



**AGENDA SUMMARY
EUREKA CITY COUNCIL**

TITLE: Ranked Choice Voting

DEPARTMENT: City Attorney

PREPARED BY: Robert Black

PRESENTED FOR: Action Information only Discussion

RECOMMENDATION

Receive Report; and
Discuss and provide direction to staff regarding a recommended approach for submitting a Charter Amendment to the voters of Eureka implementing Ranked Choice Voting.

FISCAL IMPACT

No Fiscal Impact Included in Budget Additional Appropriation

COUNCIL GOALS/STRATEGIC VISION

DISCUSSION

I. BACKGROUND

Council has expressed an interest in exploring the possibility of implementing Ranked-Choice Voting (RCV) as a means of conducting elections for the City of Eureka. At present, only Charter cities in California have the legal authority to implement RCVⁱ.

In Eureka, the implementation of RCV would have to be authorized by a Charter provision. Today, that Charter authorization does not exist. A Charter amendment will be necessary if the Council and ultimately the voters want to enact RCV.

The purpose of this agenda item is to present you with draft language of a charter provision authorizing RCV to be implemented by a later ordinance that you would adopt. In order to provide a more complete picture of what RCV would mean for the City, I am attaching a *draft* ordinance for discussion purposes. The discussion draft Charter amendment, along with the draft ordinance, are presented for public input, Council discussion, and direction to staff.

I. HOW DOES RANKED CHOICE VOTING WORK?

RCV is an alternative to the standard of conducting municipal elections in California: either (a) a primary election followed by a separate run-off election with a 50%+1 winner; or (b) a single election with the highest (not necessarily majority) vote-getter being elected. The second is Eureka's current method.

RCV is a method of conducting an election that allows voters to rank candidates in order of preference when marking their ballots. If a voter gives more than one candidate the same ranking, that vote cannot be counted. Only one candidate can represent each of the voter's first, second, or third, etc., choices.

RCV is an attempt to allow a majority winner to be determined in just one election. It is a substitute both for a separate runoff election and for a method in which a contest with more than two competitors can be won with a simple plurality.

Functionally, when electing a single candidate using RCV – as in a race for mayor or ward representative with more than two candidates – all first choices are initially tallied. If any candidate receives a majority of the first choices, that candidate is elected. If no candidate receives a majority, the “instant run-off” process is triggered. The candidate receiving the fewest first choices is eliminated, and the voters for that eliminated candidate now have their second choices counted. The ballots are again tallied and the process continues until one candidate wins a majority. This explains why RCV is sometimes referred to as an instant run-off.

II. HOW HAVE CALIFORNIA CITIES APPROACHED THE ADOPTION OF RCV?

As of this writing, the cities of Oakland, San Francisco, San Leandro, and Berkeley have adopted RCV for their municipal elections. San Francisco adopted RCV in 2002, Oakland in 2006, Berkeley and San Leandro in 2010.

Each city is different in the structure by which they implemented RCV. But they roughly fall into two categories. San Francisco and Oakland made extensive amendments to their charters, incorporating language specifically describing how RCV would be implemented. Berkeley and San Leandro opted to describe the RCV process by ordinance, leaving the details out of their charters. However, the ordinances they adopted were pursuant to specific authorizing language in their charters.

III. A CHARTER AMENDMENT THAT EMPOWERS THE CITY COUNCIL TO PROVIDE FOR THE METHODS OF CONDUCTING MUNICIPAL ELECTIONS.

The City of San Leandro enacted its section 610 of its City Charter to broadly empower the San Leandro City Council to control municipal elections. That provision reads in full:

“The Council by ordinance may provide for the method of conducting municipal elections. Any matter not provided by ordinance or by this charter shall be governed by the provisions of the general laws.”

The City of Berkeley adopted a “middle ground approach” in which the Charter amendment itself provided for RCV “...upon a determination by the Council of all the following that: a) the voting equipment and procedures are technically ready to handle instant run-off in municipal elections; b) instant runoff voting will not preclude the City from consolidating its municipal elections with the County; and c) instant runoff elections will not result in any additional City election costs the Council may by ordinance establish a system of instant runoff voting for the officers of Mayor, City Council, and Auditor in any manner permitted by the State of California Elections Code.”

The Berkeley Charter Provision goes on to provide that once the Council institutes instant runoff voting, it cannot repeal the use of that method unless it finds that one or more of a, b, or c, above, is no longer valid.

In contrast, San Francisco and Oakland, the earliest RCV adopters, embedded the RCV process directly into their Charters. I do not recommend this approach because it deprives the governing body of all flexibility to amend or adapt the process based on future law or technological changes.

V. RESOURCES.

RCV is advocated by an organization call Fair Vote. The information they provide is national in scope and can link the user to numerous cities across the country that have installed RCV as their voting method, including the four California cities. The implementing language of Charter provisions and ordinances are also linked.

www.fairvote.org

Arguments against RVC can be found at various sources, such as:

<https://qz.com/1676718/the-pros-and-cons-of-ranked-choice-voting/>

<https://www.heritage.org/election-integrity/report/ranked-choice-voting-bad-choice>

¹ Senate Bill 212, permitting general law cities to adopt Ranked-Choice Voting, passed both houses of the Legislature, but was vetoed by the Governor in 2019. His veto message was to the effect

that some Charter cities in California were implementing RCV, and he would like to see how those systems worked out.



OFFICE OF THE GOVERNOR

OCT 13 2019

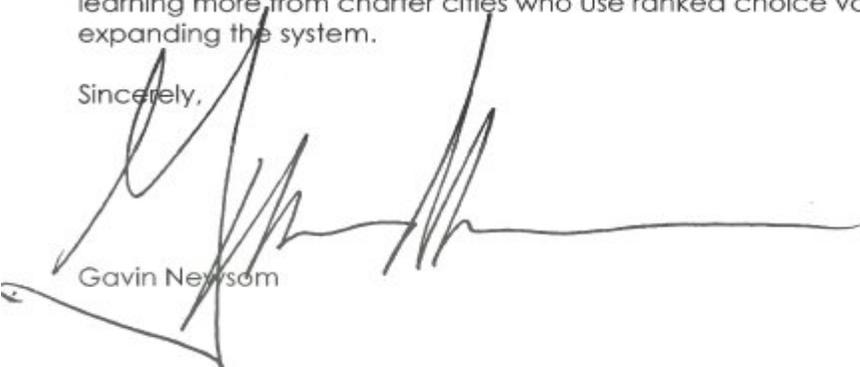
To the Members of the California State Senate:

I am returning Senate Bill 212 without my signature.

This bill authorizes general law cities, counties, and school districts to conduct a local election using ranked choice voting.

Ranked choice is an experiment that has been tried in several charter cities in California. Where it has been implemented, I am concerned that it has often led to voter confusion, and that the promise that ranked choice voting leads to greater democracy is not necessarily fulfilled. The state would benefit from learning more from charter cities who use ranked choice voting before broadly expanding the system.

Sincerely,



Gavin Newsom