

JUNE 20, 2023

Virginia Beach's Local Election System

Engagement Outcomes and Recommendations



INTRODUCTION

Purpose of Initiative

As the City considers the future of its electoral system, this initiative will...

- Engage Virginia Beach residents, capture community-wide input
- Inform City Council of independent legal review and research findings
- Increase awareness of local electoral process for Virginia Beach / general public

INTRODUCTION

Multi-phase Research Approach

- City-wide survey
- Public community listening sessions
- Review social science research on electoral systems
- Review federal and state election law

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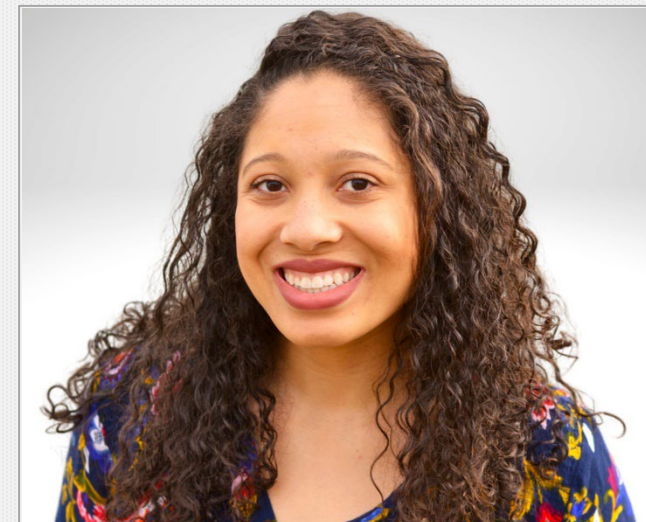
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To Begin: Virginia Beach Election History

- In **1963** Virginia Beach merged with Princess Anne County.
- In **1966** the General Assembly adopted the at-large system with residency requirements for Virginia Beach that was at issue in *Holloway*.
- From **1966-2021** only 6 candidates of color were elected to City Council
- In **2021**, the *Holloway v City of Virginia Beach* ruling directed the City to implement 10-1 single-member district system.
- In **2022**, the 4th Circuit vacated the ruling, finding that it was moot due to the passage of *HB 2198*.
- In **2022**, Virginia Beach held first local election under 10-1 system, electing three candidates of color to City Council.

Community Survey

DESIGN AND RESULTS

Survey Design

Mixed-probability, multi-mode in multiple languages

Probability-based ABS

4,500 Sample size

623 completed survey

-Margin of error +/- 4.3%

Mail and web

-Statistically generalizable

-Results presented are weighted probability responses

Non-probability, open source

1,489 # who completed survey

Web and paper questionnaire upon request

Demographic Overview

Local District

- 1 **10.5%**
- 2 **9.8%**
- 3 **10.3%**
- 4 **8.9%**
- 5 **10.0%**
- 6 **10.5%**
- 7 **10.1%**
- 8 **10.1%**
- 9 **10.5%**
- 10 **9.5%**

Gender

- 50.6%** Man
- 49.4%** Woman

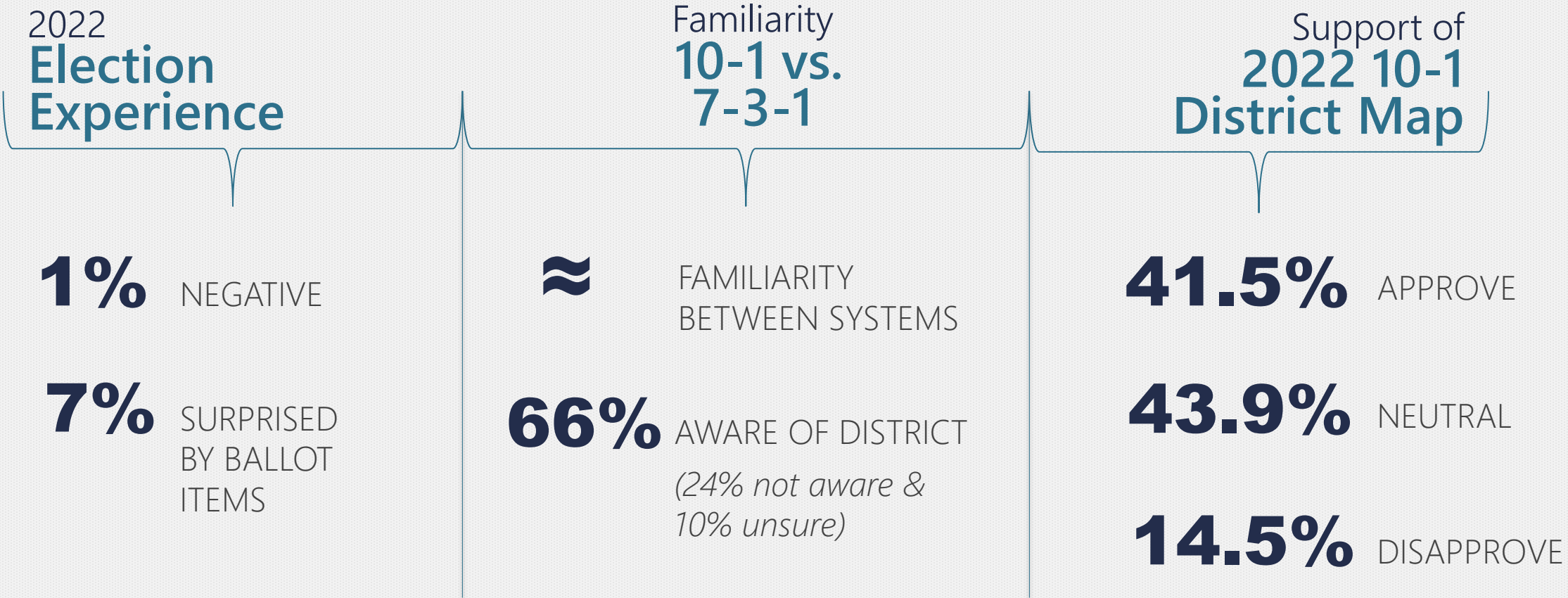
Education

- 8.9%** High School
- 26.5%** Associates
- 35.6%** Bachelors
- 29.0%** Graduate

Race/Ethnicity

- 18.9%** Black/African American
- 5.0%** Hispanic
- 7.5%** Asian
- 63.2%** White
- 5.5%** Multiracial/
Another race

Familiarity with Recent Election Systems



Satisfaction with Recent Election Systems

Which system better represents your interests?

44% 10-1 better represents interests

19% 7-3-1 better represents interests

37% both systems represent interests about the same

Election System Preferences

Increase number of Council seats

37% SOME SUPPORT
≈ OPPOSE

Number of districts

16% FOR INCREASING
21% FOR DECREASING
66% FOR KEEPING THE SAME

Ranked choice voting

Familiarity
20% EXTREMELY/VERY
42% NOT AT ALL

Support
26% SUPPORT
46% OPPOSE
28% NOT SURE

Election System Preferences: City-wide Voting



Election Systems Going Forward

Keeping 10-1

81%

SUPPORT
69% strongly or
moderately support

19%

OPPOSE

Referendum to
explore other
election systems

63%

SUPPORT
45% strongly or
moderately support

37%

OPPOSE

Community Sessions

APPROACH AND FINDINGS

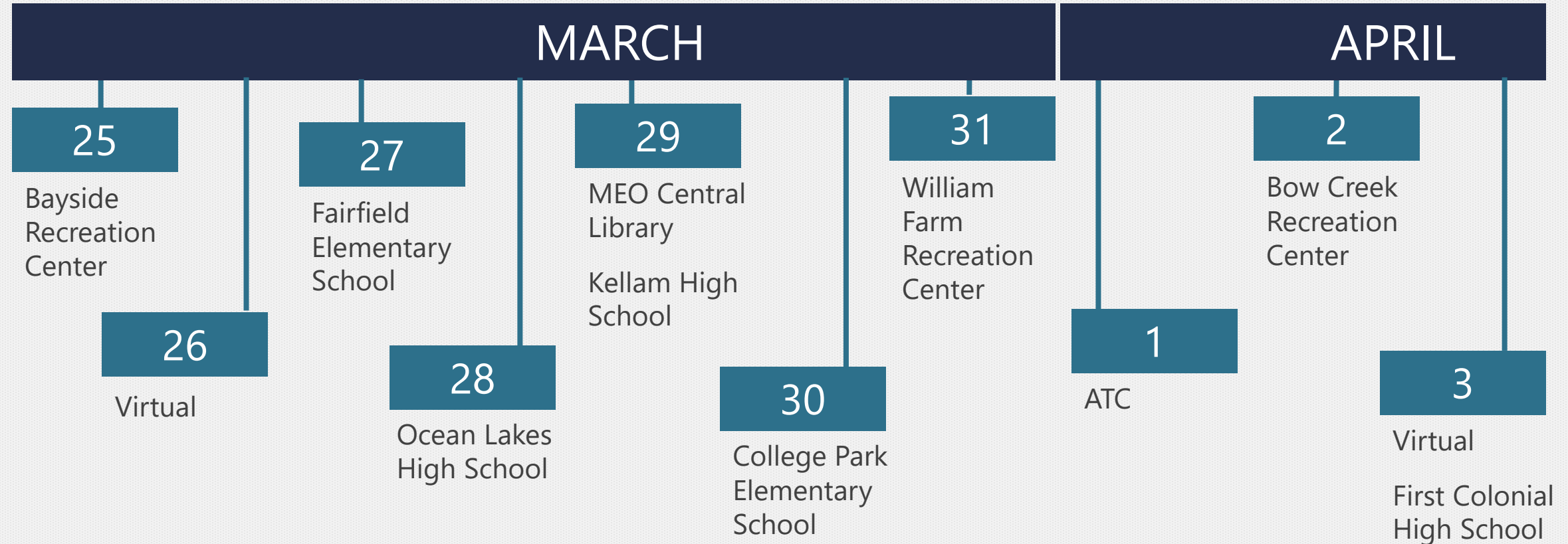
Our Approach

Community Input Sessions

- The Virginia Institute of Government (VIG) team facilitated ten in-person and two virtual community input sessions. A session was held in each Council district.
- The facilitation team included:
 - Jane Dittmar - Lead Facilitator
 - Carolyn Dillard
 - Alysse Dowdy
 - Charniele Herring

TIMEFRAME

12 Community Input Sessions



Participation & Logistics

- Approximately 708 total attendees participated either in-person or virtually
- For the in-person sessions, citizens could attend via live stream and make comments
- Sessions were held at various times of day, different days of the week, and two entirely virtual sessions were held and facilitated
- Facilitators made sure everyone felt included, listened to, and appreciated

Theme: Support for 10-1 System

MAJORITY OF PARTICIPANTS WHO SPOKE WERE IN SUPPORT OF THE 10-1 SYSTEM

- Has improved the representativeness of City Council
- Leads to more responsiveness from City officials to localized, neighborhood level concerns
- Makes running for public office more accessible—less campaign spending
- Improves accountability of elected officials to residents by alleviating concern that candidates elected in an at-large system will cater to real estate developers and other powerful, well-resourced interests.

Theme: Some Concerns with District System

FOR THOSE WITH RESERVATIONS:

- Some parents may not make the effort to vote for district representative on School Board (*because students can attend schools outside home district*).
- The way districts were drawn is not fair/representative.
- City residents were having their votes “diluted” because they would be voting for fewer candidates on their individual ballots.
- If district representative is not responsive, an at-large Council could mean that one could contact multiple elected officials with concerns.

Social Science Research

IMPACTS ON VOTER ENGAGEMENT

District Composition: Variations and Impact

	Single Member Districts (SMDs)	Multi-Member Districts (MMDs)
What	Voters elect only one representative	Voters elect more than one representative (aka "at-large")
Impact	<ul style="list-style-type: none">• more likely to elect diverse bodies and elected officials from underrepresented bodies• connection between SMDs and political responsiveness or voter engagement unclear	<ul style="list-style-type: none">• more likely to elect women representatives• connection between MMDs and political responsiveness or voter engagement unclear

Definitions:

- **Plurality**
Candidates win when they receive more votes than competition.
- **Ranked Choice**
Used in single member districts. Allows voters to rank candidates and, typically, candidate only wins when they receive more than 50% of the vote.
- **Single Transferable Vote**
Like Ranked Choice, but used in multi-member districts. Winning thresholds can vary.

Elected Body Composition

- Because some of the systems are new, research is still emerging.
- Research suggests that Single Transferable Voting and Ranked Choice Voting (in order) are more likely to produce elected bodies that are demographically and politically representative of the voter population than plurality voting.

Responsiveness

- Impact of vote counting methods on responsiveness of elected officials is less clear (and less studied).
- However, due to the need for more candidates to appeal to wider swath of voters, it may follow that a Ranked Choice system is more likely to cause elected officials to be more responsive and more known to voters.

Engagement

- Ranked choice voting has been found to increase young voter engagement due to increased campaign contacts.
- Research also suggests that ranked choice voting increases value of each vote and subsequent voter satisfaction.

In Sum...

- **To help ensure a City Council representative of the population—**
Single member districts, as court ordered and used in the 2022 elections, are the better choice.
- **To increase voter engagement and satisfaction —**
City Council may, in the future, also want to consider adopting a ranked-choice voting method.

Legal Research

FEDERAL AND STATE LAWS

The Constitution

14th Amendment

- “No State shall ... deny to any person within its jurisdiction the equal protection of the laws.”
- Interpreted by Court to require “one person, one vote.”
- Prohibits districting schemes that “designedly or otherwise ... operate to minimize or cancel out the voting strength of racial or political elements of the voting population.”
- Voting districts must be “equal” in population.
- Generally prohibits the predominant consideration of race in the drawing of district lines.

The Constitution

15th Amendment

- **Section 1.** The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
- **Section 2.** The Congress shall have power to enforce this article by appropriate legislation.
- Prohibits the purposeful denial or abridgment of the freedom to vote “on account of race, color, or previous condition of servitude.”

The Voting Rights Act

Section 2

- Prohibits the imposition or application of any “voting qualification, prerequisite to voting, standard, practice, or procedure that *results* in the denial or abridgement of the vote on account of race or color.”
- Prohibits states and jurisdictions from diluting the voting power of members of minority groups through the creation or maintenance of at-large or multi-member districts. Such dilution is also referred to as “submersion.”

The Voting Rights Act

Judicial Interpretation

- As a precondition for finding that minority voting power has been diluted by an at-large or multi-member districting scheme, courts consider whether there is a minority group that is large and politically cohesive enough to constitute a majority in a single member district and whether the white majority usually votes as a bloc to defeat the minority-preferred candidate.
- Courts then consider the “totality” of the circumstances to determine whether the at-large or multi-member districting scheme violates the Voting Rights Act. Those circumstances include the history of discrimination and policy responsiveness to minority communities in the jurisdiction.

The State Constitution

Article II

Article II of the Constitution of Virginia provides guidelines and requirements for all aspects of voting and elections, ranging from voter qualifications to redistricting and apportionment requirements and processes.

The Virginia Voting Rights Act

- Similar to Federal voting rights act.
- Allows Virginia voters to bring claims in state court.
- Allows Attorney General to enforce the act.
- Requires “preclearance” when locality wants to change electoral process
 - Local publishing and public comment; or
 - Get approval from Attorney General.

Additional Statutory Requirements

- State law permits plurality or ranked choice voting.
- State law prohibits at-large elections with specific district residency requirements for candidates.
- Districts using anything other than entirely at-large systems must review their district boundaries every ten years.

Referendum for Charter Amendment

A referendum election to determine if voters wish to amend the City charter to provide for a new election system requires:

1. A duly adopted City Council resolution/request supporting entry of a circuit court order for a referendum election on voters' choice of election system.
2. That the Council resolution be filed in the Virginia Beach Circuit Court.
3. That the referendum ballot question(s) be in 'plain English' and answerable 'yes' or 'no'.
4. That the court enter an order setting a referendum election on a date that is at least 81 days after the date the order is entered.

Conclusions

An aerial photograph of a coastal city at dusk or dawn. The city buildings are visible on the left, leading to a sandy beach and the ocean on the right. The sky is a deep blue, and the water shows some whitecaps. The overall scene is dimly lit, with the city lights providing a subtle glow.

Conclusions

Retain 10-1 system implemented in 2022

- Supported by majority of residents who provided feedback
- Consistent with social science research
- Compliant under federal and state law

An aerial photograph of a coastal city at dusk, with a dark blue overlay. The city buildings are visible on the left, and the ocean waves are on the right. A white dashed line is positioned above the text.

Questions?