

TiGER Frequently Asked Questions – Followed by Less-Frequently Asked Questions

1. Q. What does TiGER stand for? A. Task Force in Governance and Election Reform
2. Q. Arlington County government is nationally respected for good planning, forethought, fiscal prudence, and inclusiveness. Why is the Civic Federation considering reform? In the old phrase, “If it ain’t broke, don’t fix it”.

A. The immediate prompt for Civic Federation recruiting the TiGER was Governor Northam’s signing of 2020 House of Delegates Bill 506 which provided “that, in a county operating under the county manager plan of government (Arlington County), elections to nominate candidates for and to elect candidates to the board of supervisors may be conducted by instant runoff voting” Ranked choice voting – RCV - has been the subject of a high level of national attention in recent years, and Civic Federation delegates backed the idea of considering whether and how to put it in play in Arlington.

Arlington’s electoral system has in fact been criticized on several fronts: as making it difficult for members of underrepresented communities to gain office, as favoring the dominant faction in the dominant party to an unhealthy degree, as effectively excluding Arlington’s many Federal civil servants from seeking public office, and as putting a greater than necessary burden on voters to track and vote in primary elections if they are to have their opinions count. The use of staggered terms in conjunction with the County’s overwhelming preference for Democrats over Republicans has resulted in office holders, once elected, facing little effective competition. As well, the configuration of the government – office holders paid on a part time basis, with staff support largely limited to that available from civil servants working for the County Manager, and a citizen per Board member ratio ten times that which existed at the inception of County Manager government in 1930 – does not facilitate the legislative function for which the Board was established. Election of Board members at large rather than by district is of value in defending against parochialism but has at the same time an effect in making it difficult for the concerns of neighborhoods to be heard.

The interested reader may find useful the reports of the Portland City Club on similar issues in Portland’s governance, issues the Portland City Club has identified include “Does Portland need to continue to run primary elections, or are there better ways of choosing our elected leaders? Does Portland have enough representatives to serve the diverse needs and interests of all residents? And are there systems of voting that are better at helping us choose leaders we all generally support than the current first-past-the-post approach?” - these can be viewed at: <https://drive.google.com/file/d/1y74WRaWJA3j2QEYqsAOtZwcLOvT97VcZ/view> and at: <https://drive.google.com/file/d/1K3j7349K8wp24eGmb5odNzDMrSM-x9cs/view>

Once we started to consider RCV in the Arlington context, we agreed that we should think whether a coordinated set of changes enabled by RCV would encourage more representative and collegial government here, and help to ensure against electoral outcomes which most voters don’t want. Our form of government is largely unchanged since 1930, when it was put in place

for a semi-rural county with 25000 people. It had an apparent aim to enable the dominant faction in the dominant party to 'run the table' of local offices, and, coupled with the then poll tax and 'constitutional knowledge' examinations for any citizen other than a descendant of a Civil War veteran seeking to register to vote, it did just that for many years. The interested reader may want to read *Arlington's At-Large Electoral System: A Study of Its History, Strengths, and Weaknesses*, SHERMAN W. PRATT (<http://arlingtonhistoricalsociety.org/wp-content/uploads/2020/02/1995-3-At-Large.pdf>)

Virginia, and Arlington, have changed – but it is still true that the Arlington system put in place 90 years ago tends to select office holders from the dominant faction in the dominant party, rather than to ensure that the maximum number of voters exercise their franchise to select members of our governing Boards, and to have a proportional chance at elected officials chosen for alignment with their views.

3. Q. What changes additional to a possible change to RCV have been identified for consideration?

i. Number of Board Members - In 1930 the County switched from three Commissioners representing districts to five part time School and County Board members elected at large. At the time, County population was 25,000. Is five members the right number for our current population of 230,000? If the number should be increased, to how many?

ii. At this time, Board members get a wage which is appropriate for part time work, but most report working full time. How much should elected officials be paid?

iii. Currently, County Board and School Board seats are elected at large, and on a staggered basis. Should this be changed to a district-based approach? If at large is retained, should Board members all run for office at the same time (and if so, with multi-winner RCV?), or should we keep this staggered approach?

iv. Should Board service be subject to term limits?

v. Should an elected official have the functions now fulfilled by the county manager?

vi. Should Arlington request that Virginia designate it as a city, and if so, what should be the functions of its mayor? (note that the TiGER has determined that it won't pursue this question)

vii. Should Arlington continue to pick its nominees for the November general elections using a partisan primary/caucus process? If not, should the November election for Board seats be nonpartisan and winnow the candidates for election using ranked choice (this could enable Federal employees to run much more easily than today), or through a plurality (first past the

post) process? If so, should the current party caucus mechanism of identifying school board candidates be changed by allowing a partisan primary to be used?

viii. Is it an important problem for Arlington that the large number of involved citizens who are Federal employees have a very difficult time running for office, because of the Hatch Act restrictions on partisan political activities? If this is a problem, is there any mechanism other than moving away from partisan primaries which would repair it?

4. Q. What is the schedule of the TiGER? What should citizens expect to see, and when?

A. The Civic Federation established TiGER for a term of one year. It doesn't seem likely that we'll be finished by then, if not we will go back to the organization to ask for a longer term then. We will be producing public sessions about the topics we are considering during May and perhaps early June – watch for our announcements in our corner of the Civic Federation web site – these will cover:

= Perspectives on Arlington's Government Roundtable

= Lessons from Other Local Government, Electoral, and Governance Reforms Processes and How They Worked – Lessons from Portland and Fort Worth

= Current State of Arlington County's Electoral System and Models for Reform

= Current State of Arlington County's Mechanisms for Public Input and Models for Reform

= Current State of Arlington County's Governance and Models for Reform

It's our plan to develop the outline of consensus recommendations by the end of summer 2021, and to make them more precise during the fall, and that they will be recommendations will be the focus of the annual joint meeting of the County Board and the Civic Federation at the New Year.

We are putting URLs which direct to news articles about TiGER related issues into our corner of the Civic Federation website as well as announcements of our and others' events.

Less-Frequently Asked Questions

5. Q. What Virginia initiatives and news should Arlington citizens be aware of in the context of district versus at large elections for local governments?

A. i. Virginia Beach residents brought suit under the (1965 Federal) Voting Rights Act against Virginia Beach's system of at-large voting for district representatives (district reps had to live in the district, but voters throughout the city voted to elect) claiming that the current system vitiates minority voting preferences and ability to elect candidates of their choice. In response, Federal District Judge Jackson has ruled Virginia Beach at-large voting system is illegal – see Virginian-Pilot <https://www.pilotonline.com/government/local/vp-nw--20210331-ihkbt5eh4bh3ddqbuuweray66a-story.html>.

ii. Delegate Cia Price and Senator Jennifer McLellan passed identical bills in the last session HB 1890/SB 1395, signed by Governor Northam, which creates a presumption against at-large districts if they dilute protected-class voting strength, and the new statutory language at 24.2-130 is:

“§ 24.2-130. At-large method of election; limitations; violations; remedies.

A. An at-large method of election, including one that combines at-large elections with district- or ward-based elections, shall not be imposed or applied by the governing body of any locality in a manner that impairs the ability of members of a protected class, as defined in § 24.2-125, to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of a protected class.

B. A violation of subsection A is established if it is shown that racially polarized voting occurs in local elections and that this, in combination with the method of election, dilutes the voting strength of members of a protected class. For purposes of this subsection, “racially polarized voting” refers to the extent to which the candidate preferences of members of the protected class and other voters in the jurisdiction have differed in recent elections for the office at issue and other offices in which the voters have been presented with a choice between candidates who are members of the protected class and candidates who are not members of the protected class. A finding of racially polarized voting or a violation of subsection A shall not be precluded by the fact that members of a protected class are not geographically compact or concentrated in a locality. Proof of an intent on the part of voters or elected officials to discriminate against members of a protected class shall not be required to prove a violation of subsection A.

C. Any voter who is a member of a protected class, as defined in § 24.2-125, and who resides in a locality where a violation of this section is alleged shall be entitled to initiate a cause of action in the circuit court of the county or city in which the locality is located. In such action, the court may, in its discretion, allow a private plaintiff a reasonable attorney fee as part of the costs, if such plaintiff is the prevailing party.

D. Upon a finding of a violation of this section, the court shall implement appropriate remedies that are tailored to remedy the violation.”

iii. Senator McLellan is running for Governor, and from her platform: “Jenn’s leadership in the Virginia General Assembly laid the foundation for generational progress in protecting Virginians’ right to vote. In 2021, Jenn passed the Voting Rights Act of Virginia. The Voting

Rights Act of Virginia is modeled after the federal Voting Rights Act of 1965 and will protect all voters in the Commonwealth from suppression, discrimination and intimidation, and expand language access to voters for whom English is a second language. The law also protects against diminishing the voting power of communities of color [discussed at ii. Above] and gives voters a stronger voice in the electoral process.... Jenn will implement a ranked-choice voting system in Virginia that empowers candidates from diverse backgrounds and reduces vote-splitting. Virginia would become the second state to enact ranked-choice voting statewide.”

iv. Virginia Association of Counties has researched frequency of at-large versus district elections in the Commonwealth: “Of Virginia’s 95 counties, only Arlington (pop. 235,000), Highland (pop. 2,210; Monterey is County Seat), Madison (pop. 13,261; Madison), and Mathews (pop. 8,834; Mathews) Counties elect all members at-large. All 91 other counties elect members either exclusively by district (most common), or through a combination of district and at-large, with several counties, most notably Fairfax, Loudoun and Prince William, electing their Chairs at large from the voting public for four-year terms, versus the Arlington scheme of annual rotating elections for County Board chair tapped from among the five Board members alone.”

6. Q. Where should I look for ‘pro’ and ‘con’ arguments on various forms of ranked choice voting, and comparison with the current plurality or ‘first past the post’ form of elections?

A. The most active advocacy organization for ranked choice voting is FairVote with many well written advocacy documents at: <https://www.fairvote.org/> Maine has adopted RCV, and in the course of the runup to its elections (RCV passed) the opposition made arguments found here: <https://democracyjournal.org/arguments/ranked-choice-voting-is-not-the-solution/> Massachusetts voted against adoption in 2020 and Massachusetts Governor Baker’s arguments against are reported here: <https://www.boston.com/news/politics/2020/10/27/charlie-baker-ranked-choice-voting-massachusetts-question-2>. Alaska adopted – narrowly – in 2020 <https://www.vox.com/2020/11/19/21537126/alaska-measure-2-ranked-choice-voting-results> and here are arguments which appealed to the 49% who voted ‘no’ there: <https://protectmyballot.com/ranked-choice-voting-and-ballot-measure-2-should-be-voted-down/>

7. Q. Where should I look for arguments for and against use of at large elections as opposed to districts?

Are the effects of at large elections different when multi-winner RCV is used?

A. Here’s a news article about the changes in representation which resulted when Santa Clara adopted districts after they were challenged under CVRA: <https://www.mercurynews.com/2021/01/04/santa-clara-loses-appeal-to-overturn-court-ordered-district-election-system/> When faced with a CVRA lawsuit, Monterey Park agreed to shift to districts and wrote this useful guide for its citizens: <https://www.montereypark.ca.gov/1224/Frequently-Asked-Questions>. Here’s an argument from California that the effects of switching to districts, if FPTP is used, are not strongly in favor

of underrepresented groups getting representation: <https://voterschoose.info/wp-content/uploads/2020/05/California-District-Based-Elections-White-Paper.pdf>. Here's an argument that at large elections can do a better job capturing voter preferences across a jurisdiction when there is a high level of concentration in one area:
<https://www.sightline.org/2015/08/11/beware-whatcom-district-voting-revised/>