

Dear Honorable Mayor Tornek and council members

My name is Gabo Lizardo, I am a district 2 voter (1641 N Mar Vista Ave 91104), and I'm writing this correspondence to provide my public comment on agenda item 21, the proposal to bring the City of Pasadena in line with the California Voter Participation Rights Act by changing the timing and methods of our local election process.

While I share the goal of increasing voter participation and turnout, corrupting the democratic process in the name of convenience and cost is unacceptable. The notion that we could potentially change our election process to a plurality vote instead of a majority vote is dangerous and reckless and should be a frightening thought for everyone in the city for one reason and one reason only. We cannot allow there to be a *legal* process by which an elected official has received more votes **against** them than votes for them. Under a plurality election system, there is a real possibility that this circumstance comes to pass. I present to you two examples, this past year's District 7 City Council election and the 1999 Mayoral election.

In this past year's District 7 City Council election there were 5 candidates qualified for the ballot and a total of 3,528 votes tabulated in the March primary. Under a plurality system, a candidate could have won the race with as few as 707 votes or approximately 20% of the vote, meaning that 2,821 votes would have been cast against the winning candidate and approximately 80% of voters would have voted against the winning candidate.

The more candidates in a race the more frightening the possibilities become. In the 1999 Mayoral election there were 10 qualified candidates for the ballot and a total of 20,059 votes tabulated in the March primary. Under a plurality system, a candidate could have won this race with as few as 2,007 votes or approximately 10% of the vote, meaning that 18,052 votes would have been cast against the winning candidate and approximately 90% of voters would have voted against the winning candidate.

Both of these examples are hypothetical but perfectly mathematically possible and legal under the proposed plurality system. Any election with more than 2 candidates includes the possibility that the winning candidate receive more votes against their candidacy than for it. The possibility that Pasadena could have a legally elected council member that 4 in 5 constituents did not vote for or a legally elected mayor that 9 in 10 citizens did not vote for, should be enough for you, honorable mayor and council members, to disqualify any proposal that would make our elections decided by plurality vote.

The other proposals are far more mathematically acceptable by maintaining our current primary-general (run-off) system but the modification of the timing makes it cost prohibitive and practically difficult. To go from an approximately 1 month gap

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between primary and general elections to an approximately 8 month gap between primary and general elections could make it financial impossible for some candidates to run. Should the city council choose to adopt this timing for elections, I propose that the city institute and enforce a campaigning blackout immediately after the March primary until approximately 1 month before the November general to maintain the same level of financial fairness that our previous elections had. If this is not possible then there is one final alternative I propose, and the one that I prefer the most to any other option, including maintaining our current election system. The City of Pasadena should modify their elections to a ranked voting system (also called instant run-off or alternative vote). An instant run-off system can be done with 1 election instead of 2 (eliminating the cost/practicality issue of the 8 month gap), and, should there be more than 2 candidates, ensures that the winner is the candidate that a majority of the voters voted for rather than against (eliminating the dangerous potential consequences of a plurality system).

There are 3 solutions that do not threaten the nature of democracy in Pasadena:

1. Instant run-off elections
  2. March-November Primary-General (run-off) elections **with** campaign blackout
  3. March-November Primary-General (run-off) elections **without** campaign blackout
- While a campaign blackout is preferred, should you prefer to keep the Primary-General (run-off) format, it ultimately does not threaten the idea of democracy to not have a blackout. As I have demonstrated above, any plurality system should be disqualified from consideration due to its grossly undemocratic potential consequences.

While I stated above that there are 3 solutions, there is 1 more I have neglected to discuss until now. Should all 3 solutions I listed above be unacceptable to the council then the City of Pasadena should reject the California Attorney General's opinion that charter cities must comply with the CVPRA and argue (in court, if necessary) to maintain our current election methods and timing (March-April Primary-General [run-off]). The AG's opinion is not local or state law and should not be treated as such if doing so puts the city in a position where it is faced with choosing untenable options. The Attorney General's job is to "Represent the People of California in civil and criminal matters before trial courts and the supreme courts of California and the United States."<sup>1</sup> I believe that before agreeing to compromise our rights as a charter city, the Attorney General should actually have to do his job and defend his opinion in court or allow charter cities to maintain their municipal independence.

The goal of the CVPRA is to increase voter participation, yet it seeks to do so in the laziest way possible: By tacking local issues/elections onto statewide ballots and hoping that some will mark a local bubble *in addition to* the statewide bubbles. It is a

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<sup>1</sup> <https://oag.ca.gov/office>

top-down solution to a bottom-up problem, and our city has a special opportunity to both maintain our election integrity *and* combat depressed voter turnout the right way. Increasing voter turnout means increasing the availability of voting to more of our citizens and increasing voter education so that more of our citizens feel informed and empowered to vote in local elections. The CVPRA actually damages our ability to do this by mandating that local elections share air time, column inches, and discussions and forums with statewide ballot issues and candidates with much bigger budgets. This has the potential to make voters who already feel like they are on the fringes of engagement feel even less like local elections matter. The most important part of a democracy is a well-informed electorate, and the CVPRA incorrectly conflates well-informed with largest possible.