

# Instant Runoff Voting Could be in City's Future

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The Daily News

It seems to be a popular topic among local elected officials these days – the thought that special elections and runoffs that are the only item on a ballot should be avoided whenever possible because of the single digit percentage turnouts they often draw.

The Memphis Charter Commission last week approved a proposed charter amendment that would put the idea of instant runoff voting to Memphis voters on the Nov. 4 ballot. The exact terms of the proposal, pushed by Shelby County Commissioner Steve Mulroy, still are being crafted.

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**RUNOFFS NO MORE:** Shelby County Board of Commissioners member Steve Mulroy said runoff elections produce low turnouts and high costs.

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## Charter Commission

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Mulroy, a University of Memphis law professor and former voting rights litigator for the U.S. Department of Justice, is advocating for a system of voting in which citizens would not vote for one person, but would rank as many or as few candidates in a race as they choose. If no candidate gets a majority, the No. 2 choices of those who voted for the candidates eliminated automatically would be distributed among the top two contenders.

Mulroy cited low turnout in runoff elections that are now held a month or two after a regularly scheduled election.

"Turnout plummets. ... The candidates don't like it and it costs \$250,000 a pop," Mulroy said. "With instant runoff voting, you get the same benefits of a runoff election. But you have higher turnout and you save a quarter of a million dollars. ... It's a no-brainer."

### Whose problem?

Mulroy has argued that the instant runoff is better than the runoff provision that now applies only to district city council and city school board races. Runoffs in citywide contests were outlawed by a 1991 federal court ruling. There is no runoff provision in county elections and Mulroy said his instant runoff proposal couldn't apply in partisan elections anyway.

Mulroy proposed a charter amendment that would make a switch to the instant runoff system contingent on City Council approval. But that was withdrawn after Charter Commissioner George Brown said the idea shouldn't be that complicated for voters.

"The charter is a document like the Constitution. As much as possible it ought to be fitted into black and white – bright lines," said the retired jurist. "Why not ask us to either put it before voters and let it either be that way or not be that way?"

"I'm told there are these technical issues," Mulroy replied.

"That's not our problem. That's another branch of government's problem," Brown said. "We don't sit up here and determine these things. It's up to them to determine how to do it. If they cannot do it, they have redress to the courts. ... It ought to be a bright line position rather than one that allows a legislative body not to implement it."

Mulroy said the touch screen voting machines used on election day in Shelby County for the last two years can't be adapted to instant runoff voting. But he said legislation in the Tennessee General Assembly will mean a switch to optical scanner-type voting machines that read paper ballots.

Shelby County Election Commission chairman Myra Stiles told The Daily News the change has a lot of political hurdles to clear. The legislation, she said, requires either optical scan paper ballots or a voter-verified paper audit trail.

"As I understand it it's not for this election. It would be for 2010. And I also

understand that it's probably contingent on federal money coming down for the purchase of new machines," she said noting that the Diebold touch screen machines can be adapted for a voter-accessible paper trail.

But there have been complaints about paper jams and similar mechanical problems.

"Vendors of voting machines aren't doing much right now to improve their product," Stiles said. "They don't know which way to go. I've always been in favor of a verified voting paper trail. But they are sort of primitive now. We were hoping they would become a little bit more sophisticated."

She agreed with Mulroy that low runoff turnout is a long-standing problem.

"I'm always in favor of something that would keep us from having these very low turnout, very expensive runoff elections. It's a good idea," Stiles said.

### Making it parallel

Meanwhile, the Shelby County Board of Commissioners' debate over term limits for elected officials has spilled over to the Memphis Charter Commission.

At its May 29 meeting, the Memphis group will reconsider its decision to put a two-term limit for the city mayor and city council to Memphis voters on the Nov. 4 ballot. Charter Commission chairman Myron Lowery said last week the move is to consider a three-term limit to "parallel" the proposed amendment to the Shelby County charter.

The county charter amendments to go on the Aug. 7 ballot tentatively include a three-term limit on the County Commission, county mayor and five other countywide offices – sheriff, register, assessor, trustee and clerk. If voters reject the proposal, they then would vote Nov. 4 on a two-term limit for the five other countywide offices to match the two-term limit that now applies to commissioners and the mayor. And if that also fails, the two-term limit still would apply to commissioners and the mayor.

The Memphis charter group is expected to put all of its charter proposals to voters on the November ballot.

"I think if citizens vote for a three-term limit in August for county election officials, I think we ought to have a three-term limit for the city," Lowery said last week. "I think that many of our items should be parallel."

The group also will reconsider its earlier decision to propose requiring City Council approval of contracts over a certain dollar amount. Charter Commissioner George Brown, who was absent when the item was approved, wants to revisit it.

"That whole motion really changes the architecture of the strong mayor-council form of government," Brown said.

The charter commission also rejected a call by City Court Judge Tarik Sugarmon to give the City Council the power to establish two part-time City Court judge positions to augment the three full-time City Court judges.

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