



League of Women Voters® of Portland

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To: Julia Meier, Maja Haium, and Reed Brodersen
From: Debbie Kaye, President League of Women Voters of Portland (LWVPDX)
for the LWVPDX Ranked Choice Voting (RCV) Team
Re: LWVPDX Comments on draft RCV code

The League extends its most sincere congratulations on the excellent draft RCV code prepared using a comprehensive team effort by election officials and attorneys from both Multnomah County and the City of Portland. Most appropriately, the RCV Resource Center, founded by election administrators with RCV implementation experience in jurisdictions across the country, served as an expert consultant.

Election officials in Multnomah County and Portland are seasoned professionals and their collaboration, along with the RCV Resource Center, can fairly be described as a RCV code development dream team. The League is particularly impressed by this team's research on RCV and other election data in other jurisdictions. This practical research approach made a valuable contribution to the draft RCV code, while this collaborative team ensured that the code is the best fit for Portland. We are also pleased to report that in response to our review request, the draft RCV code was highly praised by FairVote, a national group with thirty years of RCV experience.

Another important point is that Multnomah County has a solid relationship with a well-respected voting technology vendor, Clear Ballot, which has experience with RCV software. Use of this technology includes security procedures and must meet certification requirements. Consultation with election officials by the Charter Review Commission indicated the feasibility of using RCV for the November 2024 elections. This feasibility is borne out by the draft RCV code and this recent quote from Multnomah County Elections Director Tim Scott: "this is not the hardest problem we'll solve in our careers." <https://rosecityreform.substack.com/p/tim-scott-this-is-not-the-hardest>

Adoption of the RCV code is a first step that will be followed by the Multnomah County elections office working with Clear Ballot, which includes extensive testing and meeting rigorous certification standards. The job of the City Council in April is to vote "yes" on this excellent RCV code, honoring the mandate from the voters who strongly supported charter reform last fall.

The League also highlights Clear Ballot's mission statement, "We create technology that empowers our customers to improve democracy" because it echoes the League's commitment for robust implementation of the intertwined improvements in governance and elections adopted by Portland voters.

Education for any new system is prudent and RCV education is mandated in the charter. The League anticipates supporting a budget request for RCV education expected to be included in Mayor Wheeler's budget. A RCV educational focus on the voter experience is a League priority.

The backdrop for RCV education is the RCV code that governs vote counting by election officials. As with the current winner-take-all voting, Portlanders do not need to read election code to vote and the same applies to the RCV code. The League suggests, however, that the appropriate use in the code of instant runoff voting and single transferable vote terminology be succinctly supplemented by clarifying that both use ranked choice voting. The difference is that the top ranked candidate will win mayor and auditor contests and the top three ranked candidates will win in each council district.

The League especially supported electing councilors with RCV in multi-seat elections since it provides both proportional and geographic representation. Proportional representation means groups of significant size such as the "working class", people of color, young people, renters, or seniors have a greater opportunity to elect a councilor who understands their concerns. The League refutes any notion that this element of Portland's new charter raises any Voting Rights Act or other legal concerns. In addition to the City Attorney's memo on this point, this analysis by a RCV legal expert is also helpful reading: <https://www.pdxcharterfacts.com/blog/voting-rights-act>

Regarding the policy choices reflected in the draft RCV code, the League has a great deal of respect for the thoughtful efforts of the collaborative Multnomah County and Portland team of attorneys and election administrators. In terms of the number of ranking options, the draft RCV code strikes a sensible balance between providing robust ranking opportunities for voters and recognition of technological factors. The League also appreciates the draft code's emphasis on honoring the intent of voters. On this topic, we highlight Oregon's long-time experience with bipartisan ballot inspection boards to assess voter intent. This legal requirement at election offices bolsters the draft RCV code's emphasis on honoring voter intent. Finally, the League supports the requirement for certification of write-in candidates, especially since it ends the current need for election workers to count votes for fictional candidates. The proposed certification requirement is a reasonable step that is not a threat to democracy and respects the time of election workers.

In summary, the League supports the excellent draft RCV code and appreciates the opportunity to comment before it is finalized for the council vote in April. We recognize that minor adjustments to a good draft may be reasonable, but do not believe that major changes to the draft RCV code are required. Thank you again for the great collaboration between Multnomah County and Portland attorneys and election officials to bring RCV to Portland voters on the required timeline.