

CITY OF OAKLAND
AGENDA REPORT

2010 FEB 19 AM 10:05

TO: Council President Brunner and Honorable Members of the City Council
FROM: Office of the City Clerk
DATE: March 2, 2010
RE: Discussion And Action on a Status Report on the Implementation of Ranked Choice Voting (RCV) For The City Of Oakland's November 2, 2010 Election

SUMMARY

At the City Council meeting of February 2, 2010, the City Clerk was directed to return to the March 2, 2010 City Council meeting with a comprehensive update on Alameda County's Implementation of Ranked Choice Voting (RCV) for the City of Oakland.

The Office of the City Clerk has prepared this report to provide an update on elections program activities and to address the following concerns raised by the City Council during the February 2, 2010 City Council meeting:

- *Voter Outreach and Education Program mandated upon the County of Alameda*
- *Status of Alameda County's work on the Voter Outreach and Education Program*
- *Alameda County's preliminary estimates of Oakland's RCV Elections & Voter Education Costs*
- *The City of Oakland's requirement to perform Voter Education Outreach and Education*

Additionally, in a Supplemental report, the Office of the City Clerk will provide information after meeting with the County of Alameda, the City of Berkeley and the City of San Leandro February 19, 2010 on the following concerns also raised by the City Council:

- *Internal coordinated strategies to provide supplemental Outreach and Education*
- *The roll out of "early" Voter Outreach and Education in the City of Oakland*

FISCAL IMPACT

For conduct of an RCV Election for the City of Oakland, the preliminary estimated fiscal impact is approximately \$728,000 as provided by the County of Alameda Registrar of Voters (ROV). This figure includes estimates for RCV set up and general elections services for the conduct of Oakland's November 2010 election.

The preliminary estimate of set up and elections services costs do NOT include requests for additional services which may come forward as a consequence of Council's action on this report or factor additional text and services for ballot measures. Requests to the ROV for additional services and activities for Voter Outreach and Education will result in an increase in Oakland proportional share of elections expenses.

PROGRAM DESCRIPTION

Voter Outreach And Education Program Mandated Upon The County Of Alameda

In the letter dated December 4, 2009, the Secretary of State provided a one-time conditional approval of use of the Sequoia Voting Systems WinEDS 4.0.1168 voting system and its RCV functionality in Alameda County. As a condition of approval the Secretary of State set forth a Voter Education and Outreach Program to educate about Ranked choice Voting (RCV). The December 9, 2009 letter from the Secretary of State further stipulated the following:

- ***Alameda County must meet or exceed the conditions described in the "Voter Education and Outreach Program for Implementation of Ranked Choice Voting in Alameda County",***

The document referenced as the "Voter Education and Outreach Program for Implementation of Ranked Choice Voting in Alameda County" included four components: Materials and Media Development, Public Distribution Plan, Communication with Targeted Groups; and Election Day Procedures. The explicit requirements of the four components are detailed below.

Materials and Media Development

Educational Materials

*Posters, Brochures, Postcards. Create RCV educational materials including, at a minimum: **posters, brochures, and postcard mailers that alert voters to the first-time use of RCV in the next municipal election, inserts to be mailed with sample ballots and vote-by-mail ballots, poll worker training scripts, and information sheets and signs for use in all polling places to explain RCV to voters on Election Day.** The materials shall describe the purpose of RCV, how to mark an RCV ballot and how RCV ballots are counted. All materials shall be provided in English, Spanish, Chinese and any additional languages as required under the federal Voting Rights Act.*

Media Development

*Public Service Announcements. **Public service announcements (PSAs) shall be produced and broadcast on television and radio stations to raise awareness about RCV, how RCV works, when it will debut, and how to mark a ballot using RCV.** PSAs shall be translated into Spanish, Chinese and any additional languages as required under the federal Voting Rights Act and distributed to local television and radio stations that serve these communities.*

Media Outreach. Media materials and announcements shall be developed and distributed before early voting and vote-by-mail balloting commence to raise awareness about RCV, how RCV works, when it will debut and how to mark a ballot using RCV. At least one media event shall be hosted at which elections officials shall demonstrate how to cast an RCV ballot, RCV educational materials shall be distributed, and elections officials shall be available to answer questions from reporters. Local representatives from print, radio, television, and electronic media shall be invited to the event and included in any materials distributions. Non-English language media outlets shall also be invited and included on any distribution lists.

Public Distribution Plan

Distribution of Printed Educational Materials. Distribute, and arrange for the distribution of, RCV voter education materials to: local disability rights organizations, independent living centers, senior centers/groups, minority language groups/advocacy organizations, low-literacy groups/advocacy organizations, libraries, chambers of commerce, homeowners associations, colleges, high schools, voting rights organizations, and other entities as designated by the Alameda County Registrar of Voters.

Public Demonstrations. Provide demonstrations of how to cast an RCV ballot and distribute RCV voter education materials, at public events, including but not limited to, local government fairs and events, farmers markets, town hall meetings, including events held in areas with high concentrations of African-American, Spanish-speaking, Chinese speaking, and other minority language communities.

Voter Mailers. The Alameda County Registrar of Voters shall send at least one educational mailer about RCV to all registered voters in the cities of Berkeley, Oakland and San Leandro, before early voting and vote-by-mail balloting commence for the November 2, 2010, election. RCV information shall also be included with sample ballots and vote-by-mail ballots mailed by the Alameda County Registrar of Voters to voters in those cities.

Website Publication. Post RCV information and downloadable versions of educational materials on official county and city websites. Materials shall be posted in a format accessible to individuals with disabilities and made available in Spanish, Chinese and any additional languages as required under the federal Voting Rights Act.

Communication with Targeted Groups

The Alameda County Registrar of Voters and City Clerks of Berkeley, Oakland and San Leandro shall work with community-based, disability rights, minority language, low literacy and senior groups/advocacy organizations, as well as voting-age youth organizations, college-based and high school-based student organizations, chambers of commerce and city government offices to disseminate information about RCV. The Registrar of Voters may designate additional entities to receive RCV communications. The Registrar of Voters shall, by mail and email where available, distribute RCV educational information to representatives of these organizations.

Election Day Procedures

The Registrar of Voters shall ensure that poll workers in cities conducting RCV elections are adequately trained and prepared to assist voters with questions about RCV. Specifically, the Registrar of Voters shall add one (1) additional poll worker at each polling place in cities conducting RCV elections whose sole responsibility is to provide demonstrations and answer questions and requests for assistance from voters about RCV. The Registrar of Voters shall also display prominent posters/signage at the polling places providing information about RCV, including materials in Spanish, Chinese and any additional languages as required under the federal Voting Rights Act.

The above requirements are imposed upon the County of Alameda as a requirement in the conduct of elections for the cities of Berkeley, Oakland and San Leandro. All costs for the required services will be billed proportionately to the three cities.

Status Of Alameda County's Work on the Voter Outreach And Education Program

In accordance with the stipulations within the Secretary of State's December 4, 2009 letter, Alameda County ROV developed the framework for a Voter Outreach and Education Program Plan. Under each of the four identified program components the ROV has completed the specific steps and has requested further guidance from the Cities of Berkeley, Oakland and San Leandro.

Materials and Media Development (1st Component)

1) **A. Education Materials.** *Create RCV educational materials including, at a minimum: posters, brochures, and postcard mailers that alert voters to the first-time use of RCV in the next municipal election, inserts to be mailed with sample ballots and vote-by-mail ballots, poll worker training scripts, and information sheets and signs for use in all polling places to explain RCV to voters on Election Day.*

The ROV has completed the working drafts of posters, brochures, postcard mailers, signs and has committed to the insertion of additional pages within the June sample ballots and vote-by-mail ballots as required by the Secretary of State. Development work has begun on the poll worker training scripts and information sheets for use in the polling places and the completion of these materials is anticipated within the coming weeks for the first phase of early education requested by Oakland.

1) **B. Media Outreach.** *Public service announcements (PSAs) shall be produced and broadcast on television and radio stations to raise awareness about RCV, how RCV works, when it will debut, and how to mark a ballot using RCV*

The ROV began the development of PSA announcements for television and radio stations utilizing information obtained from the County and City of San Francisco. The modification of San Francisco's scripts and utilizing County staff generates no cost associated with this task.

Alameda County's target list of media groups also includes online media venues such as Facebook, Twitter, 2nd Life, etc.

Public Distribution Plan (2nd Component)

2) A. Distribution of Printed Educational Materials *Distribute, and arrange for the distribution of, RCV voter education materials to: local disability rights organizations, independent living centers, senior centers/groups, minority language groups/advocacy organizations, low-literacy groups/advocacy organizations, libraries, chambers of commerce, homeowners associations, colleges, high schools, voting rights organizations, and other entities as designated by the Alameda County Registrar of Voters*

The list of community organizations includes the minority language groups/advocacy organizations supplied by Councilmember offices to the Office of the City Clerk. Further additions will include disability rights organizations, independent living centers, senior centers/groups, and other required organizations currently being compiled by city staff.

2. B) Public Demonstrations. *Provide demonstrations of how to cast an RCV ballot and distribute RCV voter education materials, at public events, including but not limited to, local government fairs and events, farmers markets, town hall meetings, including events held in areas with high concentrations of African-American, Spanish-speaking, Chinese speaking, and other minority language communities.*

The ROV has committed to a minimum 100 presentations within the cities of Berkeley, Oakland, and San Leandro. Clerk's Office will coordinate the presentations within Council Districts, at special events and city facilities.

2. C) Voter Mailers. *The Alameda County Registrar of Voters shall send at least one educational mailer about RCV to all registered voters in the cities of Berkeley, Oakland and San Leandro, before early voting and vote-by-mail balloting commence for the November 2, 2010, election. RCV information shall also be included with sample ballots and vote-by-mail ballots mailed by the Alameda County Registrar of Voters to voters in those cities.*

This mailer is in addition to the general training materials and will be sent out before early voting and vote-by-mail ballot periods stipulated in the State Elections code.

2. D. Website Publication. *Post RCV information and downloadable versions of educational materials on official county and city websites. Materials shall be posted in a format accessible to individuals with disabilities and made available in Spanish, Chinese and any additional languages as required under the federal Voting Rights Act.*

To ensure continuity of the education message, all education materials will be made available on the websites of Alameda County ROV and the three cities. The Office of the City Clerk will request the assistance of the City's Webteam to develop a RCV Education and Information page including the downloadable training materials.

Communications with Targeted Groups (3rd Component)

3. The Alameda County Registrar of Voters and City Clerks of Berkeley, Oakland and San Leandro shall work with community-based, disability rights, minority language, low literacy and senior groups/advocacy organizations, as well as voting-age youth organizations, college-based and high school-based student organizations, chambers of commerce and city government offices to disseminate information about RCV. The Registrar of Voters may designate additional entities to receive RCV communications. The Registrar of Voters shall, by mail and email where available, distribute RCV educational information to representatives of these organizations.

The February 19, 2010 meeting is an expanded meeting that includes special interest group representatives and concerned citizens.

Election Day Procedures (4th Component)

The Registrar of Voters shall ensure that poll workers in cities conducting RCV elections are adequately trained and prepared to assist voters with questions about RCV. Specifically, the Registrar of Voters shall add one (1) additional poll worker at each polling place in cities conducting RCV elections whose sole responsibility is to provide demonstrations and answer questions and requests for assistance from voters about RCV. The Registrar of Voters shall also display prominent posters/signage at the polling places providing information about RCV, including materials in Spanish, Chinese and any additional languages as required under the federal Voting Rights Act.

The ROV began training of their staff February 2010 to ensure clear understanding of the RCV voting process. Recruitment and training for the mandated additional poll worker for the November 2010 election will commence May 2010.

City Clerk's from the 3 cities will meet with the Alameda County ROV February 19, 2010 to review materials and outstanding tasks outlined under the four components of the mandated Voter Outreach and Education Program. Additional information will be provided in a supplemental report.

Alameda County's Preliminary Estimate Of Oakland's RCV Election & Education Costs

The County of Alameda's preliminary estimate of proportionate costs for a **RCV election** for the City of Oakland is approximately \$728,000. The preliminary estimate assumes all general elections costs and the additional costs for tasks mandated by the Secretary of State discussed later in this report. Of the estimated \$728,000 of Oakland's proportionate total RCV costs, approximately 20% or \$146,000 is exclusively identified for Voter Outreach and Education.

The \$146,000 figure includes costs for printed materials, modification of flash media presentations acquired from the City and County of San Francisco, and an additional poll worker for each of Oakland's 241 precincts as required by the Secretary of State. Not included are estimates for local newspaper advertising and editorial outreach and AC Transit advertising.

Based on preliminary estimates provided by Alameda County ROV, Oakland's current proportionate share of estimated RCV costs breaks down accordingly:

Preliminary Cost Estimate for Ranked Choice Voting Outreach and Education		
Mandated Education Component	Total Development Costs	Oakland's Proportionate Share
Materials & Media Development		
- Educational Materials	11,800	7,552
- Poll Work Handouts	2,000	1,280
- Media Development	5,000	3,200
Public Distribution Plan		
- Distribute Printed Ed. Materials	0	0
- Public Demonstration	155,000	99,200
- Voter Mailers	0	0
- Website Publications		
Communication with Targeted Groups	0	0
Elections Day Procedures		
- Extra Poll Worker	\$135 per poll worker	32,535
- Poll Worker Training	800	512
- Training Handouts	125	80
- Signage for Polling Place	1,000	640
		145,254

The City Of Oakland's Requirement To Perform Voter Education

Section 1105 (b) of the Charter of the City of Oakland states:

"The City shall conduct a voter education campaign to familiarize voters with ranked choice voting."

The Office of the City Clerk is working with key city departments and staff to coordinate the delivery of education materials and further develop a voter education campaign to expand voter education in the City of Oakland beyond the requirements imposed by the Secretary of State. Within the limits of elections funding and in absence of key staff, the Office of the City Clerk intends to leverage the voter education resources of the County of Alameda and city facilities to extend the reach of planned voter education.

General elements will target Oakland facilities such as recreation centers, senior facilities, district community centers for RCV presentations; development work from the Departments of Cultural Arts and Marketing, KTOP, the WebTeam and additional coordination with media outlets for dissemination of RCV education materials and presentations.

RECOMMENDATION(S) AND RATIONALE

The Secretary of State has set forth detailed requirements for RCV Voter Outreach and Education with the approval to use RCV as a voting method for the cities of Berkeley, Oakland and San Leandro. While the stipulations were developed in consultation with the three cities and submitted to the Secretary of State during review of the Sequoia voting system, the requirements are largely imposed upon the ROV. However, all direct costs associated with the preparation, planning and conduct of RCV elections will be passed through to the cities in the proportionate allocations identified in the Memorandum of Understanding with the County of Alameda.


The County of Alameda ROV has consistently conveyed their interest in the obtaining feedback from the cities and willingness to provide additional support to the cities. However, it should be noted that additional requests from the cities beyond the preliminary outline of work for the November 2010 RCV election will drive the proportionate shared costs higher. The City Clerk's Office supports a strategic brokering of services from the Alameda County ROV. Additionally, we support the opportunity to mitigate costs for supplemental voter outreach requested by council and mandated under the City Charter by using the vast resources of the ROV. The suggested opportunities include taking advantage of price breaks for obtaining additional education materials through vendors used by the ROV, increasing the number of RCV presentations from the County of Alameda within the City of Oakland, and coordinating training for community groups who wish to train citizens and participate in the outreach and education processes.

Utilizing the training materials in accordance with the standards of state elections laws developed by the County of Alameda ensures consistency in the training approach and message and minimizes any possibilities of voter confusion. Additionally, it is believed that coordination of a global message ensures clarity of the explanation of the voting process for Oakland, Berkeley and San Leandro citizens alike.

ACTION REQUESTED OF THE CITY COUNCIL

The Office of the City Clerk requests Council's consideration of the information contained in this and the forthcoming supplemental status report with specific focus on the factors that could influence increases to the proportionate share of RCV elections costs for the City of Oakland. Staff further requests the direction of the Council in the continuing work of implementing Ranked Choice Voting in accordance with the requirements of the Secretary of State and Memorandum of Understanding approved by the Cities of San Leandro, Berkeley and Oakland.

Respectfully submitted,

A handwritten signature in cursive script that reads "LaTonda Simmons". The signature is written in black ink and is positioned above the printed name and title.

LaTonda Simmons
City Clerk and Clerk of the Council