
CB 21-0907

Charter Amendment Resolving the Timing Issue with Runoff Elections

Finance and Governance Committee | Aug. 10, 2021

Councilman Kevin Flynn



What Problem Does This Address?

State and federal* laws require that ballots for military and overseas voters be mailed 45 days before an election

Denver's runoff election is 28 to 35 days after the municipal general election

Other deadlines difficult to meet with tight turnaround time

* Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)



Process

Clerk and Recorder Paul López established a seven-member Charter Review Committee to advise on how to modernize city elections

- **Michael Cummings, Ph.D.**
Professor Emeritus of Political Science at University of Colorado Denver
- **Kevin Flynn**
Denver City Council, District 2
- **Stacie Gilmore**
President, Denver City Council, District 11
- **Mark Grueskin, Esq.**
Shareholder Recht Kornfeld PC
- **Stephanie O'Malley**
Associate Vice Chancellor for Government and Community Relations, University of Denver
- **Gena Ozols**
Field Director at Colorado Organization for Latina Opportunity and Reproductive Rights
- **Alan Salazar, Esq.**
Chief of Staff for Mayor Michael Hancock



Scope

Met online seven times between August and March, with public in virtual attendance. Examined:

- Moving election to November
- Putting more time between spring general and runoff elections
- Using Approval Voting
- Using Ranked Choice Voting

Clerk's office conducted virtual town hall in February



Recommendations

- Keep spring elections – best fit with city’s budget cycle, and almost always has better turnout for candidate contests
 - 2003: May General – 46.3% June Runoff – 44.6% November DPS – 30.0%
 - 2007: May General – 41.9% June Runoff – 37.5% November DPS – 35.0%
 - 2011: May General – 38.1% June Runoff – 37.5% November DPS – 31.1%
 - 2015: May General – 26.9% June Runoff – 39.9% November DPS – 30.1%
 - 2019: May General – 42.8% June Runoff – 39.9% November DPS – 27.4%
- Five Charter Review Committee members recommended moving the May municipal general election to April as the simplest solution
- One member recommended Ranked Choice Voting
- One member recommended Approval Voting
- Clerk López forwarded alternative recommendations to council – either move May election to April or adopt RCV



CB21-0907 Referral to Voters

- Moves May general municipal election to April
- Resolves insufficient time frames for Election Division deadlines
- Preserves Charter requirement that all elected officials except two at-large council members be elected by “a majority of the votes cast.” § 8.2.19
- The two-round runoff system is the only option that guarantees the winner will receive a majority of the vote, retaining the requirement for election by majority vote
- Allows voters to focus on issues with two finalists, and gives voters who supported other candidates the right to cast another ballot in the final election



Runoff or Two-Round Voting

- Denver voters instituted the two-round runoff system in 1935, after 20 years of using a ranked-choice voting system
 - From 1913 to 1935, Denver's RCV system was a variation in which every voter's second or third choices were counted in the final outcome, unlike current proposals that count second or subsequent choices of only those voters whose first choices are eliminated
 - Mayoral runoff was first used in 1955 to elect Will Nicholson as mayor over Bert Keating
- Only a runoff system can increase voter turnout in the deciding round
 - Since the 1983 Peña-Tooley mayoral election, most Denver runoff elections have had greater numbers of voters casting ballots than in the May general elections – 21 out of 38 runoffs
 - ✓ Peña-Tooley runoff (1983): 16.2% increase
 - ✓ Peña-Bain runoff (1987): 13.6% increase
 - ✓ Webb-DeGroot runoff (1995): 19.6% increase
 - ✓ Hancock-Romer runoff (2011): 7.6% increase
 - ✓ Himmelman-Feather runoff (1995 CD7): 24.6% increase
 - ✓ Johnson-McCarthy runoff (2011 Clerk & Recorder): 14.9% increase
 - In RCV, increased turnout is impossible, as each round of tabulating eliminates some voters' ballots from the final count



Why not RCV?

- Changing Denver's entire voting method is not necessary to solve the problem at hand
- Requires repeal of Denver Charter requirement for election by majority vote
- RCV frequently fails to produce majority winners in multi-candidate races
 - Of 26 RCV-decided races for San Francisco Supervisor seats since 2004, only one reached true majority (52.2%), an incumbent who won first term with less than majority
 - Extreme example: Winner of a supervisor seat was chosen by only 21.1% of voters, mostly second or later choices
 - All six mayoral races in San Francisco, Oakland and Minneapolis that were decided by RCV failed to yield a majority winner – one reached only 48.5% at the end of 33 rounds of transferring votes
 - New York Democratic mayoral primary winner Eric Adams was chosen on only 43% of ballots
- Ballot “exhaustion” disenfranchises voters who do not rank all candidates
 - In one San Francisco election, 3 of every 5 voters weren't counted in the outcome; runoffs allow them to vote again
- More suited for highly partisan contests, to neutralize so-called “spoiler effect” in plurality voting contests with multiple minor-party candidates, rather than for non-partisan local races
- Typical adoption of RCV is from the plurality model, not runoff



Schedule

- Aug. 10 – Finance and Governance Committee
- Aug. 17 – Mayor-Council
- Aug. 23 – First Reading at City Council
- Aug. 30 – Second Reading at City Council
- Nov. 2 – Election Day – Denver Votes!



QUESTIONS?

