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Instant run-off voting experiment ends in Burlington

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MONTPELIER — Vermont's largest city saw its brief experiment with instant runoff voting end Monday with a stroke of Gov. James Douglas' pen, a move that supporters of the alternative election system concede is a setback for the movement.

Burlington residents rejected the use of IRV to elect their mayor in a vote earlier this year by a 52-48 percent margin. Responding to the vote, the Legislature approved the new charter changes and Gov. Douglas signed the revised voting procedure into law on Monday, removing the use of the runoff election system.

The city — the largest in Vermont — used IRV for two election cycles.

"There is no doubt that this is a setback," said Paul Burns, the executive director of the Vermont Public Interest Research Group, which has lobbied to use IRV on all statewide elected offices. "It doesn't mean that IRV still can't happen statewide ... and I don't think this is the last word on IRV for Burlington."

Championed by Vermont Progressives and liberal Democrats, the IRV asks voters to rank candidates by their preference. If a single candidate doesn't get a majority - 50 percent of the votes plus one - the lower choices of voters are used when their top candidate is at the bottom of the pack.

Several major U.S. cities such as San Francisco and Minneapolis use the system for local elections and IRV, under different names, is also used in Australia, Ireland and Fiji. The runoff system is often praised because it removes the fear that a third-party candidate could "spoil" the election by drawing support away from the most-popular candidate.

But Burlington, after electing Progressive Mayor Bob Kiss in the 2007 and 2009 elections, voted to dump the system at town meeting this year. That repeal effort was led by Rep. Kurt Wright, R-Burlington, who lost the mayoral race to Kiss last year.

"IRV confused a lot of people," said Steve Larrabee, the chairman of the Vermont Republican Party. "I think people are used to the idea of voting a candidate up or down and that the person with the most votes wins."

The Vermont Republican Party opposes IRV, Larrabee said, believing that the "traditional system" of one person, one vote has worked well. But he said he didn't believe the battle over IRV was over in Vermont, noting that there are rumblings of a possible comeback in future years in Burlington.

"Burlington has spoken and they don't like the system," he said.

Vermont lawmakers passed a bill, S.108, two years ago that would have used IRV for the

state's U.S. congressional races. Although the bill passed both the House and the Senate, it was vetoed by Douglas, who once served as Vermont Secretary of State.

"Moreover, voters should not be asked to cast their ballots based on a wide range of hypothetical, theoretical or imaginary outcomes," Douglas wrote in his veto message. "Elections have always been, and ought to remain, contests among individual candidates and their ideas."

Since then, the IRV movement has seemingly died down in Vermont. Several supporters at the Statehouse said they weren't even sure if there was an IRV bill introduced in this session (two bills were introduced last year, one to use IRV for the gubernatorial election and another to use it for the Congressional races. Neither bill came up for a committee hearing).

"I don't blame the state Legislature for taking a wait-and-see approach," said Burns.

Rep. David Zuckerman, P-Burlington, is a long-time supporter of IRV. He saw this year's town meeting vote to reject the system in his city as a referendum on the Kiss administration, which is at the center of several political controversies.

"We need to do a better job of sharing how IRV works," Zuckerman said. "The opposition had a great marketing slogan."

One of the reasons IRV may have failed in Burlington is because of "partisan politics," said Rob Richie, the executive director of FairVote, a Maryland-based non-profit group supporting IRV. If the system had been used by the city to also elect its City Council, Richie said, politicians from all three major Vermont political parties would have been elected with IRV.

Burlington is only the second U.S. city to use IRV and then reject it several years later, he added.

"This doesn't help the effort in Vermont in the short-term," Richie said. "But the national trend is toward using IRV. This year, three new cities will use it."

If the IRV movement gained new steam in Vermont, it would also need to confront the legal decision as to whether or not implementing such a system would require a change in the Vermont Constitution. Gov. Douglas cited the state's Constitution as one of the reasons for vetoing the IRV several years ago.

Opponents, along with Vermont Attorney General William Sorrell, say it would, setting up a long and complex legislative battle, but supporters believe IRV can be used for top statewide races without the change.

"It's a hurdle that would need to be overcome," Burns said.