

**Reimagining Local Government Conference
Chapman University**

**Voteria and Democratic Engagement Strategies
By Antonio Gonzalez**

The Question: Improving Democratic Engagement: How Do You Create The Right Environment for Local Democracy? This panel will discuss ways local institutions (e.g., service clubs, business, family, religious communities, media and entertainment institutions) can strengthen civil society and foster democracy, especially in contexts where there is low voter turnout and disengagement with local government decision-making.

The State of Play: the Odd-Year Local Democracy Oxymoron

Local democracy in California, especially in odd year local elections, is an oxymoron. Odd year local elections have only a small percentage of the voters that consistently participate. These systems are fundamentally dysfunctional and we should no longer call them democratic.

Indeed odd year local elections in California could be called local dictatorships or even better “tyrannies of chronic voters”. However benevolent they may be, they are dictatorships that prop up systems that are doomed to fail cyclically.

The “tyrannies of chronic voters” are labeled so because only a narrow band of high propensity voters participate. Moreover, local candidates are vetted and funded, in essence made viable, by local special interests and interest groups like city contractors, developers, public employee organizations, large local employers, etc. The candidates are then voted into office by the chronic voters-who represent about 10% of the electorate, and a vicious cycle of self-serving politics ensues.

It is not unusual Attorneys and City Managers to be cashiered like a game of musical chairs by 3-2 council majorities acting in the interests of their “sponsors.” It is not uncommon for ousted City Attorneys in league with one interest group or another to organize recalls to oust unfriendly Council majorities.

Add to this troubling local governance reality the fact that the oversight function of the media has dramatically declined due to the contraction of print media and we can understand why local politics in California has become endemically ineffective and or scandal ridden.

I did a poll last year in a local city that asked voters if they know who their City Council person and Mayor was. Virtually no one knew. Why should they? No elected official regularly contacts them, they had basically don’t vote in city elections, and of course have little interaction with government services.

Paradoxically surveys show that compared to state and federal government, local governments are more favorably viewed by voters -to paraphrase an old saying I suppose “absence (of awareness of local government) makes the heart grow fonder.”

It goes without saying that California’s high non-Citizen population only exacerbates the problem but I want to be clear: odd-year local elections and governance in California are structurally dysfunctional in citizen environments as well as non-citizen environments.

Structural Change and Structural Impediments

How did local governance get to this point and what is being done and what should be done?

Historically CA’s more than 500 municipalities (and ultimately 1000 school board districts) share a common thread. Their founding was mostly catalyzed by developers who didn’t plan for their long-term sustainability.

This developer-defined genesis led to the establishment of non-viable municipalities. Few would argue that it makes good-governance-sense in eastern Los Angeles County to have 60+ little cities, most of which are chronically financially stressed.

For example, in a logical world wouldn’t it be better in every sense for the seven cities of the southeast –which cover 400,000 residents yet only 22.5 square miles to be one city?

So when southern California’s manufacturing and aerospace industries substantially contracted during the 1970’s, 80’s and 90’s basic contradictions and fragilities in local economies were exposed. Municipal revenues and budgets based on unionized blue collar household incomes related to once robust private sector enterprises collapsed.

Moreover, California local government suffered dramatically as state propositions like Prop 13 and numerous state government policies handcuffed their ability to raise property tax revenue on the one hand and diverted local revenues and powers over policies to Sacramento.

Perversely, local governments seeking to restore local tax bases were forced to rely even more directly on commercial developments that could generate sales tax for local coffers. One must absorb this change. Instead of relying mostly on property tax revenues of local homeowners for revenue, Prop. 13 caused cities to rely on commercial sectors for revenues. Who do you think was empowered in this new equation: homeowners or developers?

Furthermore, it is self-evident that as federal and state governments has seen its power over budgets, revenues and policies grow local governments have lost power. It’s a “zero-based budgeting” style game.

As a result local governments have comparatively less power to address local policy matters and resident needs than they had historically. And the voters whether consciously or not, perceive that local government is less able to solve problems.

Further compounding socio-economic and policy-based structural challenges to local government viability are long term electoral rules that in practice diminish voter participation.

These rules include:

- 1) Election dates during odd years (and not on the traditional June/November dates); Studies are clear that most voters have trouble remembering “off-track” dates and given that far less resources are deployed to remind them compared to even year, on-track election dates, do not participate for that simple reason;
- 2) Non-partisan elections remove the single most important indicator of participation among American voters: party identification. While we all understand that nonpartisan elections were invented more than 100 years ago in California as a populist anti-corruption measure, we must acknowledge that today the conditions are substantially different and nonpartisanship is a leading factor driving down voting in local elections in California;
- 3) Staggered elections are another practice that diminishes voting by de-incentivizing participation in jurisdictions with single-member district elections by depriving them of a candidate to vote for in alternating election years.

Ineffective Reforms

In the face of this calamitous situation the state and federal government have enacted periodic “fixes.” The earliest reforms of note were the state “Vote by Mail” law and the federal “Motor Voter” Act. However neither measure has made a measurable contribution to enhancing voter participation. Indeed participation in odd-year local elections has declined since they were enacted.

The same can be said for “online registration” and the California Voting Rights Act of 2001 though in the case of CAVRA it should be mentioned that the sample size is too small for a definitive analysis on its effectiveness in increasing odd-year local participation.

In the case of “Online Registration” this new policy has made it easier to register to vote but there is no data to show any positive impact on odd-year local voting.

Recently enacted “Automatic Registration” will systematically expand the electorate but has made absolutely no claim to increasing odd-year local voting.

Arguably the most effective participation fix has been the trend across California of local governments abandoning the off-year, odd-year election cycle in favor of consolidating elections with the even-year general election cycle. While inspired by fragile local government finances consolidating these odd-year elections into the even year general election cycle dramatically increased participation and pointed the way forward.

Civil Engagement Strategies

Indeed symbolic progress was made in spring 2015 when the City of Los Angeles voted to change its spring odd-year municipal elections to coincide with even-year general elections beginning in 2018.

The state legislature followed suit with a variance on the “LA strategy” with a new law enacted later in 2015 that permits a resident to sue a California municipality whose local turnout percentage is 25 points below the even year average percent turnout over the last two cycles.

The remedy according to this new law for a “guilty” City would be to consolidate its local elections with the general election cycle.

Critics of the “even-year” consolidation strategy raise an important counter-argument which basically states that while “even-year consolidation” will automatically significantly raise turnout in local elections it is an overstatement to assume that just because 50% of the voters cast ballots (in the off-year example) or 80% of the voters participated (in the Presidential year example) that these voters will cast votes “down-ballot”. Indeed it seems certain that “under-voting” will be significant as voters’ tire of the long ballot and do not complete as is already often the case.

Nevertheless this valid “under-voting” criticism does not mean that local turnout will not rise dramatically compared to its current odd-year performance. Even severe under-voting of 10% or 20% still translates into significantly higher local turnout than is currently the odd-year case.

A better criticism is that with “even-year consolidation” local candidates and issues will be “washed away” by state and federal elections and ballot measures.

There are two interesting tools for odd-year municipalities that wish to avoid consolidation with even year elections and thus keep a local issue focus in their municipal elections.

The most interesting and controversial tool involves incentivizing voters to cast ballots through a voter sweepstakes. Called Voteria (rhymes with Spanish word loteria or lottery) this legal voter sweepstakes has been utilized recently in Los Angeles Unified School District Elections in May 2015 and in the Philadelphia Municipal Elections in Nov. 2015 with notable results.

In the case of LAUSD District Five Voteria resulted in a 40% increase in turnout among voters who knew about it according to Dr. Fernando Guerra of the Center for the Study of Los Angeles. The award of \$25,000 was won by a duly selected voter who entered the sweepstakes by simply voting. Needless to say Ivan Rojas was very surprised, and very happy. See www.voteria.org for more information.

I consider that Voteria has tremendous room to grow because in the LAUSD case study virtually no one knew about it -only 14% of the voters. It is likely that a robust promotional campaign combined with a larger sweepstakes would turbocharge turnout.

Same Day Registration, a 2014 law that is set to be implemented by 2018 provides another tool to help local governments raise participation if utilized to mobilize younger and poorer voters on Election Day.

Finally the CRVA enables litigation to redress electoral exclusion of historically excluded minority voters. The remedy to such exclusion includes replacing at-large elections with single-member district elections may well increase turnout from underserved communities who perceive that their candidates of choice may finally have a viable chance of winning election to office.

In conclusion, there is no silver bullet to restore voting participation and fiscal sustainability to California's municipalities.

We have however suggested a course of action that includes repealing the most damaging of laws, policies, and practices that have unintended consequences including causing the decline of California municipal revenues and participation.

Combining such actions with innovative strategies to consolidate elections, merge cities, incentivize voting, include minorities, and mobilize youth may well be the policy and political recipe needed to turn around our local governments.