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CITY OF OAKLAND



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January 5, 2010

Council President Brunner
& Members of the City Council
City Hall
Oakland, CA 94612

RE: Status Report On Ranked Choice Voting

On December 4, 2009 the Secretary of State issued a one-time administrative approval for Alameda County to use the ranked choice voting system for the 2010 Consolidated Gubernatorial General Election. Pursuant to the Charter, the City shall use ranked choice voting once the Alameda County Registrar of Voters is able to conduct the election on behalf of the City. The administrative approval from the Secretary of State now enables the County to provide such services. Additionally, the County of Alameda has also stated they are able to conduct an election using Rank Choice Voting.

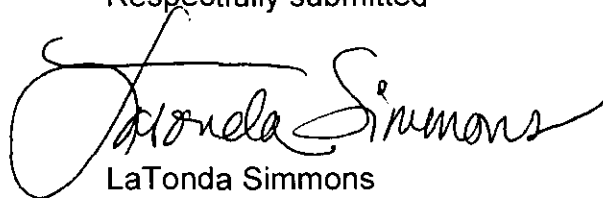
Section 1105 of the Charter also states that the use of ranked choice voting shall commence with the *General Municipal Election*. The *General Municipal Election* is the election held on the first Tuesday after the first Monday in November in each even-numbered year. Therefore, the next election of officers for the City of Oakland will be held on November 2, 2010 and be conducted using the ranked choice voting method, as indicated in the City Attorney's legal opinion dated December 16, 2009.

One of the conditions of approval by the Secretary of State is that 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" (**Attachment A**). The basis of the program is the result of an ongoing collaborative effort between the County, the Cities, Community Groups, and Citizens and includes four components: Materials and Media Development, Public Distribution Plan, Communication with Targeted Groups, and Election Day Procedures. It is important to note that the plan has not been finalized, but is a good starting point for further development. (**Attachment B**)

As we move toward the first use of RCV in Alameda County, more meetings will be held to ensure that the voter education and outreach program fulfills the requirements outlined by the Secretary of State and the Charter of the City of Oakland. As discussions continue to develop a plan, staff will return to Council for action and next steps in the continuing work to implement Rank Choice Voting.

Additionally, the County has requested that each city enter into a Memorandum of Understanding in regards to providing the services required to conduct a successful RCV election. The document has been reviewed by the City Attorney and will be presented to you this evening.

Respectfully submitted

A handwritten signature in black ink that reads "LaTonda Simmons". The signature is written in a cursive style with a large, looping initial "L".

LaTonda Simmons
City Clerk and Clerk of the Council and
Secretary to the Redevelopment Agency

LS:MRK



DEBRA BOWEN | SECRETARY OF STATE | STATE OF CALIFORNIA
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Exhibit A

Voter Education and Outreach Program for Implementation of Ranked Choice Voting in Alameda County

This document sets forth, as a condition of Secretary of State Debra Bowen's administrative approval of use in Alameda County of Sequoia Voting Systems' WinEDS 4.0.116B ('System 4.0'), a Voter Education and Outreach Program (Program) to educate voters about Ranked Choice Voting (RCV). The Program must be implemented for each city that uses the System 4.0 voting system to conduct an RCV election for municipal office. On the date of this administrative approval, the cities whose voters have approved RCV charter amendments are Berkeley, Oakland and San Leandro. The goal of the Program is to ensure that all voters in the cities of Berkeley, Oakland and San Leandro have a clear understanding of how to cast an RCV ballot and how their choices of first, second and third-preference candidates will be used to determine a winner without a separate runoff election if no candidate wins a majority of votes after first-ranked choices are counted. The Program includes four components: Materials and Media Development, Public Distribution Plan, Communication with Targeted Groups, and Election Day Procedures.

The basic components of the Program were developed after extensive consultation with the Alameda County Registrar of Voters and city clerks from the three cities. The county and city elections officials solicited and received guidance and recommendations from a diverse group of interested members of the public, as well as elections officials for the City and County of San Francisco, which has conducted successful RCV elections with System 4.0.

Before finalizing the materials and plans for the four components of the Program, the Registrar of Voters shall request and consider input from local low-literacy, minority language and disability rights advocacy organizations and other interested community members.

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.

Attachment A

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.

DRAFT

RANKED CHOICE VOTING VOTER OUTREACH AND EDUCATION PLAN

Plan Overview:

The Alameda County Registrar of Voters Office along with the Cities of Berkeley, Oakland and San Leandro present a comprehensive Voter Outreach and Education Plan that will inform and educate all voters on the Ranked Choice Voting method in time for the November 2, 2010 General Election. The Outreach Plan outlines an effective education campaign to reach all voters and specific communities (minority language voters, seniors, first time voters and voters with disabilities, low-literacy groups and other interested community members) on how to correctly mark ranked choice voting ballots.

Objectives Overview:

1. The Registrar of Voters Office has conducted an extensive review of its policies and procedures to ensure a smooth and successful transition to Ranked Choice Voting. Where by even a voter who had never heard of Ranked Choice Voting would have a seamless voting experience on Election Day.
 - Review existing procedures
 - Determine best practices
 - Commence Firmware upgrades to voting equipment
 - Implement revisions

2. To educate voters who reside within the cities of Berkeley, Oakland and San Leandro on Ranked Choice Voting methodology.
 - Inform voters on how Ranked Choice Voting allows a voter to rank a first, second and third choice candidate for a single office.
 - Securing the highest level of understanding amongst all voters on how to correctly mark a Ranked Choice Voting ballot.

3. To effectively communicate an outreach and voter educational campaign that is successful and cost effective.

- All materials will be translated in accordance with the Voting Rights Act
- Conduct public presentations to targeted communities
- Public Service Announcements
- Advertisements in newspapers, radio and traditional media outlets
- Extensive local and multi-lingual media outreach
- Easy to read explanations of Ranked Choice Voting incorporated in voting materials
- Educational mechanisms which include print and electronic media

4. Additional innovative efforts to aid voters in understanding Ranked Choice Voting.

- The Voter Information Pamphlet will include a dedicated section to focus on voting instructions and samples of the Ranked Choice Voting Ballot
- Clear and concise multi-lingual signage and voter materials at the polls
- Extra Dedicated Ranked Choice Voting Poll Workers at the polls
- A clearly designed ballot with easy to read voter instructions



Policies and Procedures

The Alameda County Registrar of Voters is in the process of reviewing its existing policies and procedures to determine best practices and to establish the most efficient way to convert from a traditional ballot to a Rank Choice Voting Ballot. Since San Francisco County is well versed in Rank Choice Voting (RCV), they have provided Alameda County with their established procedures to serve as a guideline.

A traditional ballot, either a one or two card ballot, consists of races where the voter votes for the candidate or measure of their choice. In contrast A Rank Choice Voting Ballot will be a separate ballot card where the voter will select their first, second and third choice.

When all ballots have been counted; the Registrar of Voters staff conducts the random selection of precincts for the 1% Manual Tally. This process will continue with the transition to Rank Choice Voting.

With a traditional ballot, the 1% Manual Tally process requires staff to sort the ballots by candidates, over votes, blanks and write-ins. In using a Rank Choice Voting ballot, the 1% Manual Tally sorting process will be adjusted and staff will sort the ballots according to the steps outlined in our Rank Choice Voting procedures until each RCV contest is completed and verified.

Outreach and Education Activities:

1. Easy-to-Read instructions for RCV will be incorporated in voting materials distributed to voters

The Alameda County Registrar of Voters is preparing a brief written overview, with visuals and step-by-step instructions on how to vote using Ranked-Choice Voting, which will be included in the pages of all sample ballots that are distributed to voters prior to the November 2010 election.

These easy-to-follow instructions will also be included as an insert in all vote-by-mail ballots distributed to voters for the November 2010 election.

This overview of how to vote using Ranked Choice Voting will also be made available at polling places in November 2010 to help voters who arrive at the polls with little or no knowledge of the shift to this new voting format. The instructions will also be modified to create visual reminders that can be posted inside polling places and in voting booths to remind voters how to vote using Ranked Choice Voting.

Prior to each election, there are several pieces of literature distributed by mail to Alameda County voters, including Sample Ballots and Vote-By-Mail Ballots. Each of these mailings presents an outreach opportunity for the Registrar of Voters to engage voters about the shift to Ranked Choice Voting in Berkeley, Oakland and San Leandro, and to explain to them in simple terms how to vote using this new voting format.

The City of San Francisco and Pierce County, WA., have already conducted elections using Ranked Choice Voting and in doing so have produced instructions for voters on how to vote using this voting format. Staff from the Alameda County Registrar of Voters has been in contact with counterparts in San Francisco and Pierce County to discuss exchange ideas on how to best produce RCV voting instructions that minimize Election Day problems related to the shift to Ranked Choice Voting. Staff from San Francisco and Pierce County, Wash., has already supplied several examples of their RCV voting instructions and other written materials to educate voters about RCV and have given their blessing to Alameda County to use these materials to guide the County in producing RCV voting instructions and other voter education materials targeting voters for the November 2010 elections in Berkeley, Oakland and San Leandro.

The written instructions for voting using RCV will be produced in consultation with staff and elected officials from the cities of Berkeley, Oakland and San Leandro; officers from the *League of Women Voters Chapters in Berkeley, Oakland and San Leandro*; and community members interested in Ranked Choice Voting who participate in an advisory committee that is helping to plan the rollout of RCV in Alameda County in 2010.

2. Tri-Fold Brochure

The Alameda County Registrar of Voters will create a tri-fold brochure featuring instructions on how to vote using Ranked Choice Voting. The brochure will be printed on 8 ½ by 11-inch paper with instructions and visuals on both sides of the page.

A first draft of the tri-fold brochure already has been produced by the Alameda County Registrar of Voters and is currently being circulated among elected officials and staff for the Cities of Berkeley, Oakland and San Leandro. The brochure is also being reviewed by officers of the *League of Women Voters chapters in Berkeley, Oakland and San Leandro*, and by citizen members of a Ranked Choice Voting planning committee that has been meeting regularly since 2007 to plan the RCV rollout in Alameda County.

The brochure features a graphic depiction of a Ranked Choice Voting ballot and step-by-step instructions on how to properly mark the ballot and to cast your votes using RCV.

The brochure will be distributed to voters at public presentations planned by Alameda County and the County's three RCV cities during the months prior to the November 2010 election, when Alameda County plans to use Ranked Choice Voting for the first time.

Many copies of the brochure will be distributed with the League of Women Voters and with the Cities of Berkeley, Oakland and San Leandro, to help broaden the distribution of these easy to use instructions on how to vote using Ranked Choice Voting.

The City of San Francisco and Pierce County, Wash., have already conducted elections using Ranked Choice Voting and in doing so have produced similar brochures aimed at educating voters on how to vote using Ranked Choice Voting.

Staff from the Alameda County Registrar of Voters has been in contact with counterparts in San Francisco and Pierce County to discuss exchange ideas on how to best produce a voter-education brochure that minimize Election Day problems related to the shift to Ranked Choice Voting.

Staff from San Francisco and Pierce County, Wash., has already supplied examples of their RCV brochures and other written materials to educate voters about RCV and have given their blessing to Alameda County to use these materials to guide the County in producing its brochure and other materials targeting voters for the November 2010 elections in Berkeley, Oakland and San Leandro.

3. Special Postcard Mailer

The Alameda County Registrar of Voters will create a 5-inch-by-7-inch postcard-sized mailer containing a brief overview and step-by-step instructions on how to vote using Ranked-Choice Voting. These easy-to-follow instructions will be mailed during the two months prior to the November 2010 election and will target each of the approximately 300,000 voters within the three RCV cities (Berkeley, Oakland and San Leandro).

The postcard mailer will be similar in many ways to the tri-fold brochure Alameda County is producing to educate voters about Ranked Choice Voting and how to vote using this voting format. But it will be in a more condensed format in order to fit on a postcard, an option that appeals to the RCV cities because of the potential for saving on postage costs.

Drafts of the brochure and the postcard already have been produced by the Alameda County Registrar of Voters and currently are being circulated among elected officials and staff for the Cities of Berkeley, Oakland and San Leandro. The postcard is also being vetted by officers of the League of Women Voters chapters in Berkeley, Oakland and San Leandro, and by citizen members of a Ranked Choice Voting planning committee that has been meeting regularly since 2007 to plan the RCV rollout in Alameda County.

The postcard will feature a graphic depiction of a Ranked Choice Voting ballot and step-by-step instructions on how to properly mark the ballot using RCV.

The postcard will be distributed to voters at public presentations planned by Alameda County and the County's three RCV cities during the months prior to the November 2010 election, when Alameda County plans to use Ranked Choice Voting for the first time.

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The City of San Francisco and Pierce County, Wash., have already conducted elections using Ranked Choice Voting and in doing so have produced similar postcards aimed at educating voters on how to vote using Ranked Choice Voting. Staff from the Alameda County Registrar of Voters has been in contact with counterparts in San Francisco and Pierce County to discuss exchange ideas on how to best produce a voter-education postcard that minimize Election Day problems related to the shift to Ranked Choice Voting.

Staff from San Francisco and Pierce County, Wash., has already supplied examples of their RCV written materials and have given their blessing to Alameda County to use these materials to guide the County in producing its postcard and other materials.

4. Public Presentations

The Alameda County Registrar of Voters will work in concert with League of Women Voters chapters in Berkeley, Oakland and San Leandro in organizing presentations to voters to explain how Ranked-Choice Voting (RCV) works. Presentations will take place at meetings with community groups, at senior centers, centers for the disabled, areas with high concentration of African American, Spanish speaking, Chinese-speaking, other minority language communities and non-English-speaking voters.

Presentations will involve Registrar of Voters employees who conduct outreach through public presentations each elections cycle. Staff members involved in this effort will include personnel who specialize in outreach to Spanish-speaking and Chinese-speaking communities.

Representatives of the League of Women Voters of Albany, Berkeley and Emeryville, the Oakland League of Women Voters and the San Leandro League of Women Voters have already pledged to take part in organizing and leading public presentations as well, stretching the resources in Alameda County for providing voter education about Ranked-Choice Voting.

Staff from the Registrar of Voters will develop educational materials, handouts and visuals including PowerPoint and Flash Media presentations to aid in presentations to the public. Development of these materials is already under way and is being done with the feedback of an outreach committee of stakeholders that includes Elected City Officials, City Clerks in the three RCV cities, officers from the three League of Women Voters chapters and members of the community committed to successful implementation of Ranked-Choice Voting in Alameda County.

The Registrar of Voters has developed a tri-fold brochure that can be distributed at the public meetings. The brochure is still in draft form, and has been circulated among RCV stakeholders in Alameda County for their thoughts in providing improvements. The final version will provide a basic, step-by-step introduction to Ranked-Choice Voting that will focus on helping voters to mark their ballots properly.

Staff from the Registrar of Voters also is working with Alameda County Information Technology employees on creating visually compelling PowerPoint and Flash Media presentations that will help guide the public presentations. Registrar of Voters staff also has been working with counterparts in San Francisco and Pierce County, WA and has asked for their feedback on outreach materials to be used at public presentations, including brochures, PowerPoint and Flash Media presentations.

The Registrar of Voters already has a long list of community contacts that can be tapped in arranging venues and gatherings for voter education presentations. These include contacts and community groups in non-English-speaking communities, as well as at high schools and colleges where young voters routinely are provided voter education presentations by staff from the Registrar of Voters.

5. Public Service Announcements

The Alameda County Registrar of Voters will produce public service announcements to be played on local radio and televisions. The public service announcements will focus on notifying voters in Berkeley, Oakland and San Leandro of the launch of Ranked-Choice Voting in those communities in November 2010 and on showing voters how to properly mark their ballots using RCV.

The Public Service Announcements will include 15-, 30- and 60-second spots that are voice-only for radio and include video for television. The Registrar of Voters staff includes employees with broadcast/media experience who have done voice-over work in the past on Poll-Worker Training Videos and other projects. These employees can be utilized to perform the voice work for the audio and video Public Service Announcements.

Furthermore, the Registrar of Voters staff includes employees who have worked in video production as well, and who have produced election-related videos on behalf of the ROV, including voter-education videos illustrating how to use Optical Scan voting equipment purchased by Alameda County in 2006. The Registrar of Voters has worked with outside video producers and with staff working in the Video Unit of the Alameda County District Attorney's Office to create videos. The District Attorney's Video Unit has expressed an interest in working with Registrar of Voters staff in producing a voter education video related to RCV, and in creating video footage that can be incorporated in a public service announcement about RCV that would be distributed to local television stations for public airing. Staff from the City of Oakland has also said that a production crew from the City's in-house cable-access television station, KTOP, can be

made available to produce voter-education videos and video public service announcements.

Scripts for the audio and video public service announcements will be written by staff from the Registrar of Voters office, and vetted by staff from Alameda County; staff and elected officials from the cities of Berkeley, Oakland and San Leandro; officers from the League of Women Voters Chapters in Berkeley, Oakland and San Leandro; and community members interested in Ranked Choice Voting who participate in an advisory committee formed in 2007 that is helping to plan the rollout of RCV in Alameda County in 2010.

Scripts for the audio and video public service announcements also will be translated for viewing by Chinese-language and Spanish-language voters, with the help of bilingual staff members from the Registrar of Voters office who perform outreach to these non-English-speaking communities. The translated scripts will be used to produce public service announcements in these languages, which can be distributed to radio and television stations that target Chinese-language and Spanish-language viewers.

The public service announcements will be distributed to radio and television broadcast stations throughout the East Bay and the entire San Francisco Bay Area, with the help of an extensive list of media contacts that has been compiled by the Registrar of Voters office as part of its ongoing outreach efforts to engage the community in elections-related matters.

The public service announcements would be distributed to radio and television stations in the late summer or early fall of 2010, with the intention that the announcements air during the six weeks preceding the November 2010 election.

6. Flash Media Presentation

The Alameda County Registrar of Voters is developing a Flash Media presentation to explain the main concepts of Ranked Choice Voting, particularly how voters can mark their ballots correctly, to go with the many other voter-education materials being produced to help with the RCV rollout in November 2010.

Flash Media is a computer-based program that incorporates graphics and other eye-catching visuals that will help explain the concepts of Ranked Choice Voting to the voters. The presentation can include text or audio explanations, which can easily be converted to help non-English-speaking voters. The presentation will be an ideal feature at the public presentations the Registrar will organize with League of Women Voters Chapters in Berkeley, Oakland and San Leandro, and other community groups.

Representatives of these League of Women Voters chapters have already pledged to take part in organizing and leading public presentations, and are enthusiastic about the Flash Media Presentation as a powerful tool in assisting with these presentations.

The presentation will also be featured on the Alameda County Registrar of Voters website, allowing any and all visitors to the site to enjoy a brief explanation of Ranked Choice Voting at their convenience. The presentation can also be copied onto CDs, which the Registrar and the three RCV cities will distribute to voters and community groups, and can be featured on cable-access channels and as visual accompaniment to news reports about the shift to Ranked Choice Voting in Alameda County.

A computer will also be set up in the lobby of the Registrar of Voters office to encourage visitors to view the Flash Media Presentation to educate themselves on the concepts of Ranked Choice Voting. Other County agencies, and agencies in the three RCV cities, have agreed to make the Presentation available in a similar way.

Similar Flash Media Presentations have been used in San Francisco to help educate voters there about Ranked Choice Voting. Alameda County staff is already working with counterparts in San Francisco to gather their ideas on the components of a Flash Media Presentation that are essential to effectively educating voters.

The Registrar of Voters already has a long list of community contacts that can be tapped in arranging venues and gatherings for voter education presentations, and for viewings of the Flash Media Presentation. These include contacts and community groups in non-English-speaking communities, as well as at high schools and colleges where young voters routinely provided voter education presentations by staff from the Registrar of Voters.

7. Short Video on Ranked Choice Voting

The Alameda County Registrar of Voters will develop a short video to walk voters through the voting process using Ranked Choice Voting. The video will explain the main concepts of Ranked Choice Voting, particularly how voters can mark their ballots correctly, and will compliment to the many other voter-education materials being produced to help with the RCV rollout in November 2010.

Staff in the Registrar of Voters office has ample experience in producing voter-education videos. Over the past three years, the ROV staff has produced several videos to help with poll worker training, and to explain to voters how to use the new optical scan voting system that Alameda County brought online in 2006.

The Registrar of Voters office has produced the videos both with the help of outside video producers, and a video crew from the Alameda County District Attorney's Office. The DA's office video crew has been approached about the Ranked Choice Voting project and has expressed enthusiasm about participating. In addition, the City of Oakland's cable-access television station, KTOP-TV, has also been approached and has expressed interest in helping to produce the video in their city-owned television studio.

The Registrar of Voters office has found short video presentations to be an effective and highly transportable method of educating voters about concepts such as Ranked Choice Voting. The video can include graphics and other eye-catching visuals to walk voters through the voting process. It also can include text or audio explanations, which can easily be converted to help non-English-speaking voters. The video will be an ideal feature at the public presentations the Registrar will organize with League of Women Voters Chapters in Berkeley, Oakland and San Leandro, and other community groups.

Representatives of these League of Women Voters chapters who are committed to helping organize and lead public presentations are enthusiastic about having a short video to assist with these presentations.

The video will also be featured on the Alameda County Registrar of Voters website, allowing visitors to the site to view this visual explanation of Ranked Choice Voting at their convenience. The video will also be copied onto DVDs, which the Registrar and the three RCV cities will distribute to voters and community groups for use in voter education presentations, and will be featured on cable-access channels and as visual accompaniment to news reports about the shift to Ranked Choice Voting in Alameda County.

8. Advertising and Editorial Outreach

The Alameda County Registrar of Voters has discussed outreach options extensively with a committee of City officials and other parties involved in planning for a successful rollout of Ranked Choice Voting in Alameda County in November 2010.

Among the options examined, Registrar staff has inquired about the possibility of using **paid advertisements** in local newspapers, on local radio and television stations, and on billboards and placards erected on city buses, to help educate voters about Ranked Choice Voting.

Registrar staff and other members of the RCV planning committee have obtained cost estimates for all forms of advertising mentioned above and continue to discuss which forms, if any, would best fit the mission of educating voters about Ranked Choice Voting. At this time, officials in Alameda County's three RCV cities are concerned about the relatively high costs of advertising, compared with other outreach methods. But this option remains under discussion, as all parties look for ways to best reach local voters.

Registrar staff and City officials are planning a concerted campaign to generate interest among the editorial staffs of local newspapers, radio and television about Ranked Choice Voting. There are several local media outlets that cover the cities of Berkeley, Oakland and San Leandro exclusively. Furthermore, local affiliates of the major radio and television networks, and the major metropolitan newspapers in the area, also have presences in these communities and will likely be interested in covering the shift to Ranked Choice Voting.

Registrar staff and City officials have numerous contacts with the local media and already have fielded interest by reporters about the shift to Ranked Choice Voting in November 2010. It is expected that there will be some media interest in the topic in early to mid-2010, as preparations solidify surrounding the shift to Ranked Choice Voting.

Based on the media interest surrounding RCV so far, it is expected that there will be ample media interest in RCV in Alameda County in the weeks preceding the November 2010 election. At that time, the Alameda County Registrar of Voters and officials in the three RCV cities will have staff available to explain RCV to reporters on camera and in interviews in person and/or over the telephone.

Furthermore, outreach materials discussed earlier – such as the Flash Media presentation and the Voter Education Video – should prove to be appealing to reporters in all media as they look for ways to enhance their reporting on RCV.

Additional innovative efforts to aid voters in understanding RCV

- Signage at Polling Places
- Extra Poll Workers at Polling Places

The Alameda County Registrar of Voters will also take several steps on Election Day in November 2010 to help those voters who arrive at polling places to vote but who still lack understanding of the shift to Ranked Choice Voting.

The Registrar of Voters and the three cities that will use Ranked Choice Voting – Berkeley, Oakland and San Leandro – are planning to enlist at least one **additional poll worker** in each polling place whose assignment will be to explain RCV (and how to properly mark the RCV ballot) to voters.

Alameda County already employs four poll workers per polling place on average. These workers help voters with various steps in the voting process, and already are trained to assist with questions about how to vote properly. By employing an additional poll worker whose focus is on explaining Ranked Choice Voting, voters should have adequate resources at their disposal at the polling place to ensure a successful voting experience.

In addition, Alameda County plans on posting ample **signage at each RCV polling place** that will provide voters with visual step-by-step explanations on how to mark their ballots correctly using Ranked Choice Voting. These signs will include larger signs in the areas where voters line up to receive their ballots, and smaller educational signs inside the voting booths themselves.

Furthermore, materials such as the tri-fold brochure explained earlier in this outreach plan can be made available to voters at the polling places should they need a more in-depth explanation of RCV.

As with other voter education materials, the signs will include images of the RCV ballot and graphic explanations of how to mark the ballot properly (voting for first, second and third choices etc.).

As with other voter education materials, the Registrar of Voters will consult with the League of Women Voters, City staff and elected officials and other interested parties in developing the signs to be effective educational tools for the voter. Registrar staff is also in touch with colleagues in San Francisco and Pierce County, WA, where Ranked Choice Voting has been used in the past, and is discussing with them their methods of helping voters at Election Day polling places.

Outreach Summary:

By the educational campaign outlined within this document the Registrar of Voters is confident that the voters of Berkeley, Oakland and San Leandro will successfully transition from traditional voting to RCV.

Phase I: September 2009 – June 2010

- Review, revise and execute Registrar of Voters best practices procedures.

Phase II: July 2010 – November 2010

- Registered voters within the cities of Berkeley, Oakland and San Leandro will have access to educational materials illustrating the RCV methodology.
- Voters will be introduced to Public Service Announcements, grass roots and multi-lingual presentations and all forms of local media.
- Social networking sites and web applications will be utilized to facilitate interactive information sharing.
- Voter friendly instructions and information will be provided within the Voter Information Pamphlet and at the polls.
- RCV costs – Voter education is a continuing and ongoing process.

Conclusion:

The Registrar of Voters and the cities of Berkeley, Oakland, and San Leandro have collaborated on a strategic voter outreach and educational plan to promote confidence in the Ranked Choice Voting process and minimize voter error in the successful implementation of Ranked Choice Voting.

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CITY OF OAKLAND
CITY ATTORNEY'S OFFICE

LEGAL OPINION

TO: President Brunner and Members of the City Council

FROM: John Russo
City Attorney

CC: City Administrator
City Clerk

DATE: December 16, 2009

RE: **City's Legal Obligation to Implement Ranked Choice Voting**

INTRODUCTION

In November 2006, the voters of the City of Oakland approved Measure O, which amended the City Charter to provide that elections for all city offices will be conducted using ranked choice voting (RCV), known sometimes as "instant runoff voting." The Charter defines RCV as "an election system in which voters rank the candidates for office in order of preference, and the ballots are counted in rounds that, in the case of a single-winner election, simulate a series of runoffs until one candidate receives a majority of votes." The Charter requires that the City use RCV to conduct Oakland elections "once the Alameda County Registrar of Voters is able to conduct the [RCV] election."

The Alameda County Registrar of Voters (Dave Macdonald) has submitted RCV-enabled voting equipment to the Secretary of State for her approval; Mr. Macdonald has stated that once he receives her approval, he will be able to conduct an RCV election for Oakland in November 2010. The County requested that the Secretary of State provide a decision on certification before December 31, 2009.

Several Councilmembers have asked this Office to opine as to whether the City Charter mandates implementation of RCV once the Secretary of State approves the RCV-enabled voting equipment and the Alameda County Registrar of Voters is able to conduct an RCV election.

QUESTION

Does the City Charter mandate that the City implement ranked choice voting ("RCV")?

SUMMARY CONCLUSION

Yes, the City Charter mandates that the City implement RCV in Oakland once the Alameda County Registrar of Voters has the ability to conduct the election on behalf of the City. The Charter is clear: RCV implementation only depends upon the ability of the Registrar of Voters to conduct the election on behalf of the City.

BACKGROUND

Section 1105 of the City Charter provides that "(e)lections for all city offices, including but not limited to Mayor, Councilmember, City Attorney, City Auditor, and School Director, shall be conducted using ranked choice voting, known sometimes as 'instant runoff voting.'" The Charter defines "ranked choice voting" as "an election system in which voters rank the candidates for office in order of preference, and the ballots are counted in rounds that, in the case of a single-winner election, simulate a series of runoffs until one candidate receives a majority of votes."

Recognizing that the Alameda County Registrar of Voters would need to upgrade the County's voting equipment before the City would be able to use Ranked Choice Voting (RCV) for its elections, the Charter amendment included the following language:

Notwithstanding any other provision of this Charter, the City shall use ranked choice voting **once the Alameda County Registrar of Voters is able to conduct the election on behalf of the City** in accordance with the requirements and procedures of this section... (*Emphasis added*).

The Secretary of State has granted her approval to the County to use Sequoia Voting Systems' RCV-enabled voting equipment on a one-time basis subject to certain conditions regarding outreach. The Alameda County Registrar of Voters has previously said that he will be "able" to conduct an RCV election as soon as his office receives certification from the Secretary of State.

ANALYSIS

Section 1105 of the City Charter requires that the City hold RCV elections as soon as the County Registrar of Voters "is able to conduct the election on behalf of the City." No further action by the City Council is required for the implementation of RCV, and the Charter provides no mechanism whereby the City Council or any City officer may advance or delay its implementation.

The City Charter is the City's constitution; it is the supreme law of the City subject only to conflicting provisions in the federal and state Constitutions and preemptive state law. Ordinances must be consistent with the City Charter; otherwise they are void. *Domar Electric, Inc. v. City of Los Angeles* 9 Cal.4th 161, 170 (1994). A charter city may not act in conflict with its charter. (*Id.* at p. 171.) Any act that is violative of or not in compliance with the charter is void. (*Ibid.*) See also, *Skaggs v. City of Los Angeles*, 43 Cal.2d 497, 501 (1954); *De Aryan v.*

Butler, 119 Cal.App.2d 674, 683 (1953); *Howard Jarvis Taxpayer's Assn. v. City of Roseville*, 106 Cal.App.4th 1178, 1186 (2003).

The supremacy of the City Charter is established by the state constitution. California Constitution Article XI sections 3(a) and 5(a) provide: "The provisions of a charter are the law of the State and have the force and effect of legislative enactments." "City charters adopted pursuant to this Constitution shall supersede any existing charter, and with respect to municipal affairs shall supersede all laws inconsistent therewith." City Charter provisions are controlling in the absence of preemptory state law. *United Public Employees v. City and County of San Francisco*, 190 Cal.App.3d 419, 422 (1987).

CONCLUSION

The Charter grants the Alameda County Registrar of Voters the exclusive power to determine when ranked choice voting will be implemented in Oakland by way of his determination that he is "able to conduct the election on behalf of the City." Because the City Charter is the supreme law of the City, it can be amended only by a vote of the electorate approving an amendment to the Charter. No enactment by the City Council, whether by resolution, motion or ordinance can override the Charter's dictates; nor does any elected official, City officer or employee have the authority to ignore the City Charter's requirements. A charter city may not act in conflict with its charter and any act that violates the Charter is invalid. Therefore once the Registrar of Voters is able to conduct the election in accordance with the Charter, the Charter requires that the City implement ranked choice voting.

Very truly yours,



JOHN A. RUSSO
City Attorney

Attorney Assigned:
Alix A. Rosenthal