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Councilmember Dan Kalb

CITY OF OAKLAND

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Agenda Memorandum

To: Rules & Legislation Committee

From: Councilmember Dan Kalb

Date: October 11, 2018

Subject: Resolution urging Registar of Voters regarding RCV

Colleagues on the City Council and Members of the Public,

With this Resolution, we are submitting the attached FairVote document, FairVote California Proposed Change to Ranked Choice Voting Reporting for Alameda County.

Respectfully submitted,

Dan Kalb

Dan Kalb, Councilmember

FairVote CALIFORNIA

FairVote California Proposed Change to Ranked Choice Voting Reporting for Alameda County

Currently, the Registrar of Voters ("Registrar") for the County of Alameda conducts elections on behalf of the Cities with Ranked Choice Voting (RCV). Those cities include Oakland, Berkeley, and San Leandro.

FairVote California is seeking a change to require the Registrar to process the series of runoffs until two candidates remain in the final round in a RCV election, even if a majority is reached in an earlier round. In San Francisco, the Department of Elections runs the ranked choice voting algorithm in all contests down to the strongest two candidates and reports on those results.[1] **This change in reporting of election results will provide voters and the public a greater sense of how the winning candidate fared among all voters and helps to clarify the election results.**

For example, in the 2016 Berkeley mayoral race, the Registrar reported the final tally while there were still five candidates in the race (Arreguin, Capitelli, Worthington, Gould, and Runningwolf).[2] If the Registrar narrowed the race to two by running a final round of counting (eliminating Worthington, Gould, and Runningwolf, and transferring the votes of those voters to their next preference among the final two) Arreguin would lead 60% to 40% instead of 50.04% to 34.01% as reported.[3]

Reporting RCV rounds until two candidates remain is a modern best practice. When voters in Maine moved to adopt RCV for statewide races, the measure explicitly advocated for RCV rounds to occur in this manner. The League of Women Voters of Maine explained to its voters that under RCV, "All ballots are then retabulated, with each ballot counting as one vote for each voter's highest ranked candidate who has not been eliminated. This process is repeated until only two candidates remain"[4] (emphasis added).

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[1] San Francisco Department of Elections, *Ranked Choice Voting Results Table, District 9 Supervisor* (2016) *available at* http://www.sfelections.org/results/20161108/data/20161110/d9/20161110_d9.html.
[2] Alameda Registrar of Voters, *Ranked-Choice Voting Accumulated Results - Mayor of Berkeley* (2016), *available at* https://www.acgov.org/rov/rcv/results/230/rcvresults_6767.htm.
[3] FairVote California, *Berkeley Mayor-Elect Jesse Arreguin Wins 60% to 40%* (2016) *available at* http://www.fairvoteca.org/press_statement_berkeley_mayor_elect_jesse_arreguin_wins_60_to_40.
[4] League of Women Voters of Maine, *What is Ranked Choice Voting* (2016) *available at* http://www.lwvme.org/files/RCV_Fact_Sheet.pdf.

As a result of concern over voter clarity of RCV results,[5] San Francisco made the reporting switch as part of its November 2016 Election Plan. The plan stated that the department would release "[r]anked-choice reports for all ranked-choice voting contests, including those contests for which there are majority leaders, showing elimination of candidates until only two candidates remain."[6] (emphasis added).

Further, greater transparency about the mandate of support of winning candidates is good for voters and the general public. Voters benefit by increasing their supported candidate's margin of victory as it would eventually lead to preferred policy outcomes through the recruitment of candidates with preferable policy positions.[7] Further, when candidates are responsive to information in election results, voters affect policy both when they are pivotal in the election and when they are not.[8]

Although it has been the practice of the Alameda County Registrar when conducting ranked choice elections to have ballots 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 candidate who receives a majority of votes **shall continue to be declared the winner by these jurisdictions**, and that provision shall remain unchanged. Finally, we understand that the capacity to run the rounds until two candidates remain is a feature built into the current voting system and that the change should incur no additional costs.

FairVote California seeks to have this change in place in time for the November 2018 elections. We are seeking support for this proposed change in reporting for RCV elections.

To sign on in support and for more information, email Pedro Hernandez, Deputy Director of FairVote California, at pedro@fairvote.org.

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[5] Memo from Chris Jerdonek, Vice President of the San Francisco Elections Commission, to the Elections Commission and John Arntz, Director of Elections, *November 4, 2014 Election Observations* (Dec. 15, 2014) (pg. 8), *available at* http://sfgov.org/electionscommission/ftp/meetingarchive/www.sfgov2.org/Modules/2014-11_Election_Obs_Updated-documentid=2346.pdf.

[6] City and County of San Francisco, Department of Elections, *Election Plan November 8, 2016, Consolidated General Election* (2016) (pg. 47) *available at* http://sfgov.org/electionscommission/sites/default/files/Documents/election-plans/election-plan-2016-11-08/Election_Plan_Nov_8_2016.pdf.

[7] Faravelli, Marco, Man, and Walsh, *Mandate and paternalism: A theory of large elections*, Games and Economic Behavior 93 (2015) 1–23, pg. 4.

[8] Razin, Ronny, *Signaling and Election Motivations in a Voting Model with Common Values and Responsive Candidates*, Econometrica, Vol. 71, No. 4 (Jul., 2003) pg. 1083-1119.

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Approved as to Form and Legality
DRAFT
City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER DAN KALB

RESOLUTION URGING THE ALAMEDA COUNTY REGISTRAR OF VOTERS TO IMPLEMENT COMPREHENSIVE RANKED CHOICE VOTING REPORTING

WHEREAS, the three cities in Alameda County with ranked choice voting (RCV) are Berkeley, San Leandro, and Oakland; and

WHEREAS, elections in Alameda County, including RCV procedures, are conducted by the Alameda County Registrar of Voters (Registrar); and

WHEREAS, RCV in Bay Area cities permits voters to rank up to three candidates; and

WHEREAS, in an RCV election contest, if no candidate receives a majority of votes, the candidate receiving the smallest number of first place votes is eliminated and every ballot counting towards that candidate is instead counted for the next-ranked continuing candidates, with this process continuing until the candidate reaching more than 50% of continuing ballots is identified and becomes the winner; and

WHEREAS, while the winner of RCV election is determined once the more-than-50% threshold is reached, RCV jurisdictions such as the City & County of San Francisco and the State of Maine continuing running the RCV count until two candidates remain; and

WHEREAS, by contrast to San Francisco and Maine, the calculation for RCV elections in Alameda County is discontinued, without all ranked votes being counted, as soon as the winner is identified; and

WHEREAS, FairVote, a non-partisan organization championing electoral reform, notes that running RCV until the top two candidates are identified, even if the winner of the contest has already been identified earlier, is a best practice for RCV elections, as it provides a greater sense of the relative support of the winner and helps clarify the election results for the public; and

WHEREAS, for example, in the 2016 Berkeley Mayoral race, the Registrar reported an official final tally, with Jesse Arreguín winning by 50.04% of the vote, while there were still five candidates (Arreguín, Capitelli, Worthington, Gould, and Runningwolf) that had not been eliminated in the counting, whereas running the RCV count until only two candidates remained would have showed Arreguín leading by 60%; and

WHEREAS, the San Francisco Department of Elections administratively implemented comprehensive RCV reporting down to two candidates, even if the winner had already been determined; and

WHEREAS, FairVote reports that the capacity to run the RCV rounds until two candidates remain is a feature built into the current system used by the Registrar for counting the votes in RCV elections and that always running the count until two candidates remain should incur no additional software costs; and

WHEREAS, on the March 13, 2018, the Berkeley City Council approved issuing a formal letter to the Registrar urging implementation of a comprehensive RCV vote count to provide RCV reporting until the final two candidates remain; and now, therefore, be it

RESOLVED: That the Oakland City Council urges the Registrar to immediately implement unofficial, cost-neutral reporting of the RCV count until the final two candidates remain in order to provide greater election result transparency to the public and to ensure that all votes are fully counted; and be it

FURTHER RESOLVED: That the City Council directs the City Administrator to, within 48 hours of adoption of this Resolution, to transmit copies of it to the Mayors of Berkeley and San Leandro, the Alameda County Registrar of Voters, and each member of the Alameda County Board of Supervisors; and be it

FURTHER RESOLVED: That the City Council respectfully requests that the Registrar respond in writing to the City Council and the City Clerk about the request for unofficial RCV reporting for full transparency purposes.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN, AND PRESIDENT REID

NOES –

ABSENT –

ABSTENTION –

ATTEST:_____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California