

FINAL DRAFT IRV ROADMAP 8/12/05

Title: An Act relating to the election of candidates in charter cities by the method of Instant Runoff Voting.

Chapter 4 of Division 10, Part 2 is added to the Elections Code relating to municipal elections:

Applicability of this Section: This section applies only to single winner races in charter counties and cities that conduct municipal elections or in which the County has agreed to conduct the city's municipal elections using the Instant Runoff Voting method of vote counting.

Summary:

This bill provides guidelines for implementing the Instant Runoff Voting method of determining single winners in municipal elections. It applies only to charter cities in which either the governing body conducts its own municipal election using the Instant Run-Off Voting method or where the County has agreed to conduct the city's municipal election using the Instant Runoff Voting method. This voting method produces a majority winner in a single election by simulating a series of runoff elections, thereby making a separate runoff election unnecessary. Voters rank their choices for candidates for a single office. All voters' first choices are counted, and if any candidate receives a majority of first choices, that candidate is elected. If no candidate receives a majority, the instant runoff tabulation is conducted in rounds. In each round, each voter's ballot is counted as a single vote for whichever continuing candidate he/she has ranked highest. The candidate with the fewest votes after each round is eliminated until one candidate has a majority of the continuing ballots. At that point, the candidate receiving the greatest number of votes is declared the winner.

The Instant Run-off voting method may be enacted by any of the following ways:

By approval of a ballot measure submitted to the voters by the governing body of the city where the city conducts its own municipal election.

By initiative ordinance or charter amendment adopted pursuant to Division 9 (commencing with Section 9000) of the California Elections Code.

In cities that request the County to conduct the city's municipal elections using instant runoff voting, Board of Supervisors approval of use of the instant runoff voting method is required.

Any city using Instant Run-Off Voting to elect city candidates shall conduct a voter education campaign to familiarize voters with this method of voting.

Section 1: BALLOT SPECIFICATIONS AND INSTRUCTIONS TO VOTERS

Ballots approved under this section shall be simple and easy to understand, and shall allow each voter to rank at least three (3) candidates for a single winner race in order of choice. Each voter may rank one qualified write-in candidate, and, if feasible, one write-in candidate per ranking to the extent that voting technology and ballot layout allows. Sample ballots illustrating voting procedures shall be posted in or near the voting booth, and shall be included in the instruction packet of absentee ballots.

Instructions provided to voters shall conform substantially to the following specifications, but may be modified based on ballot design and voting equipment used:

“Vote by ranking candidates in your order of choice. You may rank as many or as few candidates as you choose. Select a different candidate for each ranking. Do not give more than one candidate the same ranking. Ranking more candidates will not hurt your higher ranked candidates. Do not skip rankings.”

Section 2: BALLOT COUNTING

1. In the first round of ballot counting, election officials shall count the first choices marked on each ballot. If a candidate receives a majority of the first choices, that candidate shall be declared elected and the counting shall end.
2. If no candidate receives a majority of the first choices during the first round of counting, the second round of counting (the “instant runoff”) begins. The last place candidate, or candidate with the fewest number of first choices, shall be eliminated. On ballots that indicate a first choice for the eliminated candidate, the voter’s second choice is counted for the candidate so designated such that each ballot is counted as a single vote for the highest ranked continuing candidate. If, following the second round of counting, a candidate receives a majority of votes from the continuing ballots, that candidate shall be declared elected and the counting ends.
3. If, following the second round of counting, no candidate receives a majority of the votes cast on the continuing ballots for that office, the third round of counting shall begin. The last place candidate shall be eliminated. Voters for the eliminated candidate shall have their ballot counted for their next-choice candidate such that each ballot is counted as a single vote for the highest ranked continuing candidate. If, following this third round of counting, a candidate receives a majority of the votes from the continuing ballots, that candidate shall be declared elected and the counting shall end.
4. If, following the third round of counting, no candidate receives a majority of the votes cast on the continuing ballots for that office, the process of eliminating candidates and conducting new rounds of counting, as described in Subsection 3, shall be repeated until one candidate has a majority of votes from the continuing ballots. Ties shall be resolved in accordance with Section 4.
5. If the total number of votes of 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 those ballots shall each be counted for the next-ranked continuing candidate on that ballot in a single counting operation.

Section 3: VOTING CONDITIONS AND LIMITATIONS

1. The ballot shall allow voters to rank a number of choices equal to the total number of candidates appearing on the ballot for that office. However, if the voting system, vote tabulation system or similar or related equipment used by the City or County cannot feasibly accommodate the number of choices equal to the total number of candidates running for each office, then the governing body may limit the number of choices to no fewer than three.
2. If a voter skips a ranking, the voter's ballot shall be counted for that voter's next ranked choice.
3. If a ballot has more than one candidate indicated at a certain ranking, that ballot shall be declared an overvote when such multiple rankings are reached and cannot be counted towards any candidate in that round or any subsequent round of counting.
4. If a ballot has no more continuing candidates ranked on it and the ballot is not an overvote or undervote, that ballot shall be declared exhausted and not counted towards any candidate in that round or any subsequent round of counting.
5. Qualified write-in candidates shall be treated as any other candidate. The ballot must in no way interfere with a voter's ability to rank at least one write-in candidate.
6. Last place candidates are eliminated and continuing ballots counted for next ranked continuing candidates until one candidate has a majority of the continuing ballots. At that point, the candidate with the greatest number of votes is declared the winner.
7. No votes may be counted for a candidate who has been eliminated.

Section 4: DETERMINATIONS IN THE CASE OF A TIE

When two or more candidates tie for the lowest number of votes, the tie shall be resolved by lot with the candidate chosen by lot being eliminated.

Section 5: PROVISION TO MODIFY THE INSTANT RUNOFF VOTING BALLOT

The city or county governing body may provide for the use of mechanical, electronic or other devices for marking, sorting and counting the ballots and tabulating the results. The form of the ballots, the directions to voters, and the details with respect to the method of marking, sorting, counting, invalidating, and retaining of ballots, and the tabulating and recounting of votes will depend upon the voting system used. No change shall be made that will alter the intent or principles embodied in this law.

Section 6: REPORTING OF RESULTS

The Official Statement of Results shall include the following reports: the summary round-by-round report and the precinct-level round-by-round report. A ballot image report shall also be made available to the public.

1. The summary round-by-round report shall include (a) the total number of votes counted towards each candidate in each round of counting, (b) the total number of exhausted ballots in each round, (c) the total number of overvotes in each round, and (d) the total number of undervotes for the race. The number of overvotes and undervotes shall be reported separately from the number of exhausted ballots.
2. The precinct-level round-by-round report shall include the quantities in the summary round-by-round report, but organized by precinct. For example, for (a) the report shall include the number of votes cast at each precinct that counted towards each candidate, in each round of counting.
3. The ballot image report shall include a list of the choices indicated on each ballot, including skipped or duplicate rankings. The elections official shall prevent the identification of votes. At minimum, the report shall include the ordered list of candidates that each ballot counted towards during the election.
4. Preliminary versions of the summary round-by-round report and the ballot image report

shall be released as soon as possible, preferably on election night. At minimum, first choice totals of all candidates shall be released on election night, if technology permits. Preliminary results for the first IRV tally shall be released by the end of the business day following the election, if possible. More complete preliminary election results, summary round-by-round report, and ballot image report may be made available to the public at least twice a week, if possible as more ballots are counted. Each report shall be released in formats including plain-text digital format and, if possible, be posted on the Elections Official's website.

Section 8: MANUAL ONE-PERCENT TALLY

In each selected precinct, the manual one-percent tally shall be conducted as a stand-alone ranked choice voting election for that precinct, as follows.

The ballot-counting procedures in Section 2 shall be followed, with the following differences. After each round of manual counting of the randomly selected 1% of precincts, the number of votes counted towards each candidate, the number of exhausted ballots, and the number of overvotes shall be checked against the numbers listed in the precinct-level round-by-round report. After each round, the candidates to be eliminated shall be determined not by the totals for the precinct, but by the candidate totals in the summary round-by-round report for the entire election.

The total number of undervotes for the selected precinct shall also be checked against the numbers in the precinct-level round-by-round report.

Definitions

1. "Instant Runoff Voting," also known as a form of Ranked Choice Voting, means a system of voting in which voters rank the candidates in order of preference by indicating a first choice, a second choice and a third choice, up to as many choices as are permitted on the ballot so that a winner may be determined by majority support in each election

2. "Choice" means an indication on a ballot of a voter's ranking of candidates for any single office according to the voter's preference.
3. "Vote" means a ballot choice that is counted toward the election of a candidate. During each round of counting, each continuing ballot contains one vote. All first choices are votes and lower ranked choices are potential runoff votes that may, in accordance with the requirements of this chapter, be credited to and become votes for a candidate.
4. "Majority of the votes" means more than half of the votes cast on continuing ballots..
5. "Single winner race" means an election contest in which there is one seat to be elected for a single office.
6. "Round of counting" or "round" means a step in the counting process during which votes for all continuing candidates are tabulated for the purpose of determining whether a candidate has achieved a majority of the votes cast for a particular office, and, absent a majority, which candidate or candidates must be eliminated.
7. "Continuing candidate" means a candidate who has not been eliminated in a previous round or in the current round of counting.
8. "Continuing ballot" means a ballot counting towards some continuing candidate.
9. "Next choice" means the highest ranked choice for a continuing candidate.
10. "Last place candidate" means a candidate who has received the fewest votes among the candidates who remain at any round of counting.
11. "Exhausted ballot" means a ballot on which all of the choices have been eliminated or there are no more valid choices indicated on the ballot. An exhausted ballot shall not be counted in further rounds of counting. Overvotes and undervotes are not counted as exhausted ballots for purposes of reporting.
12. "Overvote" means a ballot not counted towards any candidate in a round of counting because more than one candidate was indicated as the next choice in a previous round or the current round.

13. “Undervote” means a ballot not counted towards any candidate in the first and later rounds of counting because no valid choice is indicated on the ballot.