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Mon, Sep 26, 2022 at 5:01 PM



Sorry (but not sorry), Ward 3 voters
[thenevadaindependent.com](https://www.thenevadaindependent.com)

In the materials for Thursday's special meeting and distribute to all Councilmembers.

Devon Reese

Sent from my iPhone

Sorry (but not sorry), Ward 3 voters



David Colborne September 25th, 2022 at 2:00 AM

Opinion

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Reno City Hall (David Calvert/The Nevada Independent)

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AD AURIS

When Reno City Council Member Neoma Jardon resigned [last month](#), I wanted to write about the best way to replace resigned municipal council members but ultimately thought better of it — this is The *Nevada* Independent, after all, not the *Reno* Independent. Luckily for me, Council Member Oscar Delgado, who resigned [last Friday](#), gave me another chance.

This time I'm taking it.

The reason I'm taking this opportunity is because one council member in particular, Jenny Brekhus, first took the time to write [a newsletter](#) explaining why she felt the Reno City Council should have let the voters choose a new council member to replace Jardon instead of appointing a replacement — and why she wouldn't participate in the appointment process. She also, for kicks, wrote a name on a sheet of paper and put it in her desk drawer to predict who would receive the final appointment to replace Jardon.

Unfortunately, Brekhus never did reveal whose name she wrote down.

As annoying as her refusal to participate might have been to some of her colleagues (Reno Vice Mayor Devon Reese [claimed](#) it was a violation of her oath of office), I'm not here to argue against that. I understand acting on principle, even if those actions seem counterproductive at the time — she believed Ward 5's voters should have had a chance to select their own replacement council member, and she didn't want to be part of a process which violated that principle.

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I respect her having the courage of her convictions. It's just a shame her convictions are wrong.

She is correct that, in a frictionless vacuum full of [spherical cows](#) — a simplified, ideal universe, in other words — it would be best for the voters of vacated council seats to select replacement council members. If voter participation in municipal elections was roughly constant regardless of when they were held or the circumstances which triggered them, her principles would be sound. All else being equal, voters should have a direct say in who represents them. Letting council members from other wards select their representative, thus denying them their voice — especially since Reno switched to ward-only voting [in 2017](#) after a couple of [false starts](#) — would, then, be an outrage.

The problem, unfortunately, is we don't live in a simplified, ideal universe where municipal and special election turnout is roughly constant.

When municipal elections are held concurrently with other elections during even-numbered years — when elections for city council occur during the same years as elections for president, governor, and other better-known elected offices — turnout for elected municipal officials is quite high. For example, the election selecting Bonnie Weber, who currently represents Ward 4, had [nearly 61 percent turnout](#), meaning nearly 61 percent of all eligible voters in her ward showed up to vote for or against her in her election. Weber's election, for the record, was the lowest turnout experienced by all elected members of

Reno's city council — more than 81 percent of Reno's voters, by comparison, voted in the [municipal election](#) which ultimately selected Devon Reese as the at-large council member.

When municipal elections are held by themselves in odd years, on the other hand, voter participation plummets dramatically — and we have the data in Nevada to prove it. Until [Assembly Bill 50](#) was passed in 2019, which [eliminated odd-year municipal elections](#), three of Nevada's largest cities — Las Vegas, Henderson, and North Las Vegas — elected their city council members during odd-year elections. Voter turnout in those elections was, in a word, abysmal. Several city council elections drew less than 10 percent turnout, including city council elections in Henderson and North Las Vegas in 2013, as well as city council elections in Las Vegas and Henderson in 2017.

When turnout is that low, municipal candidates can get away with pandering to only one or two special interest groups who stand to gain directly from the candidate's election while they simultaneously ignore the rest of their constituents. The results aren't anything remotely resembling democracy in any fashion either Brekhus or myself would recognize.

For example, fewer than 4,000 voters chose Michele Fiore — a [cancer-denying tax](#) and [campaign finance](#) cheat who [started a business](#) with a lobbyist convicted of wire fraud, [funneled](#) political contributions to her daughter, [assaulted](#) a fellow council member, has [no clue](#) what state treasurers do (which would be less of a problem if she wasn't currently running to be one) and, as an aside, is also a [terrible actress](#) — to be their city council member in Las Vegas in a ward that represents [over 121,000 constituents](#).

Four thousand voters choosing who represents more than 121,000 constituents isn't democracy.

In fairness, not every municipality had terrible odd-year municipal election turnout. Turnout in odd-year elections in smaller cities, like Boulder City, was historically much higher. In Boulder City's last odd-year municipal election in 2019, for example, nearly half of Boulder City's voters showed up. That sounds downright democratic — until you compare it to Clark County's voter turnout in 2018 (nearly 60 percent) and 2020 (nearly 74 percent).

The best case, then, for an off-year municipal election would be a 10 to 20 percent drop in overall voter turnout, which, though less than ideal and likely to privilege [wealthy voters in single-family neighborhoods](#), would at least be a close enough simulacrum to representative democracy to let it slide until the next scheduled even-year election. That, however, would require voters in Reno, who haven't had to vote in an odd-year municipal election [since 1993](#), to participate in an odd-year election for a single ward seat with the same enthusiasm voters in Mesquite and Boulder City — two much smaller communities — historically had for their regularly scheduled municipal elections.

A much more likely outcome, especially for a special election for a single council seat in a community unaccustomed to casting votes in odd-numbered years, would be the same demonstrated enthusiasm for municipal elections voters historically demonstrated in other, similarly sized communities in Nevada, like North Las Vegas, Las Vegas, and Henderson — meaning single-digit percentage turnout with everything that entails

with everything that entails.

Since Reno can't compel a reasonable population of its voters to turn out for an inconveniently timed election, we need to look at the alternatives. Luckily, there's an obvious one which has been exercised once already — let the elected council members, most of whom were selected in elections participated

in by supermajorities of their ward voters (Weber's election was the only one to draw less than 70 percent turnout in 2018 or 2020), appoint a replacement to fill the rest of the term.

This approach has two advantages.

First, this approach strips away the fig leaf of democratic incumbency from a short-term council member voters won't immediately know well. An appointed council member has to run against being an appointed council member, with the stigma of backroom lobbying attached to that, while an "elected" council member who was selected by a laughably small minority of voters in an odd-year election can claim to be seeking "reelection." Appointing council members, then, maximizes the chance that either a qualified candidate will accept appointment, certain in their ability to outreach to their community between appointment and the next regularly scheduled election, or will begin campaigning and building support for a regularly scheduled election in 2024 to unseat the appointee.

Next, this approach prioritizes the spirit of representative democracy instead of the letter of it. A majority of Reno residents exercised the chance to select their current city council members, including their current at-large council member, Devon Reese. The same cannot be guaranteed for a poorly publicized snap election in an odd year featuring candidates who have no incentive to attract more than 5 percent of a specific ward's population — if that could be guaranteed, neither Reno nor the state as a whole would have abandoned odd-year municipal elections in the first place.

Given that, it's fairer for the representatives elected by the largest selection of Reno's voters to fill vacancies than it would be to leave the matter in the hands of a few thousand special interest voters in an election only they are kept abreast of or otherwise have any direct interest in.

There is one catch Brekhus and I would both probably agree with, however. Kathleen Taylor — the replacement for Jardon — wasn't elected by anyone outside of City Hall. Consequently, she should recuse herself from the appointment proceedings for Delgado's replacement.

If Taylor does recuse herself, I strongly suspect she won't be alone. Perhaps she and Brekhus will have some spare time to get to know each other a little better while the rest of their colleagues decide among each other who will represent Ward 3.

David Colborne ran for office twice and served on the executive committees for his state and county Libertarian Party chapters. He is now an IT manager, a registered nonpartisan voter, the father of two sons, and a weekly opinion columnist for The Nevada Independent. You can follow him on Twitter [@DavidColborne](https://twitter.com/DavidColborne) or email him at david@colbornemmx.com.