



DC APPLESEED

Improving Voter Representation in DC's Elections





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Panelists

- **Vanessa Batters-Thompson:** Executive Director, DC Appleseed and Project Team Co-Chair
- **Peter Denton:** Partner, Steptoe and Board Member, DC Appleseed
- **David Grosso:** Partner, ArentFox Schiff and Project Team Co-Chair
- **Beth Halpern:** Partner, Hogan Lovells and Board Chair, DC Appleseed



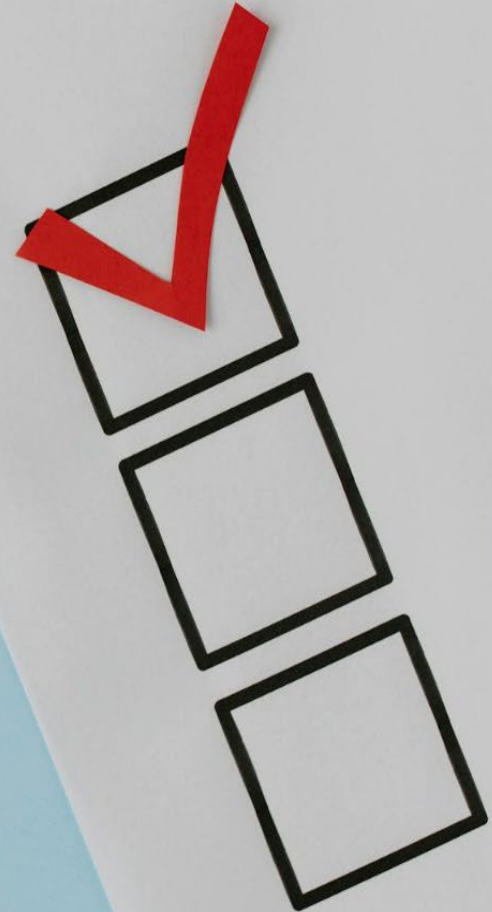


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Access the
Full Report Online By
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Below



Also available at:
<https://bit.ly/DCAVoterRepReport>



DC Appleseed Center for Law and Justice



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- For over 30 years, through litigation, teamwork, and advocacy, DC Appleseed has helped make the District of Columbia a better place to live and work.
- We are independent, non-partisan, and objective.
- Our projects emphasize three key values:
 - democratic participation
 - economic mobility; AND
 - racial equity.
- We are independent, non - partisan, and objective.
- We are part of the Appleseed network of 18 justice centers throughout the US and Mexico.
- As part of our mission, we mobilize volunteers from DC's professional community to tackle big issues. We rely on the generous support of attorneys, non-attorneys, firms, and other passionate individuals and organizations to help us drive systemic change.





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Step 1: Outreach

DCA conducted broad outreach:

- 26 local community groups
- 24 national advocates

Held four community events with groups that responded to outreach





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Step 2: Convening

Invited interested members of public to event held at UDC in September 2023

Heard from national electoral reform experts, as well as local advocate and opposition

Held a series of polls to choose which of the reforms presented merit further study and any additional reforms that DCA should study





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Step 3: Research

Recruited pro bono teams: eight law firms, three law schools, and one college represented on team

Assigned one reform to each team

Provided a list of 35 questions for each team to research regarding their reform

Weekly meetings to discuss findings and troubleshoot research issues



Members of the Project Team

Mohammad (Muji) Ali: Associate, HWG
Sara Anis Ali: Student, University of Georgia
Jon S. Bouker, Partner, ArentFox Schiff and Prior Board Chair, DC Appleseed
Katherine (Shelley) Broderick, Dean Emerita and Joseph L. Rauh, Jr. Chair of Social Justice
Courtney Brown: Partner, Gibson, Dunn & Crutcher
William T. Buffalo: Counsel, O'Melveny & Myers
Jessica Bushman: J.D. Candidate, Harvard Law School
Alex Carozza: Senior Associate, Hogan Lovells
Karina Chatha: Student, University of Georgia
Deborah Chollet: Vice-Chair, DC Appleseed Center for Law & Justice
Nicole Cruz: J.D. Candidate, University of the District of Columbia Law School
Abby Dugan: Associate Attorney, Gibson, Dunn & Crutcher
Francine Friedman: Senior Policy Counsel, Akin Gump
Stephanie Garcia: J.D. Candidate, University of the District of Columbia Law School
Elizabeth Halpern: Partner, Hogan Lovells and Board Chair, DC Appleseed
Julia Hartman: Student, University of Georgia
Felicia Hernandez, Volunteer
Gaby Joyce, Volunteer
Rahul Kohli: Counsel, O'Melveny & Myers
Shweta Krishnan: Student, University of Georgia
Daniel Lautzenheiser: Associate, O'Melveny & Myers
Caleb Lux: Student, University of Georgia
Gillian Mak: Associate, O'Melveny & Myers
Lorelie S. Masters: Partner, Hunton Andrews Kurth
Camillo Morales: Policy Advisor, Akin Gump
Alan B. Morrison, Associate Dean for Public Interest, George Washington University Law School
Sarah Phillips: Associate Attorney, Gibson, Dunn & Crutcher
Kareem Ramadan: Associate Attorney, Gibson, Dunn & Crutcher
Carly Reed: Associate, O'Melveny & Myers
Imani Roberson: Graduate, University of the District of Columbia Law School
William (Bill) R. Stein: Senior Counsel, Hughes Hubbard & Reed
Yusra Siddique: Associate, Barnes & Thornburg
Christopher (Chris) J. Wright: Partner, HWG

Project Co-Chairs

Vanessa Batters-Thompson:
Executive Director, DC Appleseed

David Grosso:
Partner, ArentFox Schiff



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Project Partners



**Hughes
Hubbard
& Reed**



GIBSON DUNN





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Step 3: Review

Each team's memo went through two or three stages of review and revision

Full document was then compiled, edited for style, and the team jointly drafted the executive summary and conclusion

Decided to organize the discussion of the reforms based on feasibility of adoption in DC





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ISSUES WITH DC'S ELECTIONS

Issue 1: Exclusive Primaries.

- DC is one of just 15 US jurisdictions with closed partisan primaries.
- Only 77% of DC residents can vote in Democratic primaries, but no winner of that contest has ever lost the general election.
- DC's Democratic primary routinely changes dates: In last several years, primaries held in April, June, and September.
- Turnout is very low: In 2020 (a presidential election year), 28% of registered voters participated in the Democratic primary, but 67% participated in the general election.





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ISSUES WITH DC'S ELECTIONS

Issue 1: Exclusive Primaries.

The Democratic primary determines the winner of the general election in the majority of races for the Council, as well as for Mayor and Attorney General. Independents, Republicans, and third-party voters have no voice in the closed Democratic primary, effectively disenfranchising anyone who does not register as a Democrat.





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ISSUES WITH DC'S ELECTIONS

Issue 2: Small Plurality Winners.

In the Democratic primary and some general election races, many candidates create a crowded field in which the winner often does not win a majority of votes.

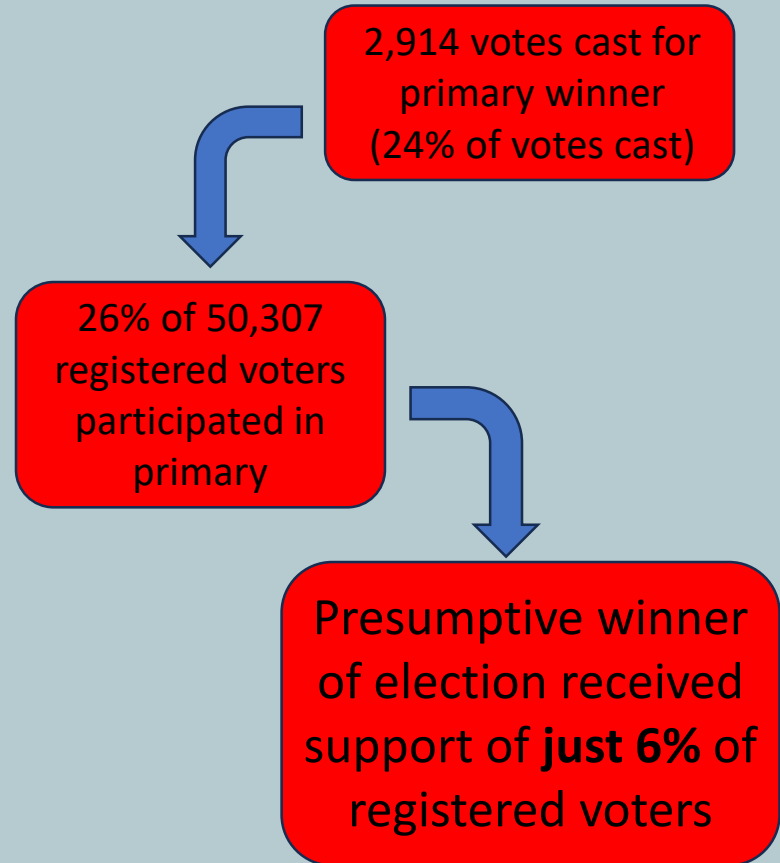




ISSUES WITH DC'S ELECTIONS

Issue 2: Small Plurality Winners.

- In the 2024 Democratic primary for the Ward 7 councilmember, **ten candidates** appeared on the ballot.
- The winner received **24% of all votes cast**, while the two closest runners-up each received 20%.
- Moreover, because only **26% of registered voters** cast a vote, the **winner of the primary received just 2,914 votes in a ward with 50,307 registered voters.**
- The winner of this primary is the presumptive winner of the general election with the support of **just 6%** of the registered voters in Ward 7.





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ISSUES WITH DC'S ELECTIONS

Issue 3: Restricted At-Large Seats.

The Home Rule Act requires that two of DC's five at-large member must be from the non-dominant party. Many (but not all) candidates running for at-large seats as independents previously registered as Democrats but change their affiliation to run for these offices.





ISSUES WITH DC'S ELECTIONS

Issue 3: Restricted At-Large Seats.

- Since 2004, only independents have held these seats.
- Many candidates use this to skip competitive Democratic primary.
- In the 2022 election cycle, Councilmember Kenyon McDuffie, who had served as a Democratic Councilmember for Ward 5 from 2012 until 2022, ran for Attorney General as a member of the Democratic Party.
 - When an opposing candidate successfully challenged Councilmember McDuffie's qualifications for the role, Councilmember McDuffie was disqualified from the race before the primary.
 - Councilmember McDuffie then left the Democratic party, ran as an Independent for the at-large seat earmarked for a non-Democrat, and won.



ELECTORAL REFORMS THAT CAN BE ADOPTED THROUGH REGULAR LEGISLATIVE PROCESS

- Hybrid/Semi-Open Primaries
- Ranked Choice Voting
- Approval Voting
- Create a primary system for independent candidates

These reforms may be adopted through DC's regular legislative process. No changes to DC Charter required.



ELECTORAL REFORMS THAT WOULD REQUIRE CHANGES TO THE DC CHARTER

- Change the Composition of the DC Council or Eliminate Party Restrictions
- A Top Candidate Primary System
- Adopt a Proportional Representation System

Amending DC's charter requires additional steps:

- The Council would first need to introduce and pass legislation authorizing a citywide referendum.
- DC's voters would then vote on it in the next scheduled election.
- If a majority of DC voters supported the referendum, the ratified charter amendment would be submitted to Congress for passive review.
- Congress would have 35 legislative days to pass a joint resolution disapproving the proposed charter amendment or, if Congress failed to do so, the proposed amendment would go into effect.



OTHER ELECTORAL REFORMS LACKING SUFFICIENT DATA FOR FULL CONSIDERATION

- Range Voting
 - Star Voting
 - Fusion Voting
-
- Each of these reforms was recommended during the September 2023 convening.
 - While there is limited current research or analysis on these reforms, they were included to ensure DCA's report was comprehensive.



CONCLUSIONS

Based on almost two years of study, DC Appleseed concludes that DC's election laws need to be modernized, as the current system is not fully serving the needs of its citizens in three separate areas.

While several reforms in this report could enhance DC's elections, DC Appleseed recommends implementing a combination of reforms to comprehensively address all three issues.



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CONCLUSIONS

If adopted, any of the potential reforms below would be expected to improve DC's elections:

- Adopting ranked-choice-voting or approval voting would help reduce the number of candidates winning their election by small pluralities.
- Adopting semi-open or top candidates primaries would increase the percentage of DC voters eligible to participate in the most consequential contests.
- Eliminating the requirement that two of DC's five at-large members must be from the non-dominant party would remove an unreasonable constraint on voters' ability to choose their representatives.



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CONCLUSIONS

Given the multiple possible pathways to improving DC's elections and ensuring better representation of DC voters' diverse viewpoints, we urge the DC Council to convene hearings to determine the best path forward.

Public hearings are necessary, regardless of whether Initiative 83 passes, because its implementation will require appropriated funds and may require implementing legislation.





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QUESTIONS?

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**Thank you to our friends at Steptoe for
hosting today's event!**

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