

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY CLERK
OAKLAND
2005 JUN -9 PM 4:47

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Office of the City Clerk
DATE: June 23, 2005

RE: **Informational report on Preference Voting/Instant Runoff Voting (IRV)**

SUMMARY

On November 7, 2000 the voters of the City of Oakland passed Measure I amending the Charter and requiring that vacancies on the City Council be filled by holding a Special Municipal Election. The amendment also included language stating that alternative legal voting procedures shall be used to the greatest extent feasible to increase voter participation in special elections including but not limited to mail ballot voting, electronic voting, preference voting and extended voting period. The City of Oakland has held two special elections to fill Council vacancies and have used the following alternative voting procedures: electronic voting & extended voting period for the April 2001 District 6 election resulting in a turnout of 21.32% and mail ballot voting for the May 2005 District 2 election resulting in a turnout of 34.5%.

Many of the voters in Oakland have inquired about and advocated for the use of preference voting also known as Instant Runoff Voting (IRV) as the means for voting and tallying the ballots at special elections. The City Council has requested an informational report on this matter.

FISCAL IMPACT

Since this report is informational only, no fiscal impacts are included.

BACKGROUND

Instant Runoff Voting (IRV) is a method of counting ballots that allows voters to rank their candidate choices and the votes are tallied by choice selection. IRV requires a candidate to receive a 50% plus one vote (majority) to be elected. All the first choices are tallied and if a candidate receives the majority the candidate is elected. However, if the first choices are tallied and no candidate receives a majority, the candidate receiving the fewest first choice votes is eliminated and each vote for that candidate is given to

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the next preferred choice on the voter's ballot. This process continues until a candidate receives the majority vote required to be elected.

Currently in Alameda County the cities of Oakland, Berkeley and San Leandro have provisions in their charters that allow for the use of IRV.

Berkeley would use the voting method in lieu of costly run-off elections. The charter also requires that a system for IRV be established first and that all voting equipment and procedures are technically ready to handle IRV.

San Leandro requires that a run-off election be held when a candidate does not receive 50% plus one vote at the municipal election; that a run-off system be established by the Council and that the run-off system may include mail ballots, and instant run off voting when the technology is available to the city or special run-off election.

Oakland requires that Council vacancies be filled by special election and that alternative voting methods be used including but not limited to mail ballot voting, electronic voting, preference voting and extended voting period.

Representatives from these three cities have been meeting with the Alameda County Registrar of Voters and Diebold Systems, the company responsible for the county's voting equipment, to discuss the various options and ways to move forward in meeting the requirements of each city's charter. The following suggestions have come out of these preliminary discussions:

Seek and secure official guidelines and procedures from the state as a blue print to follow when developing the program.

Work collectively on developing an IRV system for Council approval that will meet each city's need and be easy for voters to understand.

Contact other cities and counties that have expressed an interest in IRV elections and get their input.

These meetings will continue to be held as a means of being proactive concerning this issue and the increasing interest from the public for the use of IRV.

At the state level, Senator Debra Bowen, Chair of the Senate Committee on Elections, Reapportionment and Constitutional Amendments introduced SB 596 that would permit jurisdictions to conduct a local election using a preference voting method as specified

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and authorized within the text of the bill. This bill is currently in Committee and was most recently amended on April 28, 2005.

Instant Runoff Voting (IRV) is used in many places around the world such as: Australia, Bosnia, Fiji, Papua New Guinea, The Republic of Ireland, London, Malta and Sri Lanka. In the US cities such as Ann Arbor (MI), New York and Yonkers (NY) have also used IRV. In the Bay Area, the City and County of San Francisco developed and implemented an IRV system with the help of the Election Systems & Software Company. This system was approved by the state's Voting Systems & Procedures Panel and was successfully used in their November 2004 Elections. In February 2005 this system was recertified for use once again only in San Francisco through the end of the year (2005). Post election studies have shown that the majority of voters made the transition to rank choice voting with little problem.

Many jurisdictions throughout the state want to use IRV. However, there is also a need for a uniform definition of what IRV is and for uniform procedures and guidelines to be written to allow election officials greater statutory guidance when it comes to implementing this system.

KEY ISSUES

The following items would need to be considered in the discussion regarding IRV for the City of Oakland:

Developing and establishing Instant Runoff Voting procedures, rules and guidelines

Amendments to the City Charter and Oakland Municipal Code to reflect the established procedures, rules and guidelines

Voter Education Program

Request for State Certification of IRV procedures, programs and guidelines

Possible separate contract with a voting systems vendor if the Registrar of Voters is not able to accommodate Oakland's system

Costs to develop and implement the system


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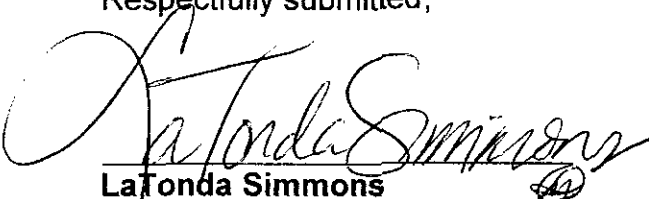
RECOMMENDATION AND RATIONALE

The City Clerk recognizes the importance of Instant Runoff Voting to many voters and voting advocates in the City of Oakland, Alameda County and the State of California. Staff from the City Clerk's office will continue to meet with City, County and State officials to resolve the issues. No action is requested of Council at this time.

ACTION REQUESTED OF COUNCIL

Accept this informational report.

Respectfully submitted,

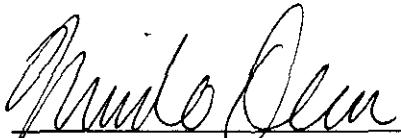


LaTonda Simmons

City Clerk, Office of the City Clerk

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Elections & Compliance

APPROVED AND FORWARDED TO THE
RULES AND LEGISLATION COMMITTEE:



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