

KAYSVILLE CITY COUNCIL

April 10, 2019

Minutes of a special Kaysville City Council held April 10, 2019 at 5:30 p.m. in the City Council Chambers of the Kaysville City Municipal Center.

Council Members present: Mayor Katie Witt, Council Member Dave Adams, Council Member Larry Page, Council Member Jake Garn, Council Member Michelle Barber, and Council Member Stroh DeCaire

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Deputy City Recorder Maria Devereux, Kelleen Potter, Vickie Samuelson, Emily Walsh, Lori Schiess, Susan Lee, Camille Galbraith, H. Lynn Galbraith, Brian McKenzie, Stephen Lyon, Calene Van Noy, Nettie Francis, Rebecca Howard, Dell Hanks, Charles VanBose, Randi VanBose, Lee Perry, John Madsen, Ryan Madsen, Ariel Defay, Stephen Howard, Emily Walsh, Kory Holdaway, Josh Daniels

RANKED CHOICE VOTING DISCUSSION

Mayor Witt explained that the Council was meeting tonight to discuss ranked choice voting. Kory Holdaway and Brian McKenzie were present tonight to give the Council some insights into the ranked choice voting program.

Kory Holdaway explained that he had become acquainted with ranked choice voting when serving in the Utah Legislature. There is nothing more important or sacred than to be able to have an election and the right to vote. It gives us the ability to choose who our leaders are and have input in the elections by voting. There is nothing more important to the republic. We have seen a decline in voter participation over the years to the point that people have become apathetic and feel that their vote doesn't count. Ranked choice voting is a way to reenergize elections by giving voters a greater voice and chance to participate in our republic, because without that participation our republic dies. In 2018, House Bill 35 was introduced, proposing a municipal alternate voting methods pilot program. This pilot program permits a municipality to conduct nonpartisan races using instant runoff voting, or ranked choice voting. It established an opt-in process and also established requirements and procedures of the program, including counting of votes, recounts, resolution of ties, and canvassing. This pilot program runs until January 1, 2026. There was an overwhelming support for this program in the house and senate. As we get more feedback and support of other cities, it will help in trying to get this program to become a statewide election choice as well. In 2019 the House Bill 277 was approved, making amendments to the previously approved House Bill. The benefits of ranked choice voting is that it brings greater voter engagement and participation. Issues become the focus, voters become more informed and they only have to go to the polls once. Candidates also only have to campaign for one election. Candidates seek to be first choice, but if not then second choice and therefore there are more civil campaigns with ranked choice voting. There is also a cost savings to municipalities because you eliminate the cost of an entire elections. In the ballot there are single-winner and multi-winner

contests presented in the same ballot format and voters rank their choices in order of preference. There are visual and written instructions to help voters better understand the ballot. If a candidate receives more than 50% of the first choice votes, the candidate is elected. If there is not a majority, the candidate with the lowest vote is and the next choice on the voter's ballots are counted. In 2011, there was only 12% of voters at the Primary Election and 28% of voters for the General Election. Even by 2017 only 36% of voters are coming to the Primary Election, and 45% to the General. There are not enough voters coming to the ballot box. We saw a slight increase in 2015 in Kaysville because that is when the city starting doing mail-in ballots, however there is still not enough people voting. There are some challenges implementing ranked choice voting because we have not done this here in Utah before. But the challenges aren't going to be difficult to overcome. Davis County has the right equipment to be able to use the ranked choice voting method, but they don't have the right software module for it. Obtaining that module will only be a one-time cost. The recommended system is from ES&S, which is what is currently being used in Maine. Mail-in votes could still occur with ranked choice voting, and voters will have more time to review the issue-oriented campaigns. Ranked choice voting has been used in numerous places across the country. It will save in costs because it eliminates the need for primary elections. Voter education campaigns can be scaled to meet the municipality. Some of those campaigns might include inserts in city utility bills, public presentations, and spreading the information by social media.

Josh Daniels, the Chief Deputy Clerk for Utah County, said that they have a city interested in participating in ranked choice voting, and they will be implementing voter outreach education projects to help the citizens in that city learn more about what ranked choice voting is and how it works.

Council Member Barber asked how the ranked choice voting would work if there are multiple seats open during an election.

Josh Daniels responded that you would be electing multiple winners in sequence of the highest numbers each candidate received.

Brian McKenzie, the Chief Deputy Clerk for Davis County, stated that Kaysville had already approved an interlocal agreement with them for the 2019 election, but if the city decided to pursue the ranked choice voting method that agreement would become null because the County isn't able to provide the services for that type of voting method at this time. Cities who wish to participate in the ranked choice voting pilot project have to provide a letter to the Lieutenant Governor's office by April 15th stating that the city has the resources and capability necessary to participate in the pilot project. As Kaysville City's service provider, Davis County cannot provide that surety for a few reasons. The County purchased new voting equipment from Election Systems & Software (ES&S) last year to provide municipalities better mail-in election voting services. However, they did not purchase the software needed for ranked choice voting. That software can be purchased for \$10,000, but as far as the County knows the software does not work for multi-winner races, such as Kaysville's City Council Election that will be held this year for multiple seats. The software has also not been independently tested and is not currently certified. Mr. McKenzie stated that he spoke with ES&S before the meeting about where they were at in regards to the software being able to handle multi-winner races and was told that they anticipated having the software ready and certified by this upcoming fall. The County feels that it would be completely

irresponsible of them to use a non-certified software in tabulating election results. In this previous Legislative session, legislation was passed which allows municipalities to use non-certified software with election equipment, but the County still feels it unwise to do so. The County feels that ranked choice voting will bring confusing and delayed election results. It has been stated tonight that with ranked choice voting, results are not announced for at least two weeks until all of the ballots are received, including overseas and provisional ballots. The County also has concerns about the auditability of election results as well. Currently with elections, the County will audit their equipment to ensure accuracy both before and after the election, to make sure it is tabulating correctly. We don't know how that will work with ranked choice voting because ballots would have multiple ranks and we would have to identify which vote actually counted. The County is also concerned about voter confusion and potential disenfranchisement of voters. Ranked choice voting is a brand new concept. The County realizes with sufficient funding and outreach we can help people understand how ranked choice voting works and we can probably overcome much of the confusion. But our concern is that the voting method will not be consistent every year. As Election Officials we have worked diligently to make elections as consistent as possible. Our citizens in Davis County know that every election they will receive a ballot three weeks before an election, they know where they can go to vote, and they know how to vote on their ballot for their candidate. There is concern about going back and forth between voting method every other year. It will generate ongoing confusion. As we look at ballots and instructions, we know that the more complex a ballot is and the more detailed the instructions are, the more difficult it is for voters to vote who suffer from any kind of cognitive disability or limitations, as well as our voters for whom English is their second language. We need to make sure those ballots are as simple as possible for everyone to be able to understand. Because of all of these reasons, Davis County cannot provide their services for a ranked choice voting method.

Mayor Witt asked for public comment.

Lynn Galbraith stated that there wasn't much notice to the public about tonight's meeting. The city has until April 15th to make a decision on this and it is a major change to the way we will vote. There needs to be more time to think about this and there needs to be more notice and discussion with the citizens of Kaysville. This kind of decision should be made by the citizens by being put on a ballot. Let the citizen's vote the way they've always voted.

Emily Walsh commented that she is a voting rights advocate in Davis County as well as in Utah. She is very familiar with ranked choice voting and feel comfortable with it. The City Council has the largest impact on the citizen's day-to-day lives and this is an important decision they will be making. Ranked choice voting is fair and is representative of our community. However, there are still some questions that need to be answered and resolved before ranked choice voting should be implemented, such as making sure the software is certified. Ms. Walsh added her thanks to the Council for considering this voting method.

Susan Lee stated that there should have been more notice to the public about tonight's meeting. Voters today are familiar with how to vote and what the consequences will be of their vote. There is still a lot of uncertainty with ranked choice voting. It is more complicated and harder to understand, it can be more expensive, and the candidate who ends up with the most votes might not always win. Also, if someone doesn't fill out their ballot completely it's like they are tossing

out votes. If you participate, your vote should count. Why are we trying to change a voting system that already works and everyone is familiar with? We shouldn't change our methods based on the minority group.

Randi VonBose commented that there is an option for cities to opt-out of the ranked choice voting. If the city decides originally to go with the ranked choice voting program, but then changes their mind later, would the city still be able to opt out then? Mrs. VanBose thanked Mr. Holdaway and Mr. McKenzie for coming to speak tonight. The County has done a phenomenal job with elections and has put a lot of work into it, and they have brilliant minds working there who will be able to figure this out. Mrs. VonBose said that she feels that we've reached a crossroads in politics. We are not the same society we were even thirty years ago. Society is more complicated and we need to start looking for changes that will keep the government from becoming a bureaucracy. Citizens can wait two weeks for election results and we shouldn't put off considering ranked choice voting just because of the complications of it.

Charles VanBose commented that he feels that our politics is broken. Things need to change and ranked choice voting is an excellent first step. If we don't change we will be stuck where we are now. We should be proud to be one of the cities to take the first step in that direction.

Mayor Witt thanked the members of the public for their comments and commented that it is good to be able to have a chance to discuss this. However, the City Council has a policy that items to be voted on be discussed in two separate Council meetings before a vote is taken. First it is reviewed as a work item, then second as an action item. This the first time we have discussed this in a meeting and there is not enough time to hold another Council meeting before April 15th. While it's possible, voting on this tonight would likely upset the residents and make them feel we are trying to do something unethical. Mayor Witt stated that she does not feel that there has been adequate time and discussion with the public, and wouldn't feel comfortable voting in favor of this. This is a very busy year for the city and a big election year. It doesn't seem fair to anyone to opt in to the ranked voice voting method this year. If we want to see this succeed, we should consider it under the best possible circumstance and have our best efforts behind it. There are still some big concerns that need to be addressed. Ranked choice voting is worth considering no matter what, but this might not be the best year to try to implement it.

Kory Holdaway commented that citizens will need to support the ranked choice voting concept or it defeats the whole purpose of voter participation.

Council Member DeCaire said that he had done a lot of research into this type of voting and feels that ranked choice voting could be a good thing, but it hasn't been vetted or deployed here in Utah yet. It's still in a conceptual stage and to vote to approve it now would be an egregious error. This has not been brought before the public yet and we need further input from the residents. Kaysville is a very politicized city and we need more time to do the research needed to make an educated decision.

Council Member Page commented that when he ran for City Council three and a half years ago he felt that the city didn't have enough transparency. The city and the Council have worked hard to change that and build confidence with the residents. We have tried to reach out to the citizens with

issues and get their involvement. If we were to approve this decision now, it would likely create more distrust from our citizens. More research needs to be done to find out all of the issues that might occur through this new voting method. We don't need to jump into this right away.

Kory Holdaway said that the pilot program runs through 2026, and this is the first year the program has started. It could be something that the city might consider in the year 2021 as the program is further explored. Mr. Holdaway suggested that the city put together a committee to gather input from citizens.

Council Member Garn commented that he likes the conceptual idea of ranked choice voting and feels that the city should explore it. It seems to have several advantages, but there are too many unknowns that could get us into trouble. We don't have to make a decision tonight.

Council Member Barber stated that she had taken a lot of interest in ranked choice voting and feels the same as others with the frustration of the current voting process. She is very familiar with it and has seen this process work. Anytime we are given an opportunity to improve the process and empower voters we should take advantage of it. Council Member Barber thanked those who came tonight to discuss this, and she feels very motivated by the interest mentioned tonight. The pilot program seems like the right thing to do. There still isn't a lot of data about the program and there is more testing to be done, but how will we find out those answers without participating in the program? This is a great opportunity that the city could be part of, but Council Member Barber stated that she also understands it would be beneficial to give our citizens time to vet this process.

Council Member Adams said that Maine is in the midst of some legal battles regarding ranked choice voting. There are concerns with anything new, but as someone who represents the citizens he agrees with some of the comments that have been shared against ranked choice voting. Council Member Adams said that he would be in support of putting this item on a ballot to let the voters decide. This decision could affect something that is part of the core of who we are as Americans. This needs to be something that the citizens are able to have more of a say in.

Council Member DeCaire said that he is a proponent for ranked choice voting and feels that it could be successfully executed. However we need to give the people a chance to have a say in this decision. The last thing Kaysville needs is to be the epicenter of an election fiasco and deal with the fallout from that. Council Member Adams asked if there was time to put this as an item on this year's ballot.

Brian McKenzie responded that potentially it could be.

Mayor Witt commented that she appreciated the information that has been presented tonight and looks forward to continuing this discussion moving forward.

Mayor Witt adjourned the meeting at 6:35 p.m.