

The seal of the City of Lowell is faintly visible in the background. It features a central figure holding a staff, surrounded by various symbols including a sun, a ship, and buildings. The text "CITY OF LOWELL" is visible around the perimeter of the seal.

The City of  
**LOWELL**

**Election Changes in Lowell**  
*Presentation by*  
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With the Assistance of the Law Department for the City of Lowell

*Public Meeting*  
*Lowell Senior Center*  
*August 20, 2019 at 6:00 PM*

# Presentation Overview

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- 1) The Voting Rights Lawsuit
- 2) What is the Voting Rights Act?
- 3) What Constitutes a Violation?
- 4) Why Change?
- 5) Settlement
- 6) Timeline
- 7) Options for New Electoral Systems
- 8) Potential Advantages / Disadvantages

# 1) The Voting Rights Lawsuit

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- Filed in May of 2017 by Asian-American and Hispanic/Latino citizens of Lowell under the Voting Rights Act (“VRA”)
- Challenged Lowell’s at-large plurality municipal electoral system under section 2 of the VRA
- Alleged that the current system impermissibly dilutes minority voting strength

## 2) What is the Voting Rights Act?

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- Federal legislation passed in 1965 during the Civil Rights Movement
- Prohibits voting systems that result in dilution of minority voting strength
- Minority groups must have a reasonable opportunity to elect candidates of their choice

### 3) What Constitutes a Violation?

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- **Determining whether an electoral system violates Section 2 of the VRA involves statistical analysis of voting patterns**
- **Legally recognized statistical analysis is typically performed by voting behavior experts**
- **Analysis uses data collected from historical election results and from the United States Census Bureau**

### 3) What Constitutes a Violation?

- To establish a violation of Section 2 of the VRA, the Supreme Court's *Gingles* factors must be met :
  - 1) minority group is "sufficiently large and geographically compact to constitute a majority in a single-member district"
  - 2) the minority group is "politically cohesive"
  - 3) the majority votes "sufficiently as a bloc to enable it...usually to defeat the minority's preferred candidate"
- When these factors are all present, the Plaintiffs virtually always win the case

## 4) Why Change?

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- Expert analysis indicated that Plaintiffs were likely to satisfy the *Gingles* test
- In other words, statistical analysis indicated that the City's majority group generally votes as a bloc and generally defeats the minority group's preferred candidates
- The City also recognizes that other electoral systems have benefits that may be an improvement over the current system

# 5) The Settlement

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- Parties engaged in more than a dozen mediation sessions over a six-month period in Federal Court with Judge Kenneth P. Neiman
- Mediation resulted in a Consent Decree which establishes the procedure for the City Council to select a new electoral system to be implemented for the November 2021 municipal elections
- Consent Decree provides 4 electoral systems, one of which will be selected for implementation following a period of public debate

## 6) Timeline

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- **September 3, 2019 – Final date for City Council to narrow from four (4) systems to two (2) options**
- **November 5, 2019 – Two (2) “Finalist” systems will be placed on municipal election ballot as non-binding ballot questions**
- **December 3, 2019 – Final date for City Council to select which one (1) of the two (2) “Finalist” systems will be implemented in advance of the November 2021 election**

# 7) Options for New Electoral Systems

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The 4 potential new electoral systems include:

- 1) District Based Representation
- 2) Hybrid Representation: Districts and At-Large (three sub-choices)
- 3) Ranked Choice Voting
- 4) Three District Representation with Ranked Choice Voting

# *Option 1: District Based Representation*

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- **City would be divided into 9 districts**
  - ❖ **Each district would elect one of the nine members of the City Council**
  - ❖ **At least two of the districts would be “majority-minority,” increasing the chances for minority voters to elect a candidate of their choice**

# *Option 1: District Based Representation*

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- For School Committee elections, the 9 Districts would be divided into 3 groups, and each of the 3 combined, larger districts would then elect 2 School Committee members (the Mayor would serve as the 7<sup>th</sup> member)
  - ❖ At least one of the combined School Committee districts would be majority-minority
- If this option is selected, district lines will be drawn by an independent expert, who will use the 2020 census data

## *Option 2: Hybrid Representation*

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- **Some candidates would be elected at-large, and some would be elected by district; candidates have a choice to run for either a District seat or an At-Large seat**
- **Voters will vote for their candidate of choice among those running within their District and the highest vote getter in each district will become the District representative**
- **Voters will also vote for their candidates of choice among those running for an At-Large seat and the highest vote getters for the At-Large seats will earn seats as At-Large representatives**

## *Option 2: Hybrid Representation*

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- There are three hybrid options from which the City can choose:
  - 1) Hybrid 8-1 System (8 District Seats / 1 At-Large Seat)
  - 2) Hybrid 8-3 System (8 District Seats / 3 At-Large Seats)
  - 3) Hybrid 7-2 System (7 District Seats / 2 At-Large Seats)
- In each case, 2 districts would be “majority-minority,” increasing the ability of minority voters to elect candidates of choice
- In order to draw 2 “majority-minority” districts, there needs to be at least 7 districts in the hybrid system

# Option 2: Hybrid Representation

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- School Committee elections under the Hybrid System with 8 Districts:
  - ❖ The 8 Districts would be combined in groups of 2 to create 4 School Committee districts that would each elect 1 member
  - ❖ At least 1 of the School Committee districts would be majority-minority
  - ❖ 2 members would be elected at-large (Mayor also serves)
- School Committee elections under the Hybrid System with 7 Districts:
  - ❖ The 7 Districts would each elect 1 member to the School Committee
  - ❖ This is the only option in which the Mayor does not serve on the School Committee

## *Option 3: Ranked Choice Voting*

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- **Ranked Choice Voting is sometimes called Proportional Representation**
- **Other jurisdictions that use Ranked Choice Voting are Cambridge, MA and Minneapolis, MN**
- **Ranked Choice Voting has also been adopted for state elections in Maine**
- **Ranked Choice Voting was used in Lowell prior to the adoption of the current at-large plurality system adopted in 1957**

# *Option 3: Ranked Choice Voting*

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- **In option 3, all candidates run at-large, Citywide**
- **Voters may vote for as many candidates as they wish, but must rank them in order of preference**
- **But votes are counted differently than the current system**
- **Under Ranked Choice, each voter ranks their choices in order of preference (e.g., 1, 2, 3, 4, etc.)**

# *Option 3: At-Large Ranked Choice Voting*

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- To win a seat, a candidate must win a certain proportion of the votes (“threshold” or “quota”)
  - The threshold is:  $\# \text{ of voters} / \# \text{ of seats} + 1$
  - In Lowell, for the Council, it is 10% of the vote
- Votes are counted in multiple rounds and excess votes are transferred once a candidate reaches the threshold
- Because the threshold to win a seat is lower (10% of the vote for the council), minority groups have a better opportunity to elect candidates of choice

# *Option 3: At-Large Ranked Choice Voting*

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## How Cambridge Votes



# Option 3: Ranked Choice Voting

## Sample Ranked Choice Voting Ballot

RANK CANDIDATES IN ORDER OF PREFERENCE.  
FILL IN ONE CIRCLE PER CANDIDATE AND ONE  
CIRCLE PER CHOICE.

	1ST CHOICE	2ND CHOICE	3RD CHOICE
CANDIDATE A	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
CANDIDATE B	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
CANDIDATE C	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>



## *Option 4: Three District Representation*

- Combines elements of both district based representation and Ranked Choice Voting
- Under this system, three relatively large districts would be created, and voters in each district would elect 3 candidates for City Council and 2 candidates for School Committee, by Ranked Choice Voting
- 3 City Council seats and 2 School Committee seats will come from each district

## Option 4: Three District Representation

- Voters will rank the candidates running in their district in their order of preference
- Within each district, the top 3 candidates for City Council and the top 2 candidates for School Committee will earn seats
- The same principles of proportional representation involved in Option 3 will result, but at a district level rather than Citywide

## V. Potential Advantages and Disadvantages

- While the City is not endorsing any one of the new election systems at this time, there are many widely recognized advantages and disadvantages to the electoral systems under consideration
- For simplicity, the City is grouping district-based systems and comparing them with at-large
- Options 2 and 4 (hybrid and 3-district) may have some elements of each

# District Voting

## Advantages

- Offers direct representation for specific areas of City;
- Simplicity of voting for one person per district;
- Lower barrier to entry -- people can find it less intimidating to run for a district than City-wide;
- Lower barrier to entry—it may be less expensive to run for a district than City-wide.

## Disadvantages

- Incumbents can be difficult to challenge;
- There may be a disproportionate focus on neighborhood issues;
- Some members of the district may feel that their geographical representative does not represent their principles/interests;
- Line-drawing can be subject to future challenges, and needs to be redone periodically

# At-Large Ranked Choice

## Advantages

- Elected officials are answerable to all voters, not only a subset;
- People get to vote based on principles or interests, not necessarily geography;
- There may be more incentive to pursue development/projects that benefit the City as a whole;
- RCV is designed to elect people “proportionately” to the preferences of the electorate.

## Disadvantages

- Districts/smaller geographic areas do not have someone “in their corner”;
- The counting procedure is more complex than straightforward tallying;
- There may be less focus on neighborhood issues;
- More resources may be required to run City-wide than for a district.