

ASSEMBLY BILL

No. 1294

Introduced by Assembly Members Mullin and Leno

February 23, 2007

An act to add Chapter 2 (commencing with Section 10050) to Part 1 of Division 10 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1294, as introduced, Mullin. Ranked voting: local elections.

Existing law provides procedures for the nomination of candidates for elective offices in general law cities. It specifies the procedures for the conduct of the election, the canvass of ballots, and certification of persons elected to office. Related provisions require the holding of a runoff election if no candidate has been elected at the municipal election. Existing law provides that a vacancy in an elective office may be filled by appointment, at a special election, or at the next regular municipal election, as specified. Under existing law, the Secretary of State is the chief elections officer of the state and is required to administer the provisions of the Elections Code.

This bill would provide that, notwithstanding any provision of law, a city, county, or district may conduct a local election using ranked voting. This bill would specify the ranked voting method as it applies to both a single-candidate election and a multiple-candidate election.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 2 (commencing with Section 10050) is
2 added to Part 1 of Division 10 of the Elections Code, to read:

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CHAPTER 2. RANKED VOTING

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6 10050. (a) Any city, county, or district may conduct a local
7 election using ranked voting in which voters rank the candidates
8 for office in order of preference. Ranked voting elections may be
9 used for single-winner elections, such as Mayor or City Attorney,
10 or for elections that elect multiple candidates to office, such as
11 city council, school board, or other legislative bodies. Ranked
12 voting elections are tabulated in rounds as specified in Section
13 10051 for single-winner elections and Section 10052 for
14 multiple-winner elections. General provisions for both
15 single-winner elections and multiple-winner elections are specified
16 in this section.

17 (b) As used in this chapter, the following definitions shall apply:

18 (1) "Ranked voting" means an election method in which voters
19 rank the candidates for office in order of preference, and the ballots
20 are counted in rounds that, in the case of a single-winner election,
21 simulate a series of runoffs until only two candidates remain, with
22 the one having the greater number of voters being declared the
23 winner, or in the case of multiple-winner elections, until all seats
24 to be elected have been filled.

25 (2) "Qualified candidate" means any candidate listed on the
26 ballot for this election or any write-in candidate qualified for
27 participation in this election.

28 (3) "Ranking" for a candidate on a voter's ballot is the number
29 assigned to that candidate by the voter to express their preference
30 for that candidate, with the "highest ranking" being the one with
31 the lowest numerical value for a qualified candidate, in which a
32 first choice ranking indicates a greater preference for a candidate
33 than a second choice ranking, and "highest continuing ranking"
34 for a candidate on a voter's ballot is the ranking with the lowest
35 numerical value for a continuing candidate. The "highest ranking"
36 and "highest continuing ranking" are those rankings already
37 advanced past blank choices or marks for unqualified write-in
38 candidates as specified in (f) and (g) below.

1 (4) (A) “Continuing ballot” means a ballot that counts towards
2 some candidate.

3 (B) “Continuing candidate” means a qualified candidate that
4 has not been elected or eliminated.

5 (C) “Majority of votes” means more than 50 percent of the votes
6 coming from continuing ballots.

7 (c) A voting method authorized by this section may be adopted
8 by any of the following:

9 (1) By approval of a ballot measure submitted to the voters by
10 the governing body of the city, county, or district at an election
11 pursuant to Division 9 (commencing with Section 9000).

12 (2) By initiative ordinance or charter amendment adopted
13 pursuant to Division 9 (commencing with Section 9000).

14 (d) Any city, county, or district using a ranked voting method
15 shall conduct a voter education campaign to familiarize voters
16 with ranked voting.

17 (e) The ranked voting ballot shall allow voters to rank as many
18 choices as there are candidates. In the event that the voting
19 equipment cannot feasibly accommodate a number of rankings on
20 the ballot equal to the number of candidates, the city clerk may
21 limit the number of choices a voter may rank to the maximum
22 number allowed by the equipment. This limit shall never be less
23 than three.

24 (f) The ballot shall not interfere with a voter’s ability to rank a
25 write-in candidate. For the purposes of this section, a mark for an
26 unqualified write-in candidate shall not be considered a mark for
27 a candidate.

28 (g) In the first or any round, in the event that any ballot reaches
29 a ranking with no candidate indicated, that ballot shall immediately
30 be advanced to the next ranking. In the event of a mark for an
31 unqualified write-in candidate as covered in subdivision (f) of
32 Section 10050, that ballot shall be advanced to the next ranking.

33 (h) In the event that two or more candidates tie for the smallest
34 number of votes, the candidate to eliminate shall be chosen by lot
35 in a manner similar to that described by subdivision (a) of Section
36 15651, except that subdivision (b) of Section 15651 shall not apply
37 and the candidate chosen by lot shall be eliminated.

38 (i) After each round, any ballot that is not continuing is an
39 undervote, overvote, or exhausted ballot, pursuant to this
40 subdivision. Any ballot that has no candidates indicated at any

1 ranking shall be declared an “undervote.” If any ballot reaches a
2 ranking with more than one candidate indicated, that ballot shall
3 immediately be declared an “overvote.” If any ballot cannot be
4 advanced because no further candidates are ranked on that ballot,
5 that ballot shall immediately be declared “exhausted.” Any ballot
6 that has been declared an undervote, overvote, or exhausted shall
7 remain so and shall not count towards any candidate in that round
8 or in subsequent rounds.

9 10051. A voting method enacted pursuant to Section 10050
10 for an election to elect a single candidate to office shall be known
11 as “instant runoff voting” and shall be conducted in the following
12 manner:

13 (a) The ballots shall be counted in rounds pursuant to either of
14 the following order:

15 (1) (A) In the first round, every ballot shall count as a vote
16 towards the candidate indicated by the highest continuing ranking
17 on that ballot.

18 (B) If there are two or fewer candidates, the candidate with a
19 majority of votes from the continuing ballots shall be declared the
20 winner, or in the case of a tie, settled in the manner described in
21 Section 15651.

22 (C) If there are more than two continuing candidates, the
23 candidate receiving the smallest number of votes shall be
24 eliminated, and every ballot counting towards that candidate shall
25 be advanced to the next-ranked continuing candidate on that ballot.
26 All the ballots shall be counted again in a new round. This process
27 of eliminating candidates and transferring their votes to the next
28 ranked continuing candidates shall be repeated until only two
29 candidates remain, at which point the candidate with a majority
30 of the votes from the continuing ballots shall be declared elected,
31 or in the case of a tie, settled in the manner described in Section
32 15651.

33 (2) (A) In the first round, every ballot shall count as a vote
34 towards the candidate indicated by the highest continuing ranking
35 five on that ballot.

36 (B) After every round, if any candidate receives a majority of
37 votes from the continuing ballots, that candidate shall be declared
38 elected.

39 (C) If no candidate receives a majority, the candidate receiving
40 the smallest number of votes shall be eliminated, and every ballot

1 counting towards that candidate shall be advanced to the
2 next-ranked continuing candidate on that ballot. All the ballots
3 shall be counted again in a new round.

4 (b) During the elimination stage of any round, in the event that
5 any candidate has more votes than the combined vote total of all
6 candidates with fewer votes, but less than a majority of votes, all
7 the candidates with fewer votes than this candidate shall be
8 eliminated simultaneously, and those ballots advanced to the
9 next-ranked continuing candidate.

10 10052. A voting method enacted pursuant to Section 10050
11 for an election to elect two or more candidates to office shall be
12 known as “choice voting” and shall be conducted in the following
13 manner:

14 (a) The minimum threshold of votes necessary to be elected
15 shall be determined by dividing the total number of votes cast for
16 that office by one more than the number of offices to be filled and
17 then adding one vote, and then ignoring any fraction, as shown in
18 the following formula:

19 The total number of votes cast, divided by the sum of one plus
20 the number of offices to be filled, plus one, ignoring any fraction,
21 equals the minimum threshold of votes necessary to be elected.

22 (b) All ballots are counted and each ballot is allocated as a vote
23 to the candidate receiving the highest ranking.

24 (c) Each candidate that receives the minimum threshold of votes
25 necessary to be elected shall be declared elected.

26 (d) If a candidate on the first count has a number of highest
27 ranking votes exactly equal to the minimum number of votes
28 needed to be elected, then that candidate is declared elected and
29 the counted ballots indicating that candidate as a highest ranking
30 are put aside and the other rankings recorded on the ballots are not
31 examined.

32 (e) If a candidate on the first count gains more than the minimum
33 number of votes needed to be elected, the candidate is declared
34 elected, and the number of votes in excess of the number of votes
35 needed to be elected (the surplus) is recorded. All of the elected
36 candidate’s ballots are then reexamined and assigned to candidates
37 not yet elected according to the highest continuing ranking on the
38 ballots of those who gave a first preference vote to the elected
39 candidate. These votes are allocated according to a “transfer value.”
40 The formula for the transfer value is:

1 Surplus votes cast for the elected candidate, divided by total
2 number of votes received by the elected candidate, calculated out
3 to four decimal places using “rounding to nearest” equals the
4 transfer value.

5 (f) If two or more candidates on the first count gain more than
6 the minimum number of votes needed to be elected, all of those
7 candidates are declared elected. Each of the ballots of the candidate
8 with the largest number of highest ranking votes will be reexamined
9 first and assigned (at the transfer value) to candidates not yet
10 elected according to the next highest continuing ranking marked
11 on that ballot. The ballots of the other elected candidates will then
12 be reexamined and their surpluses distributed in order according
13 to the number of highest ranking votes each candidate received.

14 (g) If a candidate reaches more than the minimum number of
15 votes needed to be elected as the consequence of a transfer of votes
16 from an elected candidate, the number of votes in excess of the
17 number of votes needed to be elected shall be transferred to other
18 candidates. This transfer will be to the next highest continuing
19 ranking shown on each of this candidate’s ballots. These ballots
20 now include (1) ballots indicating this candidate as the highest
21 ranking, and (2) the ballots transferred to the candidate from one
22 or more elected candidates. The transfer value for the ballots on
23 which the candidate was indicated by the highest ranking is the
24 same as the transfer value defined in subdivision (e).

25 The transfer value for each ballot transferred to the candidate
26 from one or more previously elected candidates shall be shall be
27 the surplus votes cast for the elected candidate divided by the total
28 number of votes received by the elected candidate multiplied by
29 the previous transfer value of the ballot received by that candidate,
30 as shown in the following formula:

31 The surplus votes cast for the elected candidate, divided by the
32 total number of votes received by the elected candidate, multiplied
33 by the previous transfer value of the ballot received by that
34 candidate, calculated out five decimal places and rounded to the
35 fourth decimal place.

36 (h) If no candidate has a number of votes equal to or greater
37 than the minimum number of votes needed to be elected as a
38 consequence of a redistribution of surplus votes from a previously
39 elected candidate, the candidate with the smallest number of votes
40 is eliminated. All of eliminated candidate’s ballots, both ballots

1 indicating that candidate as the highest ranking and any ballots
2 transferred from other candidates, are transferred to the next highest
3 continuing ranking on the eliminated candidate's ballots.

4 The ballots in which the eliminated candidate was indicated by
5 the highest ranking are transferred to the candidate indicated by
6 next highest continuing ranking on that ballot at full value. Ballots
7 received from previously elected or previously eliminated
8 candidates are transferred at the transfer value at which the ballots
9 were received.

10 (i) Tabulation of votes shall continue in the following sequence:

11 (1) The surplus votes of elected candidates shall be redistributed
12 until no more candidates receive the minimum threshold of votes
13 necessary to be elected. The surplus votes of the newly elected
14 candidate with the greatest surplus will be distributed first, and
15 the surpluses of the other newly elected candidates will then be
16 distributed in order according to the number of surplus votes of
17 each elected candidate awaiting transfer of surplus votes.

18 (2) Candidates are eliminated as specified in subdivision (h)
19 and the votes of eliminated candidates are redistributed until
20 another candidate receives the minimum threshold of votes
21 necessary to be elected.

22 (3) When all but one of the candidates to be elected have been
23 elected, and only two candidates remain in the count, the candidate
24 with the most votes is declared elected, even though the candidate
25 may not have reached the minimum threshold of votes necessary
26 to be elected.

27 (j) A tie between two or more candidates for fewest votes, as
28 specified in subdivision (h), shall be resolved by lot and that
29 candidate chosen by lot shall be eliminated. A tie between two or
30 more candidates for the number of highest ranking votes received,
31 as specified in subdivision (f), or the most surplus votes, as
32 specified in paragraph (1) of subdivision (i), shall be resolved by
33 lot and the candidate chose by lot shall be the first to have his or
34 her surplus votes transferred.

35 10053. The instructions to the voters for an election that uses
36 ranked voting shall read substantially as follows:

37 "To vote in this election, write a '1' in the voting square to the
38 right of your first choice, a '2' in the voting square to the right of
39 your second choice, a '3' in the voting square to the right of your
40 third choice, and so on. Do not give the same number to more than

1 one candidate. You may rank as many or as few of the candidates
2 as you choose, up to the limit specified, if any. Your second choice
3 will not hurt your first choice, your third choice will not hurt your
4 first two choices, and so on.

5 You may include one or more qualified write-in candidates in
6 your rankings by writing each person's name in one of the blank
7 spaces provided for that purpose after the names of the other
8 candidates for the same office, and then writing the desired ranking
9 in the voting square to the right of that name.”

10 The instructions may be modified as appropriate for the specific
11 voting equipment used, as long as the intent is preserved.

12 10054. (a) Summary, ballot image, and comprehensive reports
13 shall be made available after each ranked voting election, as
14 follows:

15 (1) The “summary report” for a race means a report that lists
16 the candidate vote totals in each round, along with the cumulative
17 numbers of undervotes, overvotes, and exhausted ballots in each
18 round.

19 (2) The “ballot image report” for a race means a report that lists,
20 for each ballot, the candidate or candidates indicated at each
21 ranking, the precinct of the ballot, and whether the ballot was cast
22 absentee. In the report, the ballots shall be listed in an order that
23 does not permit the order in which they were cast in each precinct
24 to be reconstructed.

25 (3) The “comprehensive report” for a race means a report that
26 breaks the numbers in the summary report down by precinct. The
27 report shall list, for each round, the number of ballots cast in each
28 precinct that count as votes for each candidate in that round, that
29 have been declared undervotes, that have been declared overvotes
30 up to that point, and that have been declared exhausted up to that
31 point.

32 (4) Mode and manner of release. Preliminary versions of the
33 summary report and ballot image report shall be made available
34 as soon as possible after the ballots have begun to be processed
35 and counted. The summary report, ballot image report,
36 comprehensive report, and preliminary versions of the summary
37 report and ballot image report shall be made available to the public
38 during the canvass via the Internet and by other means. The ballot

- 1 image report and preliminary versions of the ballot image report
- 2 shall be made available in a plain text electronic format.

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