

# Testimony on “County Commissioner Elections” Bill

Michael Greenberger

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The proposed legislation replaces a discretionary system for county commissioner elections for counties with a population of 70,000 or more people with a process that mandates 5 commissioners, with at least 3 commissioners elected by-district. My testimony today will focus on why county commissions have historically switched from at-large to by-district elections, the results of those changes, and how this bill may increase competition, racial representation, and ideological variation on the county commissions in counties with over 70,000 people .

At-large elections are most beneficial to groups of voters that are both cohesive and constitute a slim majority of voters [Davidson and Korbel, 1981, Abott and Magazinnik, 2020]. For example, a group of voters who comprise 51 percent of the voting population and vote with an extremely high degree of coordination will be able to elect all members of county commissions under the current at-large voting system. Despite only a one percent electoral advantage, this group can elect 100 percent of the commissioners. In American history, this degree of coordination is generally provided by political parties or racial groups. Typically, switching to by-district elections increases electoral competitiveness and political representation across racial and partisan lines.

The propensity for at-large districts to have adverse effects was made evident by their widespread adoption throughout the South during the Jim Crow Era. Prior to the Voting Rights Act, Black populations were frequently unable to elect any members to city or county governments that used at-large elections, despite frequently comprising nearly half of the voting population. Section 2 of the Voting Rights Act of 1965 prohibits voting practices or procedures that discriminate on the basis of race, color, or membership in one of the language minority groups identified in Section 4(f)(2) of the Act. In the case of *Dillard v. Crenshaw County* (1986), Alabama, a federal district court found that hundreds of Alabama districts intentionally employed at-large electoral methods to discriminate against Black voters. These counties were forced under Section 2 to replace their at-large elections with by-district elections.

Colorado obviously differs from Alabama in many important ways, particularly in racial demography and vote suppression. More pertinent to Colorado are studies of the California Voting Rights Act, which incentivized cities to shift city-council electoral jurisdictions from at-large to single member districts. This change increased Latino representation on city councils by an average of 10 percent, with even larger effects in cities with larger shares of Latinos (21%). Here, a change from at-large to by-district elections resulted in increased diversity of representation along racial lines [Collingwood and Long, 2021].

My preliminary analysis of demographic and voting patterns in the counties slated to be affected by this bill suggests that rates of racially polarized voting, a measure of how cohesively racial groups vote and the degree to which different racial groups vote for different candidates, are high enough that at-large districts could disadvantage minority Latino populations (see Figure 1). To be clear, this by no means suggests that Latinos in these counties currently face discrimination in their ability to elect their preferred candidates, but it does suggest the underlying demographic and political patterns are such that this could take place in a future without intervention. This bill will proactively help to protect the capacity for communities of interest to elect their preferred representatives.

The bill would also likely increase the ideological viewpoints represented on the county commissions. Empirical analyses of the housing preferences of Democrats and Republicans indicate that voters self-select into communities that contain voters who share similar ideological dispositions [Lang and Pearson-Merkowitz, 2015, Martin and Webster, 2020]. Moving to by-district elections and increasing the number of commissioners may unmask some of the ideological diversity that is obscured by the current system of small commissions with at-large elections.

For this bill to improve election processes in Colorado, it is important that it work in concert with an independent county redistricting commission such as that set out in HB21-1047. Without such a provision, county commission districts can be gerrymandered like congressional districts.

This is currently an issue in Michigan, where in Genesee County, Democrats won eight of nine seats—even though Democrats only received 50 percent of all votes for county commissioners. In Kent County, Michigan, Republicans won 12 of 21 seats with just 50 percent of all commissioner votes.

Overall, this bill is likely to increase competition, racial representation, and ideological variation on the county commissions in counties with over 70,000 people. However, the positive effects of this bill may be

severely curtailed should district maps be drawn in a manner that disproportionately advantages certain racial or partisan groups.

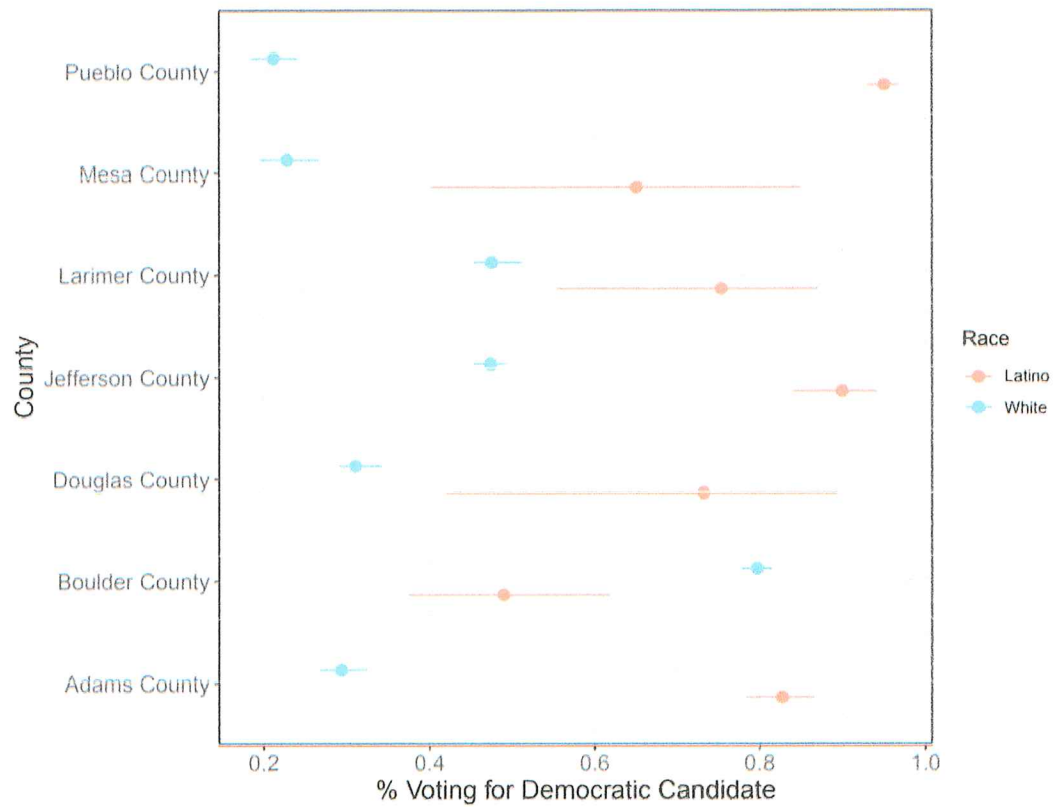


Figure 1: Ecological Inference Estimates of White and Latino Vote-Shares For Democratic Candidates

## References

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HI Rep. Marshall

This statement is my support for your bill. I feel that any change that will directly give choices to districts is a positive thing that focuses on the needs of those districts. It will also reduce special voting privileges to a major political party. If it were up to me, I would love to see a bill that changes all political seats to district choice. This would give particular focus for all areas from the officials elected for their areas. I also believe that those representatives should be required to live within those districts, for reasons that are the same. Thank you, Rep. Marshall for putting this issue in front of the state legislature.

Stacy Suniga, President

Latino Coalition of Weld County

Dear Representatives,

I write to ask you to support HB24 1177, 5 county commissioners for counties over 70,000 people.

It speaks to the growing rural/urban divide with the populated front range urban areas overwhelming the vote and silencing the needs of the rural, mountainous agricultural and unincorporated communities. The stakeholders are the people who live in the county, including and especially those who live where the county is our only government.

Larimer County with a population of over 360,000 exemplifies this issue. It is the size of Delaware, half is public land and most of the land mass is rural, mountainous (including the community of Estes Valley which generates substantive tourism dollars for the county), agricultural and small unincorporated towns. However, most of the population is in the Fort Collins/Loveland urban area on the Eastern side of the county.

All 3 districts run through this FC/Loveland urban area and the whole county votes on each district. Consequently, we have 3 county commissioners from the same party, long time friends and colleagues from the metro area who had no experience in the county or county government prior to being elected and do not understand much less address the issues and needs. Rural candidates not involved in city politics, social groups or communities stand little to no chance of getting elected in these circumstances.

The Larimer County courthouse was constructed anticipating 5 commissioners. In the past, the Larimer County League of Women Voters has supported 5 commissioners.

I ask that you pass this through committee and on to the house and support this long overdue bill. I support 5 distinct county commissioners voted on by people within those districts. This is the only way to address the imbalance in population distribution and representation in these large rural counties.

Thank you for listening and considering my comments

Deborah Shulman  
Bellvue, Colorado  
970-481-2523

## **Why All Populous Counties Should Have at Least 5 Commissioners Elected by District**

When a county board of commissioners (or any Colorado public entity) has only three members, it handcuffs those members from discussing the public's business one-on-one with each other because the open meetings law dictates that when any number of public officials representing a quorum of that public body have a conversation about the business of that entity, it must be announced in advance and made open to the public. By having five commissioners, those handcuffs are removed from our county board of commissioners. We need our commissioners to be able to chat one-on-one with each other--legally--about county matters outside of their public meetings.

County commissioners should also be elected by distinct, not at large. This will serve two purposes. First, it will encourage greater constituent service and representation. If a commissioner is elected at large, even though he or she is assigned to a district, that commissioner is compelled to be seen serving all districts in order to be re-elected, thereby reducing the attention he or she gives to their assigned district. Secondly, it will facilitate candidates running for county commissioner, because the cost and energy of campaigning will be reduced to running for a fraction of the electorate to which they currently must appeal. Imagine for a moment if all eight of our congressional representatives had to run statewide to represent one-eighth of the state in Congress. Unimaginable, isn't it?

Even if the concept of enlarging three-commissioner boards to five commissioners is defeated, I hope the General Assembly will dictate that all or at least the majority of county commissioners should be elected by district.

It should be noted that the same problem afflicts the Jeffco School Board. They have five districts, but all five board members are elected at large. This and this alone caused the chaos that arose a decade ago when outside campaign donors were able to elect a slate of right-wing board members, only to be recalled successfully by a liberal slate a couple years later. If school board members ran by district, each would have different campaign issues directed to a more local electorate, better serving the public.

The operation of pendulums should be taught in the classroom, not demonstrated by the school board!

*Jim Smith, 76, lives at 16500 S Golden Road, #305, Golden CO 80401*