

To: Juan Garza, General Manager  
From: Pete Slover, Governance Officer  
Re: Preparation for possibility of single-member districts  
Date: December 23, 2009

PEC Staff is working diligently to ensure that any changes to elections adopted by the Board during the Bylaw revision process, including single-member district elections, can be implemented for the 2010 election cycle.

To do so, staff needs direction on a number of issues that, if left unresolved, could pose difficulties meeting our deadlines. Specifically, the following items related to a possible single-member district plan need to be considered by the Board and, where relevant, instruction given to the staff as soon as possible. (This memo does not attempt to address a host of legal and policy considerations that do not call for staff preparation, for example, “how would a Director elected from single-member district reconcile their duty to that district with their legal and fiduciary duty to the cooperative at large?”)

1. **What is the timetable for the switch?** Staff is assuming that the Board may opt to switch to single-member districts as soon as the 2010 election.
2. **How would Director nominations be handled?** Currently Directors must reside in the district where they are running for election. They are nominated by gathering signatures from 50 members from anywhere in the service territory. Some cooperatives require nominating signatures to come from the Director’s home district (nomination by district). This method can be used in combination with single-member district elections. But, many coops mandate nomination by district, then election at-large (by all coop members). This is seen as a way to make sure that candidate’s have a substantial connection with their home districts (especially if a large number of signatures are required), without facing the redistricting issues and other concerns inherent in a pure-single-member district system. Staff has made no assumption about the way that nominations will be handled. But, if a nomination by district is employed, staff will need to redesign nomination forms and modify the signature verification procedures to include verification of in-district membership of petition signers.
3. **What location should be used to determine a member’s voting district?** Staff recommends that the current methodology be retained, tying the membership to the first meter still in service for each member, and determining voting district based on the GPS coordinates of that meter. (As part of the conversion from one-meter, one-vote to one-member, one-vote, generally each membership was associated with the first meter put in service by the member that was still in that member’s name. Each subsequent, duplicate membership associated with other meters was cancelled and the membership fees refunded.)

4. **Should members with meters in multiple districts be allowed to switch their membership location and voting district to a meter other than the default oldest location? If so, should any restrictions be placed on that ability?** Staff analysis shows that Cooperative-wide, there are roughly 600 members (.3 percent of the membership) who would have meters in multiple districts and would be eligible to switch. We recommend that we notify those members of that opportunity, and allow them to switch their memberships to the meter and district of their choosing. Given the relatively small number of members so situated, we recommend that those changes be allowed without restriction, since it would be burdensome and costly to police any such limitation. Although members could, theoretically, move their election district to allow them to vote more often than other voters, Coop counsel has determined that the potential effect of such a practice on democratic member control and member voting strength is so minimal as to be legally insignificant.
5. **What voting district should be used for members who have signed up for but have not yet taken service (and therefore have no meter location associated with their membership)?** Staff recommends that the location of those accounts, at any time numbering about 400, be researched and voting districts filled in by hand. That effort is underway.
6. **Should election districts be reconfigured (redistricted) to better balance the number of members in each district, for the 2010 election or beyond?** In early 2009, the cooperative redistricted based on the number of meters in each voting district (the only basis on which redistricting could be performed, since the one-member, one-vote consolidation had not been approved or completed at that time). As of Nov. 30, 2009, the number of active meters within those districts ranges from 30,409 (District 4) to 36,294 (District 2) or from 13.15 percent to 15.70 percent of active meters. But, when analyzed using member-per-district (rather than meter-per-district) figures, the spread between the smallest and largest districts is wider, ranging from 21,406 members (District 5, where the each member has an average of 1.42 active meters) to 31,762 members (District 2, where the each member has an average of 1.11 active meters), or from 11.08 to 16.44 percent of cooperative members.

This disparity in district size does not necessarily mandate an immediate redistricting, but if the Board ops for single-member districts, it should provide a mechanism for either periodic redistricting, or redistricting when the variance between district sizes exceeds some designated level. And, the Board should be aware that redistricting can be contentious and present a significant demand on time of Directors and staff.

The policy justification for redistricting is the same for cooperatives and public entities: maintaining equal voting strength for each voter. But, unlike governmental agencies, cooperatives are not subject to the federal Voting Rights Act or otherwise legally bound to maintain strict numerical equality between

districts. Rather, legal research affirms that that the requirement for cooperatives is that districts must be drawn to “equitably represent” members’ interests. That can include a numerical disparity between districts, as long as the disparity is consistent with “equitable representation”. But, at some point (not defined by law) a numerical disparity may be so great as to be inequitable in itself.

These voting strength concerns are more pointed in a single-member election system than in an at-large-system. Voting strength is quantified as a fraction representing the “share” of an elected official that a voter has. The number of votes a voter has is divided by the total number of possible votes within an election district (for instance, a person with one vote in a district of 10,000 voters can be said to have a 1/10,000 share in the office being elected.)

As the attached spreadsheet demonstrates, in an at-large-system, the voting strength for all members is equal, regardless of the distribution of members among districts. In a single-member district system, the table shows, voters in districts with fewer members enjoy greater voting strength in inverse proportion to their district size (a voter in a district with half the population of another district has twice as much voting strength).

There is little legal guidance as to the frequency required for redistricting, but factors to be considered may include: the changing population and numerical balance between districts; geographical and topographical boundaries; highway lines; demographic homogeneity or disparities among and between members (e.g. rural/urban) .

7. **What is the best way to publicize and prepare members for a changed voting system, under which members may vote no more often than every three years (and in some cases as rarely as every six years)?** In the typical years, each member will be eligible to vote in a Director election once every three years, rather than annually, if a pure single-member district system is adopted, with no at-large Board members and three-year terms for Directors. Besides presenting potential problems generating a quorum for elections, this circumstance may result in perception of disenfranchisement that will need to be addressed through a broad-based member education effort. Similarly, members will need to be prepared for up to a six-year gap in voting that could result from a redistricting remap, if a member is mapped out of a district that is just about to vote, into a district that has just voted.
8. **How should ballots be printed?** Staff assumes that a single-member district system would include different ballots being printed for members in different districts. We are addressing the logistical requirements of such activity with Election Services Corporation, our vendor.

9. **How would the transition to single-member districts be handled?** Research reveals no instances of an electric cooperative changing from an at-large to a single-member election system. But, there is extensive history and precedent for municipal and county governments that have made the switch. In many instances, entities that make the change reformulate their governing bodies from scratch, with all seats declared vacant and straws drawn to determine staggered term lengths for newly elected office holders (this meets the goal of having all election districts' representatives elected by the same method, with all voters having equal voting strength). Also, some entities incorporate a number of at-large seats to preserve element of at-large representation, and to make sure that every member can vote in every election. An amendment to PEC's Articles of Incorporation, approved by members, would be required for either of those changes, and that could not be achieved before the 2010 elections. So, staff is assuming that the transition to single-member districts would involve fill the two Director seats that are up for election in 2010. The Directors elected from those single-member districts would serve alongside Directors elected at-large until an amendment could be made to the Articles, or until complete transition of the Board to single-member districts occurs over three years.

**VOTING STRENGTH OF EACH MEMBER IN AT LARGE SYSTEM (VOTING STRENGTH IS THE SAME FOR ALL DISTRICTS, REGARDLESS OF DISTRIBUTION OF MEMBERS AMONG DISTRICTS)**

Election District	Number of Voters in District	District 1 voter strength (number of vote for voter)/(total number of votes cast)	District 2 voter strength (number of vote for voter)/(total number of votes cast)	District 3 voter strength (number of vote for voter)/(total number of votes cast)	District 4 voter strength (number of vote for voter)/(total number of votes cast)	District 5 voter strength (number of vote for voter)/(total number of votes cast)	District 6 voter strength (number of vote for voter)/(total number of votes cast)	District 7 voter strength (number of vote for voter)/(total number of votes cast)
		28,406 voters	31,762 voters	31,650 voters	25,854 voters	21,406 voters	25,138 voters	28,923 voters
1	28,406	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159
2	31,762	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159
3	31,650	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159
4	25,854	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159
5	21,406	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159
6	25,158	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159
7	28,923	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159	1/193,159
Total voting strength = (number of vote for voter)/(total number of votes cast)		7/193,159= 1/27,594	7/193,159= 1/27,594	7/193,159= 1/27,594	7/193,159= 1/27,594	7/193,159= 1/27,594	7/193,159= 1/27,594	7/193,159= 1/27,594

**VOTING STRENGTH OF EACH MEMBER IN SINGLE-MEMBER DISTRICT SYSTEM (VOTING STRENGTH VARIES DEPENDING ON DISTRIBUTION OF MEMBERS AMONG DISTRICTS)**

1	28,406	1/28,406						
2	31,762		1/31,762					
3	31,650			1/31,650				
4	25,854				1/25,854			
5	21,406					1/21,406		
6	25,158						1/25,138	
7	28,923							1/28,923
Total voting strength = (number of vote for voter)/(total number of votes cast)		1/28,406	1/31,762	1/31,650	1/25,854	1/21,406	1/25,138	1/28,923