

CITY OF OAKLAND



CITY HALL • ONE FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Clerk
City Clerk and Clerk of the Council

(510) 238-3611
FAX (510) 238-6699
TDD: (510) 839-6451

July 18, 2006

Council President De La Fuente &
Members of the City Council
1 Frank Ogawa Plaza
Oakland, CA 94612

President De La Fuente & Members of the City Council:

The attached information is provided in response to questions raised by the Rules and Legislation Committee at its meeting on July 13, 2006.

Attachment A – Estimated Stand-Alone Election Cost

Attachment B – Adopted Instant Run-off Language for the following cities:

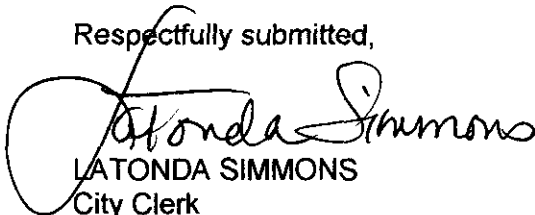
Burlington, VT
Berkeley, CA
Cambridge, MA
San Francisco, CA
San Leandro, CA

Attachment C – Proposed Ballot Measures for the November 7, 2006 Election for the following cities:

Davis, CA
Minneapolis, MN
Takoma Park, MD

The Committee also requested a cost estimate to conduct a survey to discover reasons for low voter participation. Due to time constraints that information was not available for this report.

Respectfully submitted,

A handwritten signature in black ink that reads "Latonda Simmons". The signature is written in a cursive, flowing style.
LATONDA SIMMONS
City Clerk

Prepared by: Marjo R. Keller
Assistant City Clerk

**City of Oakland
Office of the City Clerk
Estimated Stand-Alone Election Cost**

The Registration for the City of Oakland as of: April 7, 2006 – **187,669**

Estimated Election Costs:

Polling Places: The current rental payment for polling places is \$35.00 per location, for the June 2006 election there were a total of 275 polling places

\$ 9,625.00

Poll Workers: The salary for poll workers is between \$95 and \$150 for the day and each location usually is staffed by 1 clerk and 1 Judge at \$95 each and 1 Inspector at \$150; therefore the total per location would be \$340.00

\$ 93,500.00

*Additional cost would include:

Translation of Ballot Material

Spanish

\$ 3,000.00

Chinese

\$ 2,000.00

Pre-Election Publications

\$ 1,000.00

Sample Ballot Printing (English/Spanish/Chinese)

\$ 10,000.00

Voting Equipment Rental

\$ 25,575.00

Additional staff would be required to assist with the following tasks: **\$150,000.00**

poll worker recruitment

election officer training

precinct supply assembly and delivery

delivery of vote counting equipment and supplies

election day troubleshooting

receiving supplies on election night

receive/inspect returned voted ballots

prepare election payroll

election night security

process absentee ballot applications

process voted absentee ballots

Total Estimated Cost \$294,700.00



CITY CLERK

2180 Milvia Street, Berkeley, CA 94704

Tel: (510) 981-6900, TDD: (510) 981-6903

Office Hours: Monday - Friday 8 a.m. - 5 p.m., E-mail: clerk@ci.berkeley.ca.us

NEW! Note: Some City buildings and services will be closed to the public on the following Fridays: July 28 and August 25. Visit the [City's Holiday and Reduced Service Days](#)

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ARTICLE III. ELECTIONS

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Section 4. General and Special Municipal Elections.

A municipal election shall be held on the first Tuesday following the first Monday of November, 1982 and biennially thereafter. All such elections shall be known as general municipal elections, and shall be held on the same date as the regularly occurring statewide California general elections held on the first Tuesday following the first Monday of November of even numbered years. The City Council shall take the necessary actions to consolidate general municipal elections with statewide California general elections. All other municipal elections that may be held shall be known as special municipal elections.

No special municipal election shall be held in the City, except as provided for in this section:

(a) A special municipal election may be held in accordance with the Recall provisions of Article IV of this Charter; provided, however, that if the provisions of Article IV would require such election to be held between the 10th day of June and the 10th day of October, then such election shall be held on the following first Tuesday after the first Monday in November.

(b) A special municipal election may be held to fill any vacancy in accordance with Article V, Section 12 of this Charter; provided however, if the provisions of Article V, Section 12 would require such election to be

held between the 10th day of June and the 10th day of October, then such election shall be held on the following first Tuesday after the first Monday in November.

(c) A special municipal election, other than those provided for in subsections (a) and (b) of this section, may be held upon a determination, by a vote of two-thirds of the Council, that an urgent necessity exists therefor.

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Section 4^{1/2}. Rent Stabilization Board Election.

Notwithstanding the provisions of Section 4, there shall be a Rent Stabilization Board Election as provided in Section 122 of Article XVII.

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Section 5. Nomination and Election of Certain Officers.

(1) Procedure for holding elections.

Except as otherwise provided in this Charter, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in general law cities.

(2) Posting of Notices.

All notices and other matters which are now or may hereafter be required to be published by the Elections Code, may be publicized in the manner determined by the Council.

(3 through 9) (repealed)

(10) Canvass of returns and declaration of results.

The City Council shall meet at its usual place of meeting as soon as practicable after the election, including any runoff election, to receive the certification of results prepared by the City Clerk. The City Clerk shall canvass the results of the election in accordance with procedures established in the State of California Elections Code. The persons having the number of votes required by this Charter for each elective office shall be declared elected.

(11) Use of voting machines, voting devices or vote tabulating devices.

If the use of voting machines, voting devices or vote tabulating devices at a municipal election is authorized by the City Council, any of the provisions of this Section 5 may be modified by the City Council to the extent necessary to permit the use of such voting machines, voting devices or vote

tabulating devices.

(12) Use of instant runoff voting in lieu of runoff elections.

For purposes of this charter “instant runoff voting” shall refer to a voting system which, in a single election, determines the candidate supported by the voters. Notwithstanding any section of this Charter to the contrary, upon a determination by the City Council of all of the following, that: a) the voting equipment and procedures are technically ready to handle instant runoff voting 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 additional City election costs, the Council may by ordinance establish a system of instant runoff voting for the offices of Mayor, City Council, and Auditor in any manner permitted by the State of California Elections Code. Once the Council institutes a system of instant runoff voting, future elections shall be conducted as instant runoff voting elections, unless the Council finds that *circumstances have changed such that one or more of the prior Council findings required by this section are no longer valid*. In such case, the Council shall articulate the specific basis therefore in order to suspend an existing system of instant runoff voting. The fourteenth paragraph of Section 9 of Article V relating to the percentage threshold to trigger a runoff election shall have no application to a system of instant runoff voting. The City Clerk shall conduct voter and community education to familiarize voters with instant runoff voting.

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Section 6. Votes for Deceased Candidates.

Whenever a candidate whose name appears upon the ballot at a general municipal election dies before the time of the closing of the polls on the day of election, the votes cast for such deceased candidate shall be counted in determining the results of the election for the office for which the decedent was a candidate. If the deceased candidate receives the highest number of the votes cast for the office, or if more than one is to be elected to such office and the deceased candidate receives sufficient votes to be one of those elected for such office, he or she shall be considered elected and the office to which he or she was elected shall be vacant at the beginning of the term for which he or she was elected. The vacancy thus created shall be filled in the same manner as if the candidate had died subsequent to taking office for that term.

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Section 6^{1/2}. Nomination - Filing Fee - Candidate's Statement of Qualifications.

Candidates for council office shall be nominated by registered voters from the council district for which they nominate the council candidate, as further provided in the State of California Elections Code.

ARTICLE V SECTION 9, PARAGRAPH 14

date of said ordinance.

Commencing with the general municipal election in November 1986, each Councilmember shall be elected by the electors within a Council district, must have resided in the District in which he or she is elected for a period of not less than thirty days immediately preceding the date he or she files a declaration of candidacy for the office of Councilmember, must continue to reside therein during his or her incumbency, and shall be removed from office upon ceasing to be such resident.

* The candidate receiving the highest number of votes for the offices, respectively, of Mayor, Auditor and Councilmembers of the City shall be elected to such offices, provided that such candidate receives at least 40% of the votes cast for each such office. In the event that no candidate for Mayor, Auditor and Councilmember for one or more Council offices receives at least 40% of the votes cast for that office, then there shall be a runoff election between the two candidates receiving the most votes, which runoff election shall be held on the first Tuesday after the first Monday in February of the odd numbered year following the initial election. No other issues shall appear on the ballot of any runoff election. The successful candidate in any runoff election shall assume office on March 1, after the election results have been declared by the Council.

Should any provision of the amendment of this section be held invalid, the remainder of the amendment shall not be affected thereby.

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Section 10. Eligibility of Mayor, Auditor, Councilmember, and School Director.

To be eligible for the office of Mayor, Auditor, Councilmember, or School Director, a person must, at the time of filing nomination papers for the office, be a citizen of the United States and a qualified elector of the State of California and of the City of Berkeley.

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Section 11. (Repealed)

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Section 12. Vacancy in Office of Mayor or Councilmember.

(1) If a vacancy shall occur in the office of Mayor or Councilmember:

(a) If the unexpired term is less than one year, the remaining members of the Council shall elect a successor with requisite qualifications to fill the vacancy for the unexpired term. Vacancies shall be filled only at a regular meeting of the Council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the Council by any Councilmember by placement on the agenda. Should the Council fail to fill any vacancy within 60 days after its occurrence, the Council shall, within

Instant Runoff – Ranked Choice Voting Regulations

The following regulations are adopted by the Burlington City Council pursuant to Burlington Charter § 5 (24 V.S.A. app., ch3, § 5 (b) (4):

I. **Ballot design**

Ballots shall be designed so as to allow voters to rank as many candidates as they wish, up to and including all candidates in order of choice except that the ranking of choices shall not be increased over the number of candidates who have qualified for the ballot. Voters will have the option to write-in one name only and rank that write-in in any position.

II. **Vote Tabulation**

Election officials shall tabulate the first preference votes for all candidates (which includes write-in candidates). If a candidate receives a majority of first preferences, that candidate is elected. *In addition to the tabulation of first preferences, the chief administrative officer shall tabulate the preferences of the voters within 10 days of the vote.*

If no candidate receives a majority of first preferences, an instant runoff re-tabulation shall be performed by the Board of Civil Authority (BCA) or its designee(s) within five business days of the election. The instant runoff re-tabulation shall be conducted in rounds. In each round, each voter's ballot shall count as a single vote for whichever continuing candidate the voter has ranked highest. The candidate with the fewest votes after each round shall be eliminated until only two candidates remain, with the candidate then receiving the greatest number of votes being elected pursuant to the rules set forth below.

1. *The Board of Civil Authority (BCA) or its designee(s) may, at the outset, accelerate the process of performing the instant runoff tabulation by eliminating all candidates with no mathematical possibility of winning and counting ballots that ranked those candidates first, as votes for the highest ranked advancing candidate for that office on each ballot. Candidates with no mathematical possibility of winning are any two or more candidates with the fewest votes whose combined total of votes is less than the votes credited to the candidate with the next greatest number of votes cast.*
2. *If a ballot has no more continuing candidates ranked on it, the ballot is exhausted, that is, no longer included in subsequent tabulations.*
3. *If a ballot skips a number, the skipped ranking shall be ignored and the ballot will be counted for the next ranked continuing candidate if that skipped number is reached, that is, there are no "skipped" rankings.*
4. *A ballot that gives two or more candidates the same ranking is exhausted when that ranking is reached, unless only one of the candidates so ranked has advanced to the current round of counting.*
5. *In the case of a tie between candidates for last place, and thus elimination, occurring at any stage in the tabulation, the tie shall be resolved so as to eliminate the candidate who received the least number of votes at the immediately previous stage of the tabulation. In the case of a tie to which a previous stage does not apply, or such previous stage was also a tie, the tie shall be resolved by a random chance procedure such as drawing lots.*

6. If there is a tie vote between the two candidates with the highest number of votes after the instant runoff re-tabulation is completed, a recessed election between or among these candidates shall take place in the time and manner set for runoff elections in 24 V.S.A. app., 3, § 5 (a).
7. In order to facilitate recording of voters' intent on all ballots, and incorporating these votes into the ballot data, the Board of Civil Authority, (BCA) or its designee(s), may use machine readable "stand-in ballots." When a ballot has been marked in such a way that the voter's intent is clear to the BCA, or its designee(s), but cannot be read by the ballot reading machine (such as a circled name without the mark sense bubble filled in), the BCA, or its designee(s), may fill out a stand-in ballot that will be fed through the machine. A three-member committee of the BCA, or its designee(s), from different parties must first agree on the voter's intent. If they do not agree unanimously, the ballot shall be set aside and dealt with subsequently by the entire BCA. A ballot that has unanimous agreement on voter intent (or decision by the BCA) will be prominently numbered in red in the top left corner of the front of the ballot followed by the letter "A" (e.g. "1-A"). The corresponding stand-in-ballot shall have ALL contests filled in according to the voter's intent and be numbered in red in the top left corner of the front of the ballot followed by the letter "B" (e.g. "1-B"). All unreadable ballots that have had a stand-in filled out—shall be kept with all of the other ballots; said unreadable ballots shall not be intermixed with all the other ballots and shall be placed in an envelope labeled "Originals – Stand-in ballots have been substituted for these original unreadable ballots." Once the stand-in ballots have been fed through the machine, they shall also be kept with all of the other ballots. Said stand-in ballots shall not be intermixed with all the other ballots and shall be placed in an envelope labeled "Stand-in ballots."

III. Recounts

Recounts shall be pursuant to Title 17 § 2601.

PROPORTIONAL REPRESENTATION

Proportional Representation (PR) is the method by which voters in Cambridge elect members of the City Council and School Committee. It ensures minority representation with majority control. Any group of voters that number more than one-tenth of the total population can be sure of electing at least one member of a nine-member Council, but a majority group of voters can be sure of electing a majority of the Council.

In PR election you may vote for as many of the candidates listed on the ballot as you wish. You must, however, indicate the order of your preference among the various candidates for whom you vote.

Mark your choices by filling in the numbered ovals only. Fill in the number one (1) oval next to your first choice; Fill in the number two (2) oval next to your second choice; Fill in the number three (3) oval next to your third choice, and so on. You may fill in as many choices as you please.

If you fill in more than one oval for any candidate, your vote for that candidate will be invalid and will not be counted.

Be careful not to fill in the same numbered oval more than once. This also will make your votes for those candidates invalid and they will not be counted.

Under PR a candidate needs to win a certain proportion of the votes to be elected. This winning fraction of the votes is referred to as "quota".

The quota is determined by dividing the total number of valid ballots cast by the number of positions to be elected plus one and then adding one to the resulting dividend.

Thus, to elect 9 City Councilors, the total number of valid ballots cast is divided by 10; to elect 6 School Committee members, the total is divided by seven. And in both cases 1 is added to the result of the division.

For example, if 25,000 ballots are cast for City Councilors, the quota will be 2,501 (25,000 divided by ten, plus 1).

HOW THE BALLOTS ARE COUNTED

The count begins with the sorting of ballots by the first preference shown on each *valid* ballot. That is the NUMBER 1 vote on each ballot. This is generally known as the "First Count".

Any candidates who reach the necessary quota with Number 1 votes are declared elected. Any extra ballots they receive beyond the quota are redistributed to the candidates marked next in preference (the number 2 preference) on those excess ballots.

The count continues with the elimination of those candidates receiving fewer than fifty votes in the first count. Their ballots are redistributed to the other candidates according to the next preference marked.

After each distribution, the candidate now having the lowest number of votes is eliminated and his/her ballots redistributed to the next indicated preference (number 2,3,4 etc.)

As candidates reach the quota through the addition of redistributed ballots to their totals, they are declared elected and no further ballots are transferred to them.

This process continues until all candidates have been eliminated except the nine winners.

Election Commission > Proportional Voting > Proportional Representation



City and County of San Francisco
Department of Elections

San Francisco Charter Section 13.102

SEC. 13.102. INSTANT RUNOFF ELECTIONS.

(a) For the purposes of this section: (1) a candidate shall be deemed “continuing” if the candidate has not been eliminated; (2) a ballot shall be deemed “continuing” if it is not exhausted; and (3) a ballot shall be deemed “exhausted,” and not counted in further stages of the tabulation, if all of the choices have been eliminated or there are no more choices indicated on the ballot. If a ranked-choice ballot gives equal rank to two or more candidates, the ballot shall be declared exhausted when such multiple rankings are reached. If a voter casts a ranked-choice ballot but skips a rank, the voter’s vote shall be transferred to that voter’s next ranked choice.

(b) The Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender, and members of the Board of Supervisors shall be elected using a ranked-choice, or “instant runoff,” ballot. The ballot shall allow voters to rank a number of choices in order of preference equal to the total number of candidates for each office; provided, however, if the voting system, vote tabulation system, or similar or related equipment used by the City and County cannot feasibly accommodate choices equal to the total number of candidates running for each office, then the Director of Elections may limit the number of choices a voter may rank to no fewer than three. The ballot shall in no way interfere with a voter’s ability to cast a vote for a write-in candidate.

(c) If a candidate receives a majority of the first choices, that candidate shall be declared elected. If no candidate receives a majority, the candidate who received the fewest first choices shall be eliminated and each vote cast for that candidate shall be transferred to the next-ranked candidate on that voter’s ballot. If, after this transfer of votes, any candidate has a majority of the votes from the continuing ballots, that candidate shall be declared elected.

(d) If no candidate receives a majority of votes from the continuing ballots after a candidate has been eliminated and his or her votes have been transferred to the next-ranked candidate, the continuing candidate with the fewest votes from the continuing ballots shall be eliminated. All votes cast for that candidate shall be transferred to the next-ranked continuing candidate on each voter’s ballot. This process of eliminating candidates and transferring their votes to the next-ranked continuing candidates shall be repeated until a candidate receives a majority of the votes from the continuing ballots.

(e) If the total number of votes of the two or more candidates credited with the lowest number of votes is less than the number of votes credited to the candidate with the next highest number of votes, those candidates with the lowest number

of votes shall be eliminated simultaneously and their votes transferred to the next-ranked continuing candidate on each ballot in a single counting operation.

(f) A tie between two or more candidates shall be resolved in accordance with State law.

(g) The Department of Elections shall conduct a voter education campaign to familiarize voters with the ranked-choice or "instant runoff," method of voting.

(h) Any voting system, vote tabulation system, or similar or related equipment acquired by the City and County shall have the capability to accommodate this system of ranked-choice or "instant run-off" balloting.

(i) Ranked-choice, or "instant runoff," balloting shall be used for the general municipal election in November 2002 and all subsequent elections. If the Director of Elections certifies to the Board of Supervisors and the Mayor no later than July 1, 2002 that the Department of Elections will not be ready to implement ranked-choice balloting in November 2002, then the City shall begin using ranked-choice, or "instant runoff," balloting at the November 2003 general municipal election.

If ranked-choice, or "instant runoff," balloting is not used in November of 2002, and no candidate for any elective office of the City and County, except the Board of Education and the Governing Board of the Community College District, receives a majority of the votes cast at an election for such office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a runoff election held on the second Tuesday in December of 2002.

San Leandro Municipal Code

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[CHARTER OF THE CITY OF SAN LEANDRO](#)

[ARTICLE II. CITY COUNCIL: MEMBERSHIP, COMPENSATION](#)

Section 225: ELECTION OF COUNCIL.

(a) All Council Members and the Mayor shall be elected by the registered voters of the City at large. One Council Member shall be elected from each Council Member district.

(b) The candidate receiving the highest number of votes for the offices of Mayor and Council Members of the City shall be elected to such offices, provided that such candidate receives at least fifty percent (50%) plus one of the votes cast for each such office. In the event that no candidate for such elective office of the City receives at least fifty percent (50%) plus one of the votes cast for that office, the City Council shall provide for a run-off vote to determine the person elected. The City Council shall adopt an ordinance establishing a run-off system. The run-off system may include mailed ballots, an instant run-off voting system when such technology is available to the City, or a special run-off election. The ordinance setting forth the run-off system may be amended from time to time for any reason, but no amendment to the ordinance may take effect less than one hundred three (103) days prior to any municipal election.

(c) If at any election two or more persons receive an equal and highest number of votes for any office, the City Clerk shall order a public recount of the ballots cast for that office to be conducted in the manner provided by the Elections Code of the State of California. The expense of such recount shall be borne by the City.

(d) If the results of such recount indicate that two or more persons have received an equal and highest number of votes for any office, the City Clerk shall so certify to the Council. Upon receipt of the Clerk's certificate, the Council shall call a special election among the persons having an equal and highest number of votes for such office. The election shall be conducted and canvassed in the manner provided for general municipal elections.

Staff Report

July 3, 2006

TO: City Council

FROM: Bill Emlen, City Manager

SUBJECT: Resolution to Place Advisory Vote for Choice Voting on November Ballot

Recommendation

1. Adopt resolution calling for a special election on November 7, 2006, for the purpose of submitting an advisory ballot measure to the voters to advise the City Council whether to pursue adopting choice voting for City Council elections.
2. Adopt resolution requesting the Yolo County Board of Supervisors to consolidate a special municipal election to be held on November 7, 2006 with the statewide general election to be held on that date.

At the June 27 City Council meeting, Council directed staff to place this item on the agenda for further consideration. Placement of an advisory vote on the ballot would simply provide the City Council with insights on the public perspective on choice voting. However, the question on the ballot, as phrased, does not address charter city status, which is currently necessary (barring state-level legislative changes) to adopt choice voting. If the City Council ultimately decides to pursue choice voting, the city would need to address charter status through a formal vote of the people. Choice voting can be included in the charter when it goes to a vote or included as an amendment at a later date.

Fiscal Impact

The typical cost for the city to place items on the ballot falls between \$28,000 and \$30,000. However, this cost is based on the number of voters and polling stations rather than the number of items a city places on the ballot. Davis is therefore charged for our "fair share" of the cost of the election. The City has already placed two separate ballot measures on the November ballot (SMUD and Target), and costs associated with these two measures will be paid by the SMUD and Target. Adding an advisory vote will not increase the cost of the election, however, it has not yet been decided how the costs will be split between or among the different items, including any additional items placed on the ballot. Regardless, the city has budgeted funds in its Election account for any proportional share of the election that we deem appropriate. These funds come from the General Fund.

Background and Analysis

In 2005, the City's Governance Task Force presented a final report which included a recommendation for the city to adopt a system of choice voting for city council elections. This system would replace the current "at-large" plurality election system. Choice voting, also known as "preference voting," "single transferable voting" or "instant runoff voting," allows voters to rank candidates in order of preference. The report explains that, if a voter's first "choice" candidate wins sufficient first place votes to be elected, or if the voter's first choice candidate receives so few votes that the candidate is eliminated, the vote may be "transferred" to his or her second choice.

The city's current system of plurality voting allows citizens to vote for the same number of candidates as there are vacancies. As the Task Force report states, "There is no means of ranking those for whom one casts votes, nor is there a means of expressing preferences among those for whom one does not cast votes."

The current system of voting, however, is the system used by most California cities, as per state law. If a community wants to use choice voting, it must either be a charter city or there must be legislative changes made at the state level. A city must vote on charter status, with a simple majority necessary to pass a charter. There may be additional aspects of a charter that the city would be interested in pursuing.

Because of the Governance Task Force recommendation, Council interest and sufficient community interest about choice voting, staff recommends that the City place choice voting on the November 2006 ballot as an advisory vote. The results of such a vote are non-binding and can help the City Council determine whether to pursue choice voting and charter status or state legislation changes.

Governance Task Force Analysis of Choice Voting

The Task Force provided careful analysis of their reasoning for supporting the recommendation, as well as counter-arguments to choice voting. Below are the pros and cons of choice voting as outlined in the final report of the Governance Task Force.

Arguments in Favor

1. The present system allows a minority faction (e.g., 35% of the electorate) to elect multiple council members (and perhaps even a council majority) who have minimal support among the remainder of the electorate. By contrast, a choice voting system takes account of rankings, so voters that would have otherwise been disenfranchised when their first choice lost would have their vote count toward electing one of their next preferences.

2. The present system may lead to the actual disenfranchisement or the perception of disenfranchisement on the part of relatively small and dispersed groups, which may have little ability to elect council members through first place votes alone. Choice voting may allow such groups to believe they have more influence on elections. If the election is to fill three council seats, for instance, more than 75% of the electorate will have cast a vote for at least one of the

successful candidates. This issue may be especially important for college students. Notably, the choice voting option was strongly advocated from the outset of our deliberations by a few UCD students, and most of those students who addressed the Task Force backed a choice plan.

3. The present system may encourage some people to vote strategically rather than reveal their true rankings of candidates. That is, people may engage in “bullet voting” (casting only a single vote for their top choice candidate even though multiple seats are open), even though they actually have other preferences as well. The choice system may discourage such strategic voting, because a voter’s second or third choices cannot hurt his or her higher ranked candidates.

4. Choice voting may encourage cooperation among candidates as they would want to appeal to other candidates’ supporters in hopes of garnering their second place support.

Finally, it is possible that choice voting will address a familiar concern about the costs of Davis municipal elections, although the evidence in this regard is not clear.

Counter-Arguments

1. Perhaps the most commonly expressed concern expressed about choice voting is the ability of the public to understand the system. Indeed, this was one of the arguments that the earlier Governance Committee offered in recommending against preferential voting, prior to adoption of the system by the Davis student body and elsewhere. The Task Force acknowledges that choice voting is more complex than the current system, but the evidence we have seen suggests that it is possible to present the choice approach in a relatively simple manner, free of discussion of mathematical algorithms. Clearly a public education campaign will be necessary if choice voting is adopted, but we believe the city government is capable of leading such a campaign. We also note that public education campaigns in other jurisdictions adopting choice voting (notably, San Francisco) appear to have worked well.

2. Because of confusion over how choice voting works, some voters may not express their true preferences.

3. While there are some hints that particular groups are underrepresented in Davis, this evidence is open to question. Some may be skeptical about the need to change electoral systems without more definitive evidence of under-representation.

4. Some people may believe that only first place votes *should* matter during voting. A choice voting system is inconsistent with that view.

5. Some of the claims of choice voting advocates (e.g., that it will lead to higher turnout rates and lower costs of election) are as yet unproven.

6. A concern has been raised that choice voting may lead to more ideological candidates being elected to the city council, perhaps undermining council effectiveness.

7. It appears that adoption of choice voting would require that Davis adopt a city charter. The city will incur some costs in pursuing a charter, and it is not certain that voters would approve a charter.

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS
CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY
ON NOVEMBER 7, 2006, FOR THE PURPOSE OF SUBMITTING
AN ADVISORY BALLOT MEASURE TO THE VOTERS TO ADVISE
THE CITY COUNCIL WHETHER TO PURSUE ADOPTING CHOICE VOTING
FOR CITY COUNCIL ELECTIONS**

WHEREAS, the City of Davis Governance Task Force recommended in 2005 that the City Council consider choice voting as a method of selecting City Council members; and

WHEREAS, many citizens in the community have expressed an interest in pursuing choice voting; and

WHEREAS, proponents of choice voting believe that it allows voters to maximize the effectiveness of each individual vote and can increase voter turnout; and

WHEREAS, several communities around the country, including Berkeley, Cambridge (Massachusetts), and the UC Davis campus, have successfully switched to choice voting; and

WHEREAS, moving to choice voting necessitates that Davis become a Charter City or would require the State Legislature to adopt authorizing legislation; and

WHEREAS, prior to implementing a choice voting system, under current law, the City's voters would, at an election called for that purpose, need to approve a city charter that includes an express authorization to implement choice voting; and

WHEREAS, *prior to formally pursuing choice voting, the City Council desires to seek the advice of the voters on this issue in an advisory measure pursuant to Elections Code Section 9603.*

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES
HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. Calling of the Special Election. Pursuant to the laws of the State of California relating to municipal elections, including municipal elections consolidated with other elections, the City Council of the City of Davis hereby calls and orders held a special municipal election to be held in the City of Davis, County of Yolo, State of California on November 7, 2006, for the purpose of placing on the ballot the following advisory measure:

“ADVISORY VOTE ONLY

Should the City of Davis consider adopting choice voting, also known as instant runoff or preference voting, as the system to elect City Council members?

_____ YES _____ NO”

SECTION 2. Said special election shall be held on November 7, 2006. In all particulars not recited in this Resolution, said special election shall be conducted as provided by law for the holding of advisory municipal measure elections in the City and the consolidation of municipal elections with other elections. Said special election shall be consolidated with all other elections to be held within the City on November 7, 2006.

SECTION 3. The City Council hereby directs the City Attorney to prepare an impartial analysis of the measure in accordance with section 9280 of the Election Code showing the effect of the measure on existing law and the operation of the measure.

SECTION 4. Rebuttal arguments may be submitted as provided for in section 9285 of the Elections code of the State of California. The provisions of said section 9285 are hereby adopted and shall apply to this election.

PASSED AND ADOPTED this _____ day of _____ 2006, by the following vote:

AYES:

NOES:

ABSENT:

Ruth Uy Asmundson, Mayor

ATTEST:

Margaret Roberts, City Clerk

RESOLUTION NO. _____
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS,
CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS
OF THE COUNTY OF YOLO TO CONSOLIDATE
A SPECIAL MUNICIPAL ELECTION
TO BE HELD ON NOVEMBER 7, 2006, WITH THE STATEWIDE GENERAL
ELECTION TO BE HELD ON THAT DATE
PURSUANT TO §10403 OF THE ELECTION CODE

WHEREAS, the City Council of the City of Davis called a Special Election for the purpose of submitting an advisory ballot measure to the voters of the City of Davis, to be held on November 7, 2006; and

WHEREAS, it is desirable that the Special Election be consolidated with the Statewide General Election to be held on the same date and within the City, that the precincts, polling places, and election officers of the City and the State elections be the same, and that the County Election Department of the County of Yolo canvass the returns of the Special Election and that the election be held in all respects as if there were only one election;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to Section 10403 of the Elections Code, the Board of Supervisors of the County of Yolo is hereby requested to consent and agree to the consolidation of Municipal Special Election with the Statewide General Election on Tuesday, November 7, 2006, for the purpose of the submission of a city advisory ballot measure to the voters related to choice voting. A full and complete copy of the Resolution calling the special election is attached hereto.

SECTION 2. The Board of Supervisors is hereby authorized and directed to canvass the returns of the election. The election shall be held in all respects as if there were only one election and only one form of ballot shall be used.

SECTION 3. The Board of Supervisors is requested to issue instructions to the County elections official to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. The City of Davis shall reimburse the County of Yolo for all costs and expenses incurred by the County in conducting said election upon presentation of a bill to the City.

SECTION 5. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County election official of the County of Yolo no later than August 1, 2006.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED _____ day of _____, 2006 by the following vote:

AYES:

NOES:

ABSENT:

Ruth Uy Asmundson, Mayor

ATTEST:

Margaret Roberts, City Clerk

^ Elections Home

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Instant Runoff Voting (IRV)

Date	Action	Document
3/07/06	Intergovernmental Relations (IGR) Committee recommends to City Council creating Instant Runoff Voting (IRV) Task Force	Proposed Resolution
3/10/06	City Council creates Instant Runoff Voting Task Force	Resolution
4/25/06	IRV Task Force submits update to IGR	Progress Report
5/09/06	IRV Task Force submits final report to IGR	Final Report
5/23/06	IGR proposes ordinance amendment to City Council	Proposed Ordinance Amendment
5/26/06	Council refers ordinance amendment to Charter Commission	Proposed Ordinance Amendment
6/07/06	Charter Commission rejects proposed Ordinance amendment allowing for IRV	Marked Agenda
6/15/06	City Council refers Proposed Ordinance amendment to IGR & Elections Committees	Marked Agenda
6/27/06	IGR	Marked Agenda
6/30/06	Elections Committee	Marked Agenda
6/30/06	City Council approves amendments to proposed ordinance and authorized consideration of these amendments by the Charter Commission concurrently with Election Committee's process of convening public meetings	Marked Agenda

Upcoming city meetings

Elections Committee - [7/21/06](#) and [7/26/06](#)

Charter Commission - [8/2/06](#)

Last Updated: 7/11/06 10:45 AM

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2006-Or-_____

**AN ORDINANCE
of the
CITY OF MINNEAPOLIS**

By Benson, Gordon, Glidden, Remington

Amending Chapter 2, of the Minneapolis City Charter relating to Officers—Elections, eliminating primary elections for city offices, amending filing dates, and allowing for Single Transferable Vote, sometimes known as Ranked Choice Voting or Instant Runoff Voting.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 5 of the above-entitled ordinance relating to Chapter 2 of the Minneapolis City Charter be amended to read as follows:

Section 5. Primary Elections Candidate Filing. Prior to January 1st of the election year, the City Council shall fix and determine ~~the dates for the City Primary Election~~ and the opening and closing dates for the filing of candidates for office. ~~Such election shall be held at least 40 days prior to the General Election and the~~ The time allowed for the filing of candidates for office shall never be less than 15 days (and the closing date of such filing shall never be less than 30 40 days), before the Primary General Election.

Section 5A. Conduct of Elections. Notwithstanding the provisions of Minnesota Statutes, Section 205.17, subdivision 2, or any other provision of law and except as otherwise provided in this section, the City ~~Primary Election and~~ General Election for Mayor and City Council shall be conducted in the manner provided by law for elections for nonpartisan offices. ~~All candidates for Mayor and City Council shall run for nomination in the city primary election.~~ All such candidates shall, however, state the name of their political party or political principle, stated in three words or less, on their affidavits of candidacy and affidavits of candidacy for Mayor and City Council shall otherwise conform with all requirements of the Minnesota general election laws pertaining to affidavits of candidacy for partisan offices. The political party or political principle shall be placed on the ~~Primary and~~ General Election ballots with the names of the candidates for such offices. (As amended 6-13-55; 3-29-68; 81-Or-145, § 1, 6-12-81; 11-8-83)

Section 5B. Voting Method. The elected officers shall be elected by the method of Single Transferable Vote, sometimes known as Ranked Choice Voting or Instant Runoff Voting. The City Council shall, by ordinance, establish the ballot

format and rules for counting the votes. The method shall be used for the first municipal election after adoption and all subsequent elections unless the City Council certifies, by ordinance, no later than four months prior to the election that the City, will not be ready to implement the method in that election. Such certification must include the reasons why the City is not ready to implement the method.

Section 2. That Section 6 of the above-entitled ordinance relating to Chapter 2 of the Minneapolis City Charter be amended to read as follows:

Section 6. Election Judges--Council to Fix Compensation. The City Council shall at least 14 days before any special, ~~primary~~ or general City Election appoint such judges of election as may be necessary to constitute a full board for every election precinct, as provided by general laws. The compensation of elections judges shall be forty (40) percent greater than the prevailing minimum wage as defined by state law unless the City Council sets a different rate. This amendment shall become effective January 1, 2000. (As amended 81-Or-207, § 1, 8-14-81; 99-Or-079, § 1, 7-16-99)

Section 3. That Section 8 of the above-entitled ordinance relating to Chapter 2 of the Minneapolis City Charter be amended to read as follows:

Section 8. City Council to Provide Ballots and Ballot Boxes. The City Council shall provide all necessary ballots and ballot boxes to be used for each general, ~~primary~~ and special election held in the City for the election of City officers or for any other City purposes.

Section 4. That Section 9 of the above-entitled ordinance relating to Chapter 2 of the Minneapolis City Charter be amended to read as follows:

Section 9. Ballot at City Election. The names of all candidates to be voted on at any general City election, ~~City primary election~~ or special election for City purposes shall be placed on one ballot. Regardless of whether they are contested or uncontested, the offices on the ballot shall be in the following order: Mayor; Council Member; Board of Estimate and Taxation Member; Park and Recreation Commissioner at Large; Park and Recreation Commissioner by District; Library Board Member. (As amended 89-Or-171, § 1, 9-7-89)

Section 5. That Section 11 of the above-entitled ordindnace relating to Chapter 2 of the Minneapolis City Charter be amended to read as follows:

Section 11. City Clerk to Give Notice of Time and Places of Holding Elections. The City Clerk shall give notice of the time and places of holding general city elections ~~and at the same time and in the same notice give notice of~~

~~the time and places of holding primary elections~~, which notice shall be given at least 15 days before the primary general city election, and unless otherwise specifically provided for in this Charter, the City Clerk shall give 15 days' notice of the time and places of holding special elections.

Section 6. That Section 12 of the above-entitled ordinance relating to Chapter 2 of the Minneapolis City Charter be amended to read as follows:

Section 12. In Case of Tie Vote. ~~When two or more candidates for any elective city office shall receive an equal number of votes at the primary election, general city election or at a special election, and such number votes would be sufficient to elect or nominate at least one of the candidates receiving such number of votes,~~ the election shall be determined as between those candidates by the casting of lots in the presence of the City Council at such time and in such manner as the City Council shall direct. (As amended 83-Or-139, § 1, 6-10-83)

Section 7. That Section 13 of the above-entitled ordinance relating to Chapter 2 of the Minneapolis City Charter be amended to read as follows:

Section 13. Filing for Nominations-Election. All candidates for ~~nominations~~ election at any city election shall file their affidavit for such ~~nominations~~ election and pay their fee therefor, in the same manner as provided in the general election laws of the State of Minnesota, except only that such filing shall be made with, and such fee paid to the City Clerk instead of the County Auditor, and such filing must be made, and the fee therefor paid, not later than the ~~30th~~ 40th day preceding the primary general election. (As amended 84-Or-040, § 4, 3-30-84)

Section 8. That Section 15 of the above-entitled ordinance relating to Chapter 2 of the Minneapolis City Charter be amended to read as follows

Section 15. General Laws to Govern Elections--Exceptions. All general laws of the State of Minnesota relating to ~~primaries and~~ elections and the preliminaries thereto, unless this Charter otherwise specifically provides, shall, so far as applicable, apply and govern all elections under this Charter and the same are hereby adopted and made part of this Charter.

Section 9. That Section 16 of the above-entitled ordinance relating to Chapter 2 of the Minneapolis City Charter be amended to read as follows:

Section 16. Vacancy in Office of Mayor and Council Members--How Filled. Whenever any vacancy shall occur in the office of Mayor or in the office of any Council Member prior to March 1st of the year of the general City election for the office of Mayor or Council Member, it shall be filled for the unexpired term by a special election ordered by the City Council and held City-wide if the vacancy is in the office of the Mayor or held in the applicable ward if the vacancy is in the

office of a Council Member. The special election shall be held within seventy-five (75) days after such vacancy shall occur.

For the purpose of selecting the candidates to be voted on at such special election, the Council shall ~~fix the date of a primary election to be held not less than thirty five (35) days prior to such special election, and shall also fix the dates for filing of candidates for such office which shall be for a period of not less than eight (8) days, and the closing date for such filing shall not be less than twenty~~ forty (40) days prior to the date fixed for the primary general city election. All provisions of this Charter pertaining to ~~primary and~~ special elections shall apply to any ~~primary or~~ special election provided for by this section, except as otherwise specifically provided herein.

Until the vacancy in the office of Mayor has been filled by the special election, the then President of the City Council shall take the oath of office of, and become, and shall be styled Acting Mayor for the interim period, and as such shall exercise all the powers and discharge all the duties of Mayor, and while so acting shall be entitled to the salary of Mayor, but such salary shall be in lieu of, and not additional to, the salary as Council Member in [the] event such person shall occupy both offices.

Whenever any vacancy shall occur in the office of Mayor on or after March 1st of the year of the general City election for the office of Mayor, the then President of the City Council shall fill the vacancy for the remainder of the vacated term in the same manner as provided above.

Whenever any vacancy occurs in the office of any Council Member on or after March 1st of the year of the general City election for the office of Council Member, such vacancy shall be filled by the City Council appointing a qualified voter from the ward for which the vacancy exists, to hold office for the remainder of such unexpired term, provided that no such appointment shall be made after the opening date for filing for such position in the next ensuing city primary general election.

When a vacancy for Council Member exists on or after the first date for filing, the person elected at the general City election, upon certification of the general City election results, shall fill the position for the remainder of the unexpired term. (As amended 6-20-82; 11-4-75; 11-2-76; 83-Or-234, § 2, 9-30-83; 11-8-83; 92-Or-035, § 1, 3-13-92; 95-Or-041, § 1, 3-10-95)

2006-Or-_____

AN ORDINANCE
of the
CITY OF MINNEAPOLIS

By Benson, Gordon, Glidden, Remington

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office of a Council Member. The special election shall be held within seventy-five (75) days after such vacancy shall occur.

For the purpose of selecting the candidates to be voted on at such special election, the Council shall ~~fix the date of a primary election to be held not less than thirty five (35) days prior to such special election, and shall also~~ fix the dates for filing of candidates for such office which shall be for a period of not less than eight (8) days, and the closing date for such filing shall not be less than ~~twenty (20)~~ forty (40) days prior to the date fixed for the ~~primary~~ general city election. All provisions of this Charter pertaining to ~~primary and~~ special elections shall apply to any ~~primary or~~ special election provided for by this section, except as otherwise specifically provided herein.

Until the vacancy in the office of Mayor has been filled by the special election, the then President of the City Council shall take the oath of office of, and become, and shall be styled Acting Mayor for the interim period, and as such shall exercise all the powers and discharge all the duties of Mayor, and while so acting shall be entitled to the salary of Mayor, but such salary shall be in lieu of, and not additional to, the salary as Council Member in [the] event such person shall occupy both offices.

Whenever any vacancy shall occur in the office of Mayor on or after March 1st of the year of the general City election for the office of Mayor, the then President of the City Council shall fill the vacancy for the remainder of the vacated term in the same manner as provided above.

Whenever any vacancy occurs in the office of any Council Member on or after March 1st of the year of the general City election for the office of Council Member, such vacancy shall be filled by the City Council appointing a qualified voter from the ward for which the vacancy exists, to hold office for the remainder of such unexpired term, provided that no such appointment shall be made after the opening date for filing for such position in the next ensuing city ~~primary~~ general election.

When a vacancy for Council Member exists on or after the first date for filing, the person elected at the general City election, upon certification of the general City election results, shall fill the position for the remainder of the unexpired term. (As amended 6-20-82; 11-4-75; 11-2-76; 83-Or-234, § 2, 9-30-83; 11-8-83; 92-Or-035, § 1, 3-13-92; 95-Or-041, § 1, 3-10-95)

Regular Meeting

Agenda Item #	3
Meeting Date	April 10, 2006
Prepared By	Linda S. Perlman Asst. City Attorney
Approved By	Barbara B. Matthews City Manager

Discussion Item	Charter Amendment Resolution No. 2006-1: Amending the Election Procedures set forth in the City Charter to Adopt Instant Runoff Voting and to Provide Flexibility in Scheduling the Meeting for Nomination of Candidates for Mayor and Councilmember.
Background	<p>In the November 8, 2005, City election, an advisory question was placed on the ballot, asking citizens whether or not the Council should amend the Municipal Charter to adopt an instant runoff system of voting that would allow voters to rank candidates in order of choice to produce a majority vote winner for a candidate without a separate runoff election, in the event that no candidate received a majority of the first choice rankings. The results of the advisory referendum were strongly in favor of adopting instant runoff voting for City elections. Following this advisory referendum, the Council decided to proceed to amend the Municipal Charter to implement an instant runoff voting system for elections of the Mayor and Council. A public hearing on the proposed Charter Amendment was held at the Council meeting on March 27, 2006, followed by 1st reading of the Charter Amendment Resolution.</p> <p>In addition to the instant runoff voting provisions, Charter Amendment Resolution No. 2006-1 also includes an amendment to Charter Section 604(a). This Charter section states that the nominating caucus, <i>i.e.</i>, the meeting of citizens at which nominations for Mayor and Councilmember are made, shall be held "on the Tuesday evening five weeks prior to the election." In 2005, the date of the nominating caucus conflicted with Rosh Hashanah (the Jewish New Year). The attached Charter Amendment Resolution allows the Council to schedule the nominating caucus for any day between four and five weeks prior to the biennial City election so that such conflicts can be avoided in the future.</p> <p>On March 27, 2006, at 1st reading of the Charter Amendment Resolution, several Councilmembers expressed interest in a more limited amendment to Charter Section 604(a) that would keep the date of the nominating meeting on the Tuesday evening five weeks before the election, but would provide that if the nominating meeting conflicted with the Jewish high holy holidays (Rosh Hashanah and Yom Kippur (Day of Atonement)), then the nominating meeting would be rescheduled to the next evening after such holiday. Alternate language for Charter Section 604(a) is attached for the Council's consideration, along with a listing of the dates of the biennial City elections, nominating meetings, Rosh Hashanah, and Yom Kippur from 2007 - 2025.</p>
Procedure for Amendment of Charter	The procedure for the Council to initiate a Charter amendment is set forth in Article 23A, Section 13 of the Annotated Code of Maryland and Section 501 of the Municipal Charter. In short, this procedure requires the Council to hold a public

	<p>hearing on the Charter amendment prior to the passage of a Charter Amendment Resolution (this public hearing took place on March 27, 2006). The Charter Amendment Resolution then must be passed by the Council at two readings. After passage, the Charter Amendment Resolution must be posted at the Takoma Park Community Center (main municipal building) for a period of at least 40 days. A “fair summary” of the Charter amendment also must be published once a week, for four consecutive weeks, within 40 days after the date the Charter Amendment Resolution was adopted by the Council. The Charter amendment becomes effective on the 50th day after passage of the Charter Amendment Resolution—unless a valid Petition for Referendum is received. If a valid petition for referendum is signed by 20% or more of the qualified voters of the City and is presented to the Council on or before the 40th day after passage of the Charter Amendment Resolution, then a referendum election on the Charter amendment must be held.</p>
Fiscal Impact	<p>Publication costs for the notice of public hearing and fair summary of the Charter amendment will total approximately \$1,500.00.</p>
Attachments	<p>(1) City of Takoma Park Charter Amendment Resolution No. 2006-1. (2) Alternate language for amendment of Charter Section 604, Nominations. (3) List of Dates of City Elections, Nominating Meetings, Rosh Hashana, and Yom Kippur for 2007 - 2025.</p>
Recommendation	<p>Consider adoption of Charter Amendment Resolution No. 2006-1 at second reading.</p>
Special Consideration	

Introduced by: Councilmember Seamens

Introduction and First Reading: March 27, 2006
Second Reading and Adoption:

**CITY OF TAKOMA PARK
CHARTER AMENDMENT RESOLUTION NO. 2006-1**

**A Resolution to Amend the Elections Procedures of the City of Takoma Park
Municipal Charter by Adopting a System of Instant Runoff Voting
and by Providing for Flexibility in Scheduling the Nominating Caucus
for Nominations for the Election of Mayor and Councilmembers.**

WHEREAS, the *City of Takoma Park Municipal Charter* currently allows for the election of the Mayor and Councilmembers by a plurality vote and provides for a runoff election in the event of a tie vote; and

WHEREAS, by Resolution No. 2005-77, the Council voted to place an advisory question on the November 8, 2005, City election ballot; and

WHEREAS, this advisory question asked voters whether or not the City should adopt an instant runoff system that would allow voters to rank candidates in order of choice (1, 2, 3, and so on) to produce a majority vote for a candidate without a separate runoff election in the event that no candidate received a majority of the first choice rankings; and

WHEREAS, among those who voted on the advisory question in the November 8, 2005, City election, 1992 voted in favor of instant runoff voting and 390 voted against instant runoff voting; and

WHEREAS, the Council desires to amend the election provisions for election of Mayor and Councilmember, set forth in the *City of Takoma Park Municipal Charter*, in order to ensure that the winning candidates for Mayor and Council have the support of a majority of the voters and to avoid the necessity of a runoff election in the event that no candidate receives more than 50% of the first choice rankings; and

WHEREAS, pursuant to Charter Section 604(a), the City's nominating caucus, *i.e.*, the meeting of citizens at which nominations for Mayor and Councilmember are made, is "held on the Tuesday evening five weeks prior to the election"; and

WHEREAS, in some election years, the date set for the nominating caucus has conflicted with religious holidays or other events that might impede public participation in the City's nominating caucus; and

WHEREAS, in order to avoid such conflicts, the Council wishes to amend the *City of Takoma Park Municipal Charter* to give the Council flexibility in the scheduling of the nominating caucus.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, pursuant to Article XI-E of the *Constitution of the State of Maryland*, Article 23A of the *Annotated Code of Maryland*, and Article V, Amendment Procedures of the *City of Takoma Park Municipal Charter*, that the *City of Takoma Park Municipal Charter* is amended as follows:

Section 308 Vacancies on the Council

* * * *

(g) Results of Special Election. The candidate who meets the qualifications for office as specified in Section 302 or Section 304, as applicable, and who receives [the largest number] a majority of votes in accordance with Section 606 in the special election to fill a vacancy on the Council shall be the winner and shall serve on the Council for the remainder of the unexpired term for which his/her predecessor was elected.

Section 604 Nominations

(a) Nominations for Mayor and Councilmembers shall be made at a meeting of citizens called by the City Clerk at the direction of the Council. Such meeting shall be held at a convenient place within the City to be designated by the Council and notice thereof shall be given through a newspaper or newspapers of general circulation within the City and/or by handbills generally distributed and posted throughout the City. [and the] The meeting shall be held on [the Tuesday evening five] a date selected by the Council that is no more than five weeks and no less than four weeks prior to the election. The City Clerk shall preside at the meeting; a qualified voter of the City shall be chosen as secretary of the meeting by the qualified voters of the City present; the secretary shall keep a record of the proceedings of the meeting and file the same in the office of the City Clerk.

* * * *

Section 606 Election of Mayor and Councilmembers

(a) * * * *

(b) The candidate receiving [the largest number] a majority of votes for Mayor shall be declared elected. The candidate for Council receiving [the largest number] a majority of votes in each ward shall be declared elected.

(c) [In the event of a tie vote resulting in the declaration of no elected candidate, a run-off election between the tied candidates shall be held within forty-five (45) days of that declaration.] An instant runoff voting system shall be used in order to elect the Mayor and Councilmembers with a majority of votes by allowing voters to

rank candidates in order of choice. Instructions on instant runoff voting provided to voters shall conform substantially to the following specifications, although subject to modification based on ballot design and voting system:

”Vote for candidates by indicating your first-choice candidate, your second-choice candidate, and so on. Indicate your first choice by marking the number ‘1’ beside a candidate's name, your second choice by marking the number ‘2’ beside that candidate's name, your third choice by marking the number ‘3,’ and so on, for as many choices as you wish. You are free to rank only one candidate, but ranking additional candidates cannot help defeat your first-choice candidate. Do not mark the same number beside more than one candidate. Do not skip numbers.”

(d) The first choice marked on each ballot shall be counted initially by the judges of election as one vote. If any candidate receives a majority of the first choices, that candidate shall be declared elected.

(e) If no candidate receives a majority of first choices, the judges of election shall conduct an instant runoff consisting of additional rounds of ballot counting. In every round of counting, each ballot is counted as one vote for that ballot's highest ranked advancing candidate. “Advancing candidate” means a candidate for that office who has not been eliminated. A candidate receiving a majority of valid votes in a round shall be declared elected. If no candidate receives a majority of valid votes in a round, the candidate with the fewest votes shall be eliminated, and all ballots shall be recounted. This process of eliminating the candidate with the fewest votes and recounting all ballots shall continue until one candidate receives a majority of the valid votes in a round.

(f) To facilitate ballot counting in any round, the judges of election may eliminate all candidates with no mathematical chance of winning. A candidate has no mathematical chance of winning if the sum total of all votes credited to that candidate and all candidates with fewer votes is less than the number of votes credited to the candidate with the next greatest number of votes.

(g) If a ballot has no more available choices ranked on it, that ballot shall be declared “exhausted” and not counted in that round or any subsequent round. Ballots skipping one number shall be counted for that voter's next clearly indicated choice, but ballots skipping more than one number shall be declared exhausted when this skipping of numbers is reached. Ballots with two or more of the same number shall be declared exhausted when such duplicate rankings are reached unless only one of the candidates with the duplicate ranking is an advancing candidate.

(h) In the event of a tie that affects the outcome of the election, the tie shall be broken by comparing the votes of the tied candidates in the previous rounds of counting, starting with the count immediately preceding the round in which the tie occurs. If one of the tied candidates had more votes than the remaining tied candidates

in the preceding round or an earlier round of counting, then that candidate shall advance and the others shall be eliminated. If the candidates were tied in each preceding round, then the tie shall be resolved by lot. In the event that this tie occurs between or among all remaining candidates, then a runoff election between or among the tied candidates shall be held within forty-five (45) days after the date of the election.

(i) The Council may modify the form of the ballots, the instructions to voters, and the details with respect to the method of marking, sorting, counting, invalidating, and retaining ballots and the tabulating and recounting of votes pursuant to this section, provided that no change shall be made that will alter the intent or principles of instant runoff voting as set forth in this section.

Explanatory Note: * * * * indicates language of the Charter which is not being changed by this Charter Amendment and which is not set forth herein.
Underlining indicates language being added to the Charter.
Bold [brackets] indicates language being deleted from the Charter.

SECTION 2. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, that the date of adoption of this Charter Amendment Resolution is _____, 2006, and the amendment of the *City of Takoma Park Municipal Charter* enacted by this Resolution shall become effective on _____, 2006 (50 days after its passage), unless a proper petition for referendum shall be filed as permitted by Section 502 of the *City of Takoma Park Municipal Charter* and *Annotated Code of Maryland*, Article 23A, Section 13. A complete and exact copy of this Charter Amendment Resolution shall be continuously posted on a bulletin board at the Takoma Park Community Center and Sam Abbott Citizens' Center from _____, 2006, until _____, 2006 (a period of at least 40 days following its adoption), and a fair summary of the proposed Charter amendment shall be published in a newspaper of general circulation in the City of Takoma Park once a week for four weeks within 40 days after passage of this Charter Amendment Resolution.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, that the City Clerk is specifically directed to carry out the provisions of Section 2 of this Resolution and, as evidence of this compliance, the City Clerk shall maintain appropriate certificates of the publication of the newspaper in which the fair summary of the Charter Amendment Resolution shall have been published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed Charter Amendment hereby enacted to have been approved by the voters and the Charter Amendment shall become effective on the date provided by law.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, that as soon as the Charter Amendment enacted by this Resolution shall become effective, either as provided in this Resolution or following a referendum, the City Clerk shall send to the Department of Legislative Services of Maryland the following information concerning the Charter Amendment Resolution: (1) the complete text of this Charter Amendment Resolution; (2) the date of the referendum election, if any; (3) the number of votes, whether in the

Council or in a referendum, cast for or against the Charter Amendment enacted by this Resolution; and (4) the effective date of the Charter Amendment.

THE ABOVE CHARTER AMENDMENT was enacted by the foregoing Charter Amendment Resolution No. 2006-1 which was passed at a meeting of the Council of the City of Takoma Park, Maryland, on the ___ day of _____, 2006, ___ members of the Council voting in the affirmative, ___ members of the Council voting in the negative, ___ members of the Council abstaining, and ___ members of the Council absent, and the said Charter Amendment Resolution becomes effective in accordance with the law on the ___ day of _____, 2006.

THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THIS _____ DAY OF _____, 2006, BY ROLL CALL VOTE AS FOLLOWS:

Aye:

Nay:

Abstain:

Absent:

[signature page for Charter Amendment Resolution No. 2006-1]

COUNCIL OF THE CITY OF TAKOMA PARK

Kathryn Porter, Mayor

Joy Austin-Lane, Councilmember, Ward 1

Colleen Clay, Councilmember, Ward 2

Bruce Williams, Councilmember, Ward 3

Terry Seamens, Councilmember, Ward 4

Marc Elrich, Councilmember, Ward 5

Douglas Barry, Councilmember, Ward 6

ATTEST:

Jessie Carpenter, City Clerk

Date: _____

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