

What Is Proportional Representation? – And How to Improve HB24-1177 County Commissioner Elections

By Celese Landry & Peggy Leech, LAC Voting & Elections Lobbyists

“Better voter representation” is often promoted as a desirable goal by sponsors of election bills. LWV is a strong proponent of better voter representation – specifically, proportional representation. Quoting from our LWVUS position on Voter Representation / Electoral Systems:

LWVUS believes in representative government. The League supports electoral systems that elect policy-making bodies—legislatures, councils, commissions, and boards—that **proportionally reflect the people they represent.**

What is proportional representation? Proportional representation is a feature of an elected body wherein the characteristics that the electorate cares about the most (ideology, gender, experience, housing status, etc.) are proportionally reflected. A voting bloc consisting of 40% of the voters should elect about 40% of the seats.

How does proportional representation work? There are two parts: fill multiple seats in a single ballot contest and use a proportional voting method. The more seats being filled in the ballot contest, the more diversity of opinion possible. A majority voting bloc, however, will always elect half or more of the winners.

For multi-member bodies – such as the state senate, a board of county commissioners or a school board – holding single-winner elections is not conducive to better overall voter representation. The only representation parameter that single-winner district elections ensure is district (geographic) representation.

Let’s look at an example. According to an Oct 24, 2023 *Greeley Tribune* article, Weld County is 30% Latine and the largest city, Greeley, is 40% Latine. All county commissioners are elected in single-winner elections. Even though Latines make up a sizable portion of the population, Latines are unrepresented on the county commission. With 5 county commissioner seats, a proportional reflection of the electorate (assuming the Latine community votes as a bloc) would be one or possibly two Latine commissioners.

Single-winner election contests, as maintained in HB24-1177 County Commissioner Elections, are inherently “winner-take-all.”

- If two “good” candidates are running in one district and two “bad” candidates are running in another district, the county will end up with one good and one bad commissioner. Using proportional representation, all the candidates run against each other so both good candidates could be elected.

- In single-winner elections, sometimes only one candidate stands for elections. Almost all multi-winner elections, especially with proportional representation, have more candidates running than seats to fill and therefore give voters more choice.
- Electing county commissioners only by district voters, as currently proposed in HB24-1177, doesn't allow voters to vote for some of the commissioners. Since the county commission makes decisions for the entire county, limiting voters to, for example, electing only one of 5 commissioners reduces the voters' voice and could encourage the commissioners to focus primarily on their district rather than the entire county. Switching to proportional representation would allow all voters to weigh in on all candidates.

At-large voting is rightly criticized for not providing fair representation, but at-large voting provides for the best voter representation when combined with a proportional voting method.

Proportional representation corrects for the two “bad” types of at-large voting:

- 1) Single-winner at-large elections (regardless of whether a ranking, approval, scoring, or other voting method is used)
- 2) Multi-winner plurality at-large elections – used for some city councils, e.g., Boulder, Denver at-large seats, Cortez

Electing county commissioners based on residence in a geographic district, as currently proposed in HB24-1177, is not nearly as desirable as proportional representation of the entire district. Consider these 3 arguments:

- Proportional representation is flexible and takes into account whatever considerations are important for the electorate. In one year, the most important issue might be a countywide issue, but in another year, the most important issue might be based on geography, so that the part of a county adjacent to an airport could elect someone who represents their viewpoint.
- County commissioner elections are partisan elections. Geographic districts don't help minor parties get representation on the county commission because a majority voting bloc always elects the winner. With proportional representation, if more than 25% of the entire county electorate, regardless of where they live, votes for minor-party candidates in a 3-commissioner election, then a minor party will get representation on the commission. The minor party would not get a majority of the commissioner seats but would get a seat at the table.
- A candidate for county commissioner should not have to wait 4 years to run for a seat. If a state senator wants to run for county commissioner – a common “next career step” – but the only commissioner seat that the senator can run for is on the ballot halfway through the senator's term, then electing the state senator to be a county commissioner creates a vacancy. (In 2018 such vacancies occurred in Boulder and Larimer Counties.) With a proportional voting method, a person could run for county commissioner any even year instead of waiting for a district seat to be on the ballot.

Proportional representation is already allowed in CO statute for cities and towns (1-7-1002 C.R.S.) and should be allowed for counties. Since county clerks conduct and tabulate election results, conducting a proportional voting election in a single county for commissioners would be easier than coordinating across county lines for a city council contest in a multi-county city like Aurora.

LWV Greeley-Weld County and the Latino Coalition of Weld County are currently suing Weld County Commissioners for not following the redistricting process in HB21-1047, but with proportional representation, there would be no districts, no need to draw district lines every 10 years and no redistricting lawsuit.

LWVCO proposes the following amendments to HB24-1177:

- 1) In order to achieve proportional representation of the entire county electorate, include a third option for counties to elect all their commissioners using single transferable vote (aka Proportional Ranked Choice Voting) with 2 commissioners elected one year and the other commissioners elected two years later. [Or replace the allowed option of 5 commissioners each elected by voters in separate districts with the single transferable vote option.]
- 2) expand 1-7-1002 C.R.S. to include counties as well as cities and towns

Proportional representation is such a good idea that it should not be limited to only the populous counties!

Testimony on “County Commissioner Elections” Bill

Michael Greenberger

February 26, 2024

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.

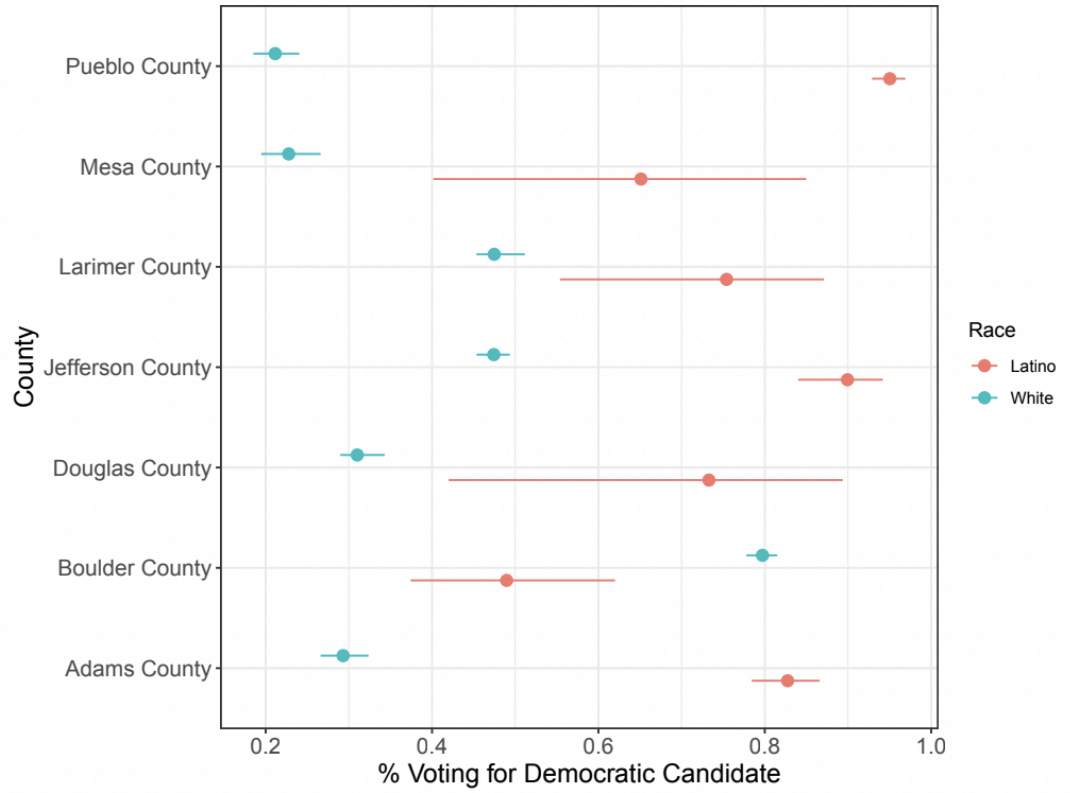


Figure 1: Ecological Inference Estimates of White and Latino Vote-Shares For Democratic Candidates

References

- Chandler Davidson and George Korbel. At-large elections and minority-group representation: A re-examination of historical and contemporary evidence. *The Journal of Politics*, 43(4):982–1005, 1981.
- Carolyn Abott and Asya Magazinnik. At-large elections and minority representation in local government. *American Journal of Political Science*, 64(3):717–733, 2020.
- Loren Collingwood and Sean Long. Can states promote minority representation? assessing the effects of the california voting rights act. *Urban Affairs Review*, 57(3):731–762, 2021.
- Corey Lang and Shanna Pearson-Merkowitz. Partisan sorting in the United states, 1972–2012: new evidence from a dynamic analysis. *Political Geography*, 48:119–129, 2015.
- Gregory J Martin and Steven W Webster. Does residential sorting explain geographic polarization? *Political Science Research and Methods*, 8(2):215–231, 2020.



Fwd: HB24-1177Jesse Kumin to amanda.king 02/26/2024 04:45 PM
History: This message has been replied to.

From: Jesse Kumin <jesse@bestdemocracy.org>
Subject: HB24-1177
Date: February 26, 2024 at 4:25:02 PM MST
To: comments.ga@coleg.gov

Jesse Kumin
Founder and President of Best Democracy
Home Residence: 4396 Snowberry Ct. Boulder, CO 80304

HB24-1177

In Favor of passage

None of us alive voted for the electoral systems we live with today. Over the generations since our electoral systems were created, our values have changed. We, as a community, no longer see excluding minorities as reflective of our values in 2024. As with the Colorado Legislature since 1906, “District Magnitude” has remained frozen in time, in nearly every Colorado county for decades, or since inception in the 19th Century. Winner Take All, Single Member District systems in three member districts, places severe caps on potential diversity for the vast majority of Colorado counties. Removing any caps on [district magnitude](#) would be my first choice. My second choice would be Rep. Bob Marshall and Sen. Kevin Priola’s [HB24-1177 County Commissioner Elections](#), which addresses part of the problem with county government in Colorado.

Higher District Magnitude, 5 seats in current 3 seat county commissions, would partially mitigate a problem that doesn’t receive enough attention, the lack of [Political Pluralism](#) in Colorado and every other US state. Pluralism enables the peaceful coexistence of different interests, and improves the functioning of and increases trust in government. Denmark, which has a population slightly larger than Colorado’s, has 12 political parties, not 2, enabled by higher district magnitude, averaging 13.5 members per district. The maximum number of parties in a 3 member district is obviously 3. In reality, with Winner Take All elections, most districts in Colorado have only one party representing all points of view. In 2018 Prof. Emeritus Robert Loevy and Tom Cronin of Colorado College found in their [study](#) of Colorado counties, that only 11 counties have competitive elections. Most counties in Colorado are “[One Party Dominant](#)” counties, with little to no pluralism, and little to no democracy. Most of our elections are predetermined years in advance, before a vote is cast.

IF this committee is interested in improving pluralism at the county level, introducing a little democracy to counties with one party rule decade after decade, then increasing

District Magnitude in three seat counties over 70K people is a good start. **The real cure is taking district magnitude caps off altogether, and requiring that each county move from First Past the Post in Single Member Districts to [Single Transferable Vote](#) (STV) in Multi Member Districts.** STV elections would better address the ubiquitous lack of pluralism across Colorado, and embed greater diversity in our county governments.

"Flexible stems bend in the wind. Rigid ones snap." - Dennis Potter

"In a democratic government, the right of decision belongs to the majority, but the right of representation belongs to all." - Ernest Naville

Entrenched powers use their power to entrench themselves further. - Joseph Stiglitz (paraphrase).

Passage of 24-1177 would be a step in allowing more diversity in county government in Colorado, by increasing district magnitude in counties affected by 24-1177. Requiring Single Member Districts is a step in reducing district magnitude, and reducing diversity in representation; a step in the wrong direction. We believe in increasing diversity and pluralism, realized through the implementation of Proportional systems like STV, in Multi Member Districts.

Jesse Kumin

HB24-1177 – [County Commissioner Elections](#)

Sponsors: **Rep Bob Marshall; Sen Kevin Priola**

Status: Introduced 2/1/24. Assigned to House State Affairs for **Monday, Feb 26 hearing.**

LWVCO Stance: **AMEND**

HB24-1177 has 2 parts:

- 1) **requires all counties with a population over 70,000, except home rule counties, to elect 5 commissioners.** Currently, such counties are allowed to have either 3 or 5 commissioners. (Statutory counties with a population under 70,000 are allowed exactly 3 commissioners.)

- 2) **voters must choose one of the following 2 options to electing 5 commissioners:**
 - 3 commissioners resident in 3 districts, elected by voters resident in those districts, and 2 commissioners elected at large; or
 - 5 commissioners resident in 5 districts, elected by voters resident in those districts

Currently, 5-commissioner counties have the 2 options above and these 2 other options:

- 3 commissioners resident in 3 districts; all 5 commissioners elected at large
- 5 commissioners resident in 5 districts; all 5 commissioners elected at large

Counties with population over 70,000	Status	Requirement under original text of HB1177
Weld	Home rule county	None
Denver, Broomfield	Combined city-county government	None
Arapahoe, El Paso	5 commissioner resident in 5 districts, elected by voters in those districts	None
Boulder, Douglas, Mesa, Jefferson, Larimer, Pueblo	3 commissioners	Elect 5 commissioners choosing one of allowed options
Adams	5 commissioners, resident in districts but elected at large	Change to one of the allowed options

Proposed AMENDMENTS:

- 1) In order to achieve proportional representation of the entire county electorate, include a third option for counties to elect all their commissioners using single transferable vote (aka proportional Ranked Choice Voting) with 2 commissioners elected one year and the other commissioners elected two years later. [Or replace the option of 5 commissioners resident in 5 districts, elected by voters in those districts with single transferable vote.]
- 2) expand 1-7-1002 C.R.S. to include counties as well as cities and towns

FISCAL Note: Not yet available. The fiscal note for a similar bill last year (HB23-1180) estimated increased costs for counties for 2 additional commissioners at \$350,000/year. In addition, costs for redistricting were estimated at \$75,000-\$135,000.

LWV POSITIONS to support the proposed amendment:

LWVCO Statement on Diversity, Equity, Inclusion (excerpt):

Diversity, equity, and inclusion are central to the organization's current and future success in engaging all individuals, households, communities, and policy makers in creating a more perfect democracy.

LWVCO Voting Methods position

The League supports authorizing and implementing alternatives to plurality voting that allow people to express their preferences more effectively. ...

- Some voting methods are intended for single-winner elections, others for multi-winner elections. It is important that the intended use of a voting method match its actual application. **Multi-winner voting methods can promote proportional representation which fosters diversity of our elected officials.** ...

LWVUS Voter Representation / Electoral Systems position

LWVUS promotes an open governmental system that is representative, accountable, and responsive. We encourage electoral methods that provide the **broadest voter representation** possible and are **expressive of voter choices**.

Whether for single or multiple winner contests, the League supports electoral methods that:

- **Encourage voter participation and voter engagement**
- **Encourage those with minority opinions to participate, including under-represented communities ...**
- **Maximize effective votes/minimize wasted votes ...**

LWVUS believes in representative government. **The League supports electoral systems that elect policy-making bodies—legislatures, councils, commissions, and boards—that proportionally reflect the people they represent.** ...

Written by Peggy Leech and Celeste Landry, 2/12/24, updated 2/20/24

House State, Civic, Military, & Veterans Affairs

02/26/2024 01:30 PM

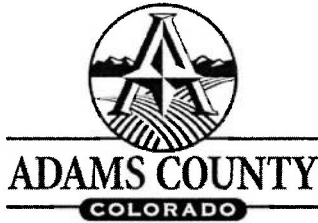
HB24-1177 County Commissioner Elections

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Deborah Shulman For themselves	<p>Dear Representatives,</p> <p>I write to ask you to support HB24 1177, 5 county commissioners for counties over 70,000 people.</p> <p>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, mountains 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.</p> <p>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.</p> <p>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.</p> <p>The Larimer County courthouse was constructed anticipating 5 commissioners. In the past, the Larimer County League of Women Voters has supported 5 commissioners.</p>

	<p>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.</p> <p>Thank you for listening and considering my comments</p>
<p>Jim Smith For themselves</p>	<p>Why All Populous Counties Should Have at Least 5 Commissioners Elected by District</p> <p>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.</p> <p>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</p>

	<p>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.</p> <p>The operation of pendulums should be taught in the classroom, not demonstrated by the school board!</p>
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Opposition Testimony:

HB23-1180: County Commissioner Elections
Committee: House State Affairs, February 2/26/24

Hello Chair and Members of the Committee, my name is Commissioner Steve O'Dorisio and I am here today to represent the Board of County Commissioners for Adams County. We are here today to testify in opposition House Bill 1117 and believe strongly that the issue of county elections should be left up to each individual county and its residents.

Adams County is currently represented by five commissioners who reside in districts and are elected by the voters of the whole county. This governance system was decided by Adams County voters in 2012. Adams County residents voted to move to this system through a two part ballot question. The first piece of this ballot question read; Shall the membership of the Adams County Board of Commissioners be increased from a three member board to a five member board?

- This question passed by a significant margin with 57.34% voting in yes and 42.66% voting no.

The second portion of the ballot question read; If the membership of the Adams County Board of Commissioners is increased from a three member board to a five member board, by what method shall the Adams County Board of Commissioners be elected? Voters were given three choices of governance breakdowns and had to choose one. These options were;

- Three commissioners resident in districts to be elected by the voters of the whole county and two commissioners to be elected by the voters of the whole county.
- Three commissioners resident in districts to be elected only by voters resident in the district and two commissioners to be elected by the voters of the whole county.
- Five commissioners resident in districts to be elected by the voters of the whole county.

Similarly the chosen governance system won by a large margin with option three, our current system earning 57.5% of the vote, the second option earning 28.19% and the final option earning 14.31%.

As these numbers show our voters choose decisively the governance system they wanted for their county. Adams County Government and its residents spent time and resources focusing on assuring our community was represented in the way that they saw best fit. We believe this bill would take away that power and local control from counties and by extension our voters. We urge a NO vote on this legislation and hope our state legislature will continue to support local control for counties in their elections.

Thank you for your time.



Commissioner Eva J.
Henry, District 1



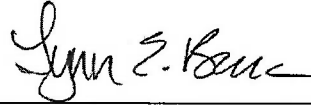
Commissioner Charles
"Chaz" Tedesco, District 2



Commissioner Emma Pinter,
District 3



Commissioner Steve O'Doriso,
District 4



Commissioner Lynn Baca,
District 5