

**PROCEDURAL AND SUBSTANTIVE ARGUMENTS AGAINST
PROPORTIONAL REPRESENTATION FOR THE
PASADENA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

**MINORITY REPORT FROM A MEMBER OF THE
PASADENA CHARTER REFORM TASK FORCE**

SUBMITTED BY

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SUMMARY

The Pasadena Charter Reform Task Force has recommended to the Pasadena City Council that the Board of Education of the Pasadena Unified School District (PUSD) be elected by some form of proportional representation.

I do not agree with or support that recommendation for the following reasons:

1. The Task Force came to its recommendation without an *adequate* and *balanced* evaluation of proportional representation in general and as applied to PUSD in particular.
2. The case for the purported benefits of proportional representation has not been made nor is it accepted that they do in fact exist.
3. It is not clear that changing to an as yet unidentified form of proportional representation will address the main concern that was expressed to the Task Force regarding the PUSD Board of Education or, most important, that it will *result in enhanced educational opportunities for students of the District*.

It is not the intent of this Minority Report to recommend a different alternative to the current Board structure or the method of electing Board members. Rather, it is to point out that it would be very unwise, on the basis of this Task Force's deliberations, to adopt proportional representation for the election of the PUSD Board of Education. The following sections present the basis for this opinion and Minority Report.

TASK FORCE EVALUATION OF PROPORTIONAL REPRESENTATION

The critical and disabling aspect of the deliberations on this issue was the inability of the Task Force to have an opportunity to hear first hand from, *and engage in dialogue with*, an expert in proportional representation (PR) who is not in favor of the system. That is particularly unfortunate given the complex technical nature of the issues and opinions surrounding PR. Without that balance in the deliberations, the Task Force made a serious error in recommending that PR be implemented for PUSD Board of Education elections.

During the initial months of the Task Force's deliberations, PR was discussed in a general way as one of several possible generic alternatives for conducting elections. The Task Force did not focus closely on PR until very late in its meeting schedule. It did so then only in the context of PUSD Board of Education elections and only after it was determined that the State Education Code does not appear to permit a different alternative (i.e., Board members elected from individual sub-districts within the

overall PUSD).

After the Task Force decided to give serious consideration to PR for the PUSD, one Task Force member (an advocate of PR with existing contacts in this field) offered to arrange for a speaker from the Center for Voting and Democracy (CVD) in San Francisco to speak to the Task Force as a proponent for PR. CVD is a strong advocate for establishing PR as an accepted voting method among governmental jurisdictions in California. Prior to making his presentation to the Task Force, separate arrangements were made for him to speak to several small groups which included Task Force members.

Recognizing the need for balance and for the Task Force to hear more than one viewpoint from an expert on PR, an attempt was made to obtain a speaker who was both knowledgeable in the area of PR and not in favor of it. Because serious consideration of PR had come up so abruptly and late in the process there was little time to locate and make arrangements for such a speaker. It should be noted that by this time, with its deadline for completing its work approaching, the Task Force was converting to an accelerated weekly meeting schedule instead of a bi-weekly one.

The search for an expert on voting methods who is not in favor of PR lead to discussions with at least six persons representing a range of views across the political spectrum. Although each would have been glad to assist the Task Force in its deliberations by presenting an opposing argument on PR, none was able on such short notice to both prepare a presentation and to accommodate the Task Force's schedule. In addition to the short notice, the timing of this request near the end of the academic year was a further complicating factor because each of these prospective speakers has university affiliations. It also should be noted that the Task Force still needed to deal with several other important issues as well (unrelated to the Board of Education) before its deadline. Consequently, there was essentially only one week within which to locate and schedule the presentation of the other side of the issue.

At the May 14 meeting, *without the benefit of having heard an opposing view of PR from an expert in the field*, the Task Force completed its deliberations on the issue and voted to recommend that PR be used for the election of members of the PUSD Board of Education. During those deliberations it was pointed out that a variety of written materials on PR had been made available to Task Force members. Those materials, however, were generally from groups or organizations in favor of PR or taking a neutral position.

GENERAL ISSUES RELATING TO PROPORTIONAL REPRESENTATION

Although proponents of PR have been promoting it since the late nineteenth century, no city of a size comparable to Pasadena except Cambridge, Massachusetts currently uses it. It is used by a very small number of smaller jurisdictions, often in settlement of voting rights litigation. It is also used in the elections of the Community School Boards in New York City (the Board of Education which oversees the Community Boards and governs the entire District is appointed). Early in the twentieth century, five cities in Ohio (including Toledo, Cleveland and Cincinnati) adopted PR systems. All eventually dropped PR. Several attempts have been made in Cincinnati to reinstate PR but all have failed. For 50 years beginning in 1914, the National Municipal League specified PR as its recommended form of voting in its Model City Charter. Despite this, PR was only very rarely adopted. In its current Model City Charter, PR is listed as one of only five alternative election methods.

No governmental jurisdiction in California currently uses PR. In the November 1996 election, the City and County of San Francisco rejected by a comfortable margin a proposal (Proposition H) to convert from at-large election of supervisors to a PR system. It is interesting to note that the San Francisco *Examiner* reported on November 1, 1996 that initial campaign financial filings showed that approximately 80% of the funds for the pro Proposition H campaign came from donors outside of the City.

The elected Charter Reform Commission of the City of Los Angeles recently received a briefing on PR from the same representative from CVD as the Pasadena Task Force. The Los Angeles Commission listened to the presentation, reflected on its content, took no action and then moved on to other subjects. PR is not scheduled for any further consideration by that Commission at this time.

Advantages of Proportional Representation Asserted in the Task Force Recommendation

Section VI of the Task Force Report, School Board Structure and Governance, asserts several advantages that a PR system would bring to elections for the PUSD Board of Education. They include 1) lower cost of campaigns; 2) increased voter interest and turn-out; 3) broader representation across the political spectrum; and 4) reduced factionalism. However, very reasonable and credible arguments have been made that *those purported benefits do not occur in general and there is no reason to expect them to occur in the case of the PUSD in particular.*

Cost of Campaigns

With respect to the cost of campaigns, keep in mind that candidates for the Pasadena City Council typically spend a great deal more money running in districts with approximately 20,000 residents than School Board candidates spend running for seats in the PUSD which has a population in the range of 190,000.

It is not at all manifest that the cost of conducting a PUSD Board of Education campaign constitutes

a barrier that would be materially lowered with a PR system. In PR systems, *which have more complicated sets of voting choices and options*, it might even take more money, not less, for a candidate to differentiate himself from others and convince voters to name him first or third or sixth on their ballots.

Voter Interest and Turn-Out

Voter turn-out for PUSD elections, whether or not in conjunction with City Council elections, traditionally have been relatively low. Introducing a PR system which is more complex and somewhat less intuitive is hardly likely to create a ground swell or even a measurable increase in voter participation.

The intensity of the interest in the issues and the candidates themselves are factors that are much more likely to have a bearing on voter turn-out. An empirical study of voter turn-out was conducted in five cities in Ohio that had switched to, and then back from, PR systems. That study showed *no material difference in voter turn-out in elections with or without PR in place*.

Broader Representation and Reduced Factionalism

There is no guarantee that a PR system will lead to proportionate representation of any particular group. Whether that would happen depends on exactly what the rules of the particular PR system are, how the groups vote, whether there are slates and indeed how every other group votes. Proponents of PR confuse a catchy name, “proportional representation”, with a particular outcome, proportional representation of undefined groups. The semantical similarity is no assurance of the claimed outcome. In fact, the division of organized groups into slates to deal with the terms of PR systems *can even have the effect of diminishing serious independent candidacies*.

If different ethnic or informal partisan groups vote for one or two candidates (as is the case in Cambridge, Massachusetts) then the Board will be fragmented. There is of course no guarantee that any particular group will in fact attain representation. That will depend on whether the group is cohesive or split, and on whether other groups are cohesive or split.

If voters recognize the possibility of fragmentation, lack of representation for their own group, and the necessity to coordinate complex ballot choices, *they will form slates*. This is what happened in all five cities in Ohio (including Cincinnati and Cleveland) where PR was used earlier in this century. It did not result in “power to the people” or “power to the unrepresented” or “power to the best qualified,” but rather “power to the slatemakers.” Only by coordinating the order in which voters selected candidates could a slate be elected, and only by getting included on the dominant slate could a candidate win.

With respect to the complexity of the decision a voter would face, consider one version of PR called the single transferable vote (STV). In that system a voter ranks his preferences from first to last. All the first-place votes are counted and first-round winners are determined. Then the second-choice

votes of those who voted for the first-round winners are distributed to the remaining candidates, and so on with the third-choice votes of second-round winners, etc. All choices on every ballot count. However, *this poses difficult strategic problems for voters*: How many candidates do I vote for, and how do I rank them? If I really prefer a candidate that I think may easily win, do I rank other candidates ahead of him on my ballot, so that I can elect a greater proportion of candidates that I favor? Should I vote for a full slate or just one or two candidates? Different answers to these questions produce significantly different outcomes under PR.

Under PR, a voter who simply votes his preferences, without considering who is likely to finish in what order, *is at a great disadvantage compared to more sophisticated, strategic voters or those who simply follow the choices on a slate*. Therefore, it may be much more difficult not only to obtain the information needed to decide whom to vote for, but also to decide the order in which to place them.

WILL PROPORTIONAL REPRESENTATION ADDRESS CONCERNS RAISED ABOUT THE BOARD OF EDUCATION

A number of citizens addressed the Task Force and expressed a variety of concerns about various aspects of the PUSD. The sentiments relating specifically to the Board of Education could generally be characterized as a concern for a lack of responsiveness on the part of the Board to the citizens of the District. This Minority Report does not endorse or refute that view. Rather, it is stated here as what appears to be the key complaint regarding the Board that has been related by those members of the community who have chosen to address the Task Force.

Given the very dubious nature of the “advantages” that the Task Force Report asserts PR would provide, there is no reason to expect that converting the Board of Education elections to a PR system would remedy the essential complaint that has been heard. Even more important, there is no reason to believe that changing to a system that has been rejected in many other cities and jurisdictions (even ones that have tested it in practice) is likely to result in enhanced educational opportunities for students of the District. That test, after all, should be the ultimate criterion for any recommendation relating to the Board of Education.

In its last meeting the Task Force voted to change the election cycle of the Board of Education so that all five seats on the Board would be up for election at the same time. It is ironic that in order to accommodate a system of dubious value, the PUSD would now be exposed to the possibility of a complete turnover (or nearly so) of Board members in a single election. The lack of continuity that a full or nearly full turnover in Board members would constitute could be very detrimental to educational programs and opportunities.

AN ADDITIONAL CONSIDERATION

The Pasadena City Council has a special responsibility and should exercise the utmost care with respect to any action it may take relating to the PUSD Board of Education. The Board of Education is in fact an independent body in all respects except for its definition in the City Charter. In addition,

it serves a very large constituency outside the City which has no formal voice on the Pasadena City Council. It would not be exercising the requisite amount of care if the Council proceeds on the basis of the Task Force's flawed recommendation that some form of PR should be used for Board of Education elections. Some residents of Altadena and Sierra Madre might well ask: "If PR is such a good system, why doesn't Pasadena use a form of PR for its own Council and mayoral elections?"