



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: April 1, 2022

TO: Brendan Dentino, Rules Committee Consultant

FROM: Elizabeth Maland, City Clerk *Elizabeth Maland*

SUBJECT: Ballot Proposal for Committee Review

Attached is a ballot proposal filed in my office pursuant to Council Policy 000-21 for the submission of ballot proposals to be reviewed by the Committee for possible placement on the November ballot.

Date Filed	Topic	Proponent
4/1/2022	Ranked Choice Voting Charter Amendment	More Choice San Diego

Attachment

EM/jb

cc: Haley Lesser, Director of Legislative Affairs
Heather Ferbert, Chief Deputy City Attorney



April 1, 2022
Sent via email

Office of the City Clerk
Attn: Elizabeth Maland
202 C St., Second Floor
San Diego, CA 92101
cityclerk@sandiego.gov

Re: Submission by San Diegans for Ranked Choice Voting

To the Honorable City Council of the City of San Diego:

As provided for in City Council Policy 000-21, we as residents and voting members of the City of San Diego submit to the City Council the following ballot proposal to amend Article II Paragraphs 1,6,7 adding a Section 10.5 and amending Article VI Section 66 Paragraphs 2 and 3 of the City Charter to provide Ranked Choice Voting in primary and general elections for all city elections including mayor, city attorney city council members and school board members.

Under the proposal if there are five or fewer candidates running in the primary election, the primary shall be eliminated, and all qualified candidates will advance to the general election. If there are six or more candidates, instant runoff voting shall be used to determine which five candidates shall advance to the general election. In the general election if any candidate receives a majority of first choice votes cast, that candidate is elected. If no candidate receives a majority, instant runoff voting shall determine the winner.

This change will provide voters more choice in the general election, promote more diverse ideas, encourage more civil campaigns, and assure the final winner has the support of the majority of voters.

Additions are single-underline italics Times New Roman.

Deletions are ~~striketrough Times New roman~~.

The proposed Charter Amendment shall become effective at the 2024 Primary Municipal Election and reads as follows:

PART 1

Section 10: Elections

Elective officers of the City shall be nominated and elected by all of the electors of the City except that City Council members and School Board members shall be nominated and elected by the electors of the district for which elective office they are a candidate.

Commencing with the year 1996, the municipal primary elections to the office of Council member for Districts 1, 3, 5, and 7 shall be held on same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year. Commencing with the year 2012, the election to the office of Council member for District 9 shall be held on the same date as the election to the office of Council member for Districts 1, 3, 5, and 7.

Commencing with the year 1998, the municipal primary elections to the offices of Council member for Districts 2, 4, 6, and 8 shall be held on same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year.

Commencing with the next municipal primary and general elections following the redistricting occurring after the 2010 national decennial census, and every four years thereafter, the municipal primary and general elections to the office of Council District 9 shall be held.

Commencing with the year 1984 the elections to the offices of Mayor and City Attorney shall be held every four (4) years. The municipal primary election for the offices of Mayor and City Attorney shall be held on the same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year. All other municipal elections which may be held under this Charter shall be known as special municipal elections.

All elective officers of the City shall be nominated at the municipal primary election- using a ranked-choice ballot method. The ~~two~~ five candidates receiving the highest number of votes for a particular elective office at the primary shall be the candidates, and only candidates, for such office and the names of only those ~~two~~ five candidates shall be printed upon the ballots to be used at the general municipal election. ~~In the event only one candidate has qualified for the ballot in the municipal primary election for a particular elective office, the sole qualified candidate receiving votes in the municipal primary election shall be deemed to be, and declared by the Council to be, elected to such office after the primary election results are certified.~~ Notwithstanding the foregoing, the City shall permit write-in candidates for all municipal elections, including general elections.

If five or fewer candidates qualify to be placed on the municipal primary election ballot for a particular elective office, the City shall forgo the primary election for that particular office and the qualified candidates shall be automatically nominated and printed upon the ballots to be used at the general municipal election for that office.

At each general municipal election held for the purpose of electing Council members *and School Board*, the electors of each Council *and School Board* district shall use a ranked-choice ballot method to select from among the candidates nominated ~~chosen~~ at the primary election in that district one candidate for the office of the Council member whose term expires the succeeding December. ~~At the general municipal~~

~~election held for the purpose of electing any other elective officer, there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary one candidate to succeed any other elective officer whose term expires in December succeeding the election.~~ At each general municipal election held for the purpose of electing any elective City-wide officer, the electors of the whole City shall use a ranked-choice ballot method to select from among the candidates nominated at the primary election for the particular City-wide office one candidate to succeed the elective officer who holds that office and whose term expires the succeeding December.

Special municipal elections shall not include a primary. At each special municipal election held for the purpose of electing a Council member, the electors of each Council district shall use a ranked-choice ballot method to select from among the candidates nominated to fill the vacancy of a Council office. At each special municipal election held for the purpose of electing any elective City-wide officer, the electors of the whole City shall use a ranked-choice ballot method to select from among the candidates nominated to fill the vacancy of the particular City-wide office.

After the result of an election for any office is declared, or when an appointment is made, the City Clerk, under his or her hand and official seal, shall issue a certificate therefor, and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

As used in this Section 10, "ranked-choice ballot method" means the ballot method established pursuant to Section 10.5.

Section 10.5: Ranked-Choice Ballot Method

A. The City Council must implement by ordinance an “Instant-runoff voting” method of counting the votes and breaking ties by January 1, 2024, in which:

1. For purposes of counting the votes for the winner in general and special elections:

- i. The votes shall be counted in successive rounds using a series of runoff tabulations to defeat candidates with the fewest votes. There shall be at least one round of counting. If necessary, counting rounds shall continue until one candidate has received more than 50% of first-choice votes on continuing ballots.
- ii. At the end of the round of counting, if any candidate has received more than 50% all first-choice votes cast, then that candidate shall be deemed elected and there shall be no further counting rounds. However, if no candidate has received more than 50% of first-choice votes cast, then the candidate receiving the fewest first-choice votes shall be declared defeated and then a new round of counting shall be conducted without the defeated candidate.
- iii. In the new round, for each ballot that listed the defeated candidate as a first choice, the highest ranked choice remaining on that ballot shall then be counted as a first-choice vote and the runoff tabulations for the remaining candidates shall be adjusted accordingly.
- iv. Upon completion of the new round of counting, the procedures specified in sub-paragraphs (ii) and (iii) above shall be followed until one candidate has received more than 50% of the votes on continuing ballots and that person shall be deemed elected.

2. For purposes of counting the votes for the nomination of candidates in the primary election:

- i. The voters may rank up to five candidates.
- ii. The votes shall be counted in successive rounds using a series of runoff tabulations to defeat candidates with the fewest votes. There shall be at least one round of counting unless five or fewer candidates received votes, in which case those candidates shall be deemed nominated. If necessary, counting rounds shall continue until only five candidates remain.
- iii. At the end of the round of counting, the candidate receiving the fewest first-choice votes shall be declared defeated and then a new round of counting shall be conducted without the defeated candidate.
- iv. In the new round, for each ballot that listed the defeated candidate as a first choice, the highest ranked choice remaining on that ballot shall then be counted as a first-choice vote and the runoff tabulations for the remaining candidates shall be adjusted accordingly.

v. Upon completion of the new round of counting, the procedures specified in sub-paragraphs (iii) and (iv) above shall be followed until only five candidates remain and those candidates shall be deemed nominated.

- B. For each election, an electronic copy of each ballot cast in the election, stripped of all information that could identify the voter who cast the ballot but showing the voter's order of preference for candidates, shall be deemed a public record and shall be posted on the City's Internet website not more than 30 days after the results of the election have been certified as prescribed by law. The purpose of this provision includes, but is not limited to, enabling members of the public to verify for each election that the counting of votes using the ranked-choice voting method prescribed by this Section was performed correctly.
- C. In the event the City Council adopts any implementation ordinance that does not comply with this Section or fails to adopt an implementation ordinance by January 1, 2024, any registered voter in the City shall have standing to seek judicial enforcement of the City Council's obligation to adopt an implementation ordinance in conformity with this Section.

Section 66: Board of Education

The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be nominated and elected at the regular municipal primary elections and the general municipal elections at the same time and with the same ranked-choice ballot method as the election of Councilmembers. At the municipal primary election there shall be chosen by the registered voters of each Board of Education District ~~two~~ five candidates for the office of any Board of Education member from a District whose term expires the succeeding December. At the general municipal election the registered voters of the whole San Diego Unified School District shall select from among the candidates nominated ~~chosen~~ at the primary election in each district one candidate for the office of each Board of Education member whose term expires the succeeding December using a ranked-choice ballot method. Each candidate for the Board of Education shall have been a registered voter of the San Diego Unified School District and an actual resident of the election district from which the candidate seeks to be nominated for thirty (30) days immediately preceding filing of a nomination petition. The members shall serve for a term of four years from and after 10 a.m. the first Monday after the first day of December next succeeding this election and until their successors are elected and qualified, except as herein provided. Notwithstanding any other provision of this Charter, and commencing in 2020, no person shall serve more than three four-year terms as a member of the Board of Education. Board members who hold the office as of the date of the Municipal General Election in 2020 shall not have prior or current terms counted for purposes of applying this term limit provision.

Any vacancy occurring in the Board shall be filled from the election district in which the vacancy occurs by appointment by the remaining Board members; but in the event that said remaining members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause to be held a ~~primary election in the district in which the vacancy occurs and a general~~ special election within the entire school district to fill such vacancy; provided, however, that any person

appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

For the purpose of electing members of the Board of Education, the San Diego Unified School District shall be divided into five (5) districts as nearly equal in registered voter population as practicable. For the first primary and regular election held under this section, as amended, the boundaries of such election districts shall be established by the Board of Education as such Board existed on the effective date of the amendment to this section. Thereafter, the boundaries of such election districts shall be subject to alteration and change under the provisions of this section. The Board of Education, by resolution, may change and alter the boundaries of the election districts and in the resolution may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in said resolution.

As used in this Section 66, "ranked-choice ballot method" means the ballot method established pursuant to Section 10.5.

PART 2

If any section, sub-section, clause, or other portion of this Amendment is held invalid, the remainder of this Amendment shall remain in full force and effect as if the Amendment had been adopted without the invalid portion. To this end, the Amendment is declared to be severable.

[Statement of Reasons and Signatures Below]

STATEMENT OF REASONS
San Diegans for Ranked Choice Voting

A statement of the reasons for the proposed action as contemplated in said amendment is as follows:

Purpose: is to modify the election process in the City to provide voters more choice, more voice, more diverse ideas, and more civility in elections:

1. **More voter participation.** Studies show that ranked choice voting increases voter turnout.
2. **More civility.** Voters can reward candidates who engage in positive campaigning by ranking them ahead of other candidates.
3. **More voter choice.** Voters can vote for the candidate they like the best without worrying that they will help the candidate they like the least.
4. **More diversity.** More candidates from underrepresented populations will advance to the general election.
5. **Save taxpayer dollars.** The City will save the cost of running “unnecessary” primary elections when 5 or less candidates run for an office.

With ranked-choice voting, the top-five vote getters advance to the general election instead of just two. As a voter you can still vote for only one candidate in the primary or November General election or you can rank five candidates in order of preference (first choice, second choice, and so on). In the General election, if any candidate receives the majority of votes they are declared the winner. If no candidate receives a majority, the winning candidate is determined by a ranked choice voting counting methodology to be statutorily implemented by the City Council in accordance with the principles and purpose established herein.

Offices: All elective officers of the City, including School Board

Ranked Choice Voting is not new. It has been enacted or used for some elections in 25 states, 33 U.S. municipalities, and statewide in Alaska and Maine.

Sincerely,



Aniya Brown
Policy Director, Community Advocates for a Just and Moral Governance (MOGO)



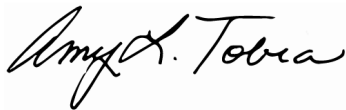
Ed Chaplin
Representative, MoreChoiceSD Team



Lori Thiel
Vice President, San Diego League of Women Voters



S. Chad Peace
Legal Advisor, Independent Voter Project



Amy Tobia
Local Representative of Represent.us

cc: San Diego City Councilmembers, Mayor, and City Attorney