years. I have never gone to a meeting to learn how to vote or learn what I'm voting for. My vote is just as powerful as anyone's! I don't like RCV. I like having my one, powerful vote! I am appalled by this presentation. I don't go to the polls to have you "move" my vote. An advantage would be to save money. What's more important to you and us than to preserve our one, powerful vote? The money is worth it to give folks the right to vote. Need to work on campaign finance reform. That's the problem! Thank you. Don't tamper with my vote.

Chares Barton (Bd. of Registrars) 26 Marlborough Rd.: Thank you, Chair. I am neither for nor against process. Councillor-At-Large: vote for "not more than 4". 1-4 currently. Would RCV remove or add to that?

B.J.: 4 at-large, 8 candidates. Columns with choices and rank all candidates.

C.B.: Adds and subtracts a bit of power within the voter by ranking first choices. Very confusing. Not better or worse, just different. To the Councillors: don't be hasty! I don't envy you your decision. Thank you.

B.J.: Voters are confused regardless.

Chair Prosniewski: Whether we are for or against, we need to look at legality of the responsibilities of on Salem to develop a policy/ procedure which could be tested. Recounts with RCV could be more complicated, more time involved. State should take responsibility to develop bylaw of procedure.

C. Cohen: Great discussion; I learned a lot! I move to keep in Committee.

C. Varela: I second the motion.

Chair Prosniewski: I agree. That is 3 yeas; 0 nays.

C. Varela: I make a motion to adjourn.

C. Cohen: I second that motion.

Chair Prosniewski: Meeting adjourned.

On the motion of C. Varela; seconded by C. Cohen, the meeting adjourned at 8:13 P.M.

Donald Bates // JS
(Chairperson)