CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

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 amended, 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,~~ *authorize* a city, county, or district ~~may~~ *to* conduct a local election using ranked voting *if specified conditions are met*. 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:
3
4   CHAPTER 2. RANKED VOTING
5
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 *and outreach* campaign to
16 familiarize voters with ranked voting *in English and in every*
17 *language that a ballot is required to be made available pursuant*
18 *to this code and the federal Voting Rights Act of 1965 (42 U.S.C.*
19 *Sec. 1973aa-1).*
20   (e) The ranked voting ballot shall allow voters to rank as many
21 choices as there are candidates. In the event that the voting
22 equipment cannot feasibly accommodate a number of rankings on
23 the ballot equal to the number of candidates, the ~~city clerk~~ *elections*
24 *official* may limit the number of choices a voter may rank to the
25 maximum number allowed by the equipment. This limit shall never
26 be less than three.
27   (f) The ballot shall not interfere with a voter's ability to rank a
28 write-in candidate. For the purposes of this section, a mark for an
29 unqualified write-in candidate shall not be considered a mark for
30 a candidate.
31   (g) In the first or any round, in the event that any ballot reaches
32 a ranking with no candidate indicated, that ballot shall immediately
33 be advanced to the next ranking. In the event of a mark for an
34 unqualified write-in candidate as covered in subdivision (f) of
35 Section 10050, that ballot shall be advanced to the next ranking.
36   (h) In the event that two or more candidates tie for the smallest
37 number of votes, the candidate to eliminate shall be chosen by lot
38 in a manner similar to that described by subdivision (a) of Section
39 15651, except that subdivision (b) of Section 15651 shall not apply
40 and the candidate chosen by lot shall be eliminated.

1   (i) After each round, any ballot that is not continuing is an
2 undervote, overvote, or exhausted ballot, pursuant to this
3 subdivision. Any ballot that has no candidates indicated at any
4 ranking shall be declared an "undervote." If any ballot reaches a
5 ranking with more than one candidate indicated, that ballot shall
6 immediately be declared an "overvote." If any ballot cannot be
7 advanced because no further candidates are ranked on that ballot,
8 that ballot shall immediately be declared "exhausted." Any ballot
9 that has been declared an undervote, overvote, or exhausted shall
10 remain so and shall not count towards any candidate in that round
11 or in subsequent rounds.
12   10051. A voting method enacted pursuant to Section 10050
13 for an election to elect a single candidate to office shall be known
14 as "instant runoff voting" and shall be conducted in the following
15 manner:
16   (a) The ballots shall be counted in rounds pursuant to either of
17 the following order:
18   (1) (A) In the first round, every ballot shall count as a vote
19 towards the candidate indicated by the highest continuing ranking
20 on that ballot.
21   (B) If there are two or fewer candidates, the candidate with a
22 majority of votes from the continuing ballots shall be declared the
23 winner, or in the case of a tie, settled in the manner described in
24 Section 15651.
25   (C) If there are more than two continuing candidates, the
26 candidate receiving the smallest number of votes shall be
27 eliminated, and every ballot counting towards that candidate shall
28 be advanced to the next-ranked continuing candidate on that ballot.
29 All the ballots shall be counted again in a new round. This process
30 of eliminating candidates and transferring their votes to the next
31 ranked continuing candidates shall be repeated until only two
32 candidates remain, at which point the candidate with a majority
33 of the votes from the continuing ballots shall be declared elected,
34 or in the case of a tie, settled in the manner described in Section
35 15651.
36   (2) (A) In the first round, every ballot shall count as a vote
37 towards the candidate indicated by the highest continuing ranking
38 five on that ballot.

1   (B) After every round, if any candidate receives a majority of
2 votes from the continuing ballots, that candidate shall be declared
3 elected.
4   (C) If no candidate receives a majority, the candidate receiving
5 the smallest number of votes shall be eliminated, and every ballot
6 counting towards that candidate shall be advanced to the
7 next-ranked continuing candidate on that ballot. All the ballots
8 shall be counted again in a new round.
9   (b) During the elimination stage of any round, in the event that
10 any candidate has more votes than the combined vote total of all
11 candidates with fewer votes, but less than a majority of votes, all
12 the candidates with fewer votes than this candidate shall be
13 eliminated simultaneously, and those ballots advanced to the
14 next-ranked continuing candidate.
15   10052. A voting method enacted pursuant to Section 10050
16 for an election to elect two or more candidates to office shall be
17 known as "choice voting" and shall be conducted in the following
18 manner:
19   (a) The minimum threshold of votes necessary to be elected
20 shall be determined by dividing the total number of votes cast for
21 that office by one more than the number of offices to be filled and
22 then adding one vote, and then ignoring any fraction, as shown in
23 the following formula:
24   The total number of votes cast, divided by the sum of one plus
25 the number of offices to be filled, plus one, ignoring any fraction,
26 equals the minimum threshold of votes necessary to be elected.
27   (b) All ballots are counted and each ballot is allocated as a vote
28 to the candidate receiving the highest ranking.
29   (c) Each candidate that receives the minimum threshold of votes
30 necessary to be elected shall be declared elected.
31   (d) If a candidate on the first count has a number of highest
32 ranking votes exactly equal to the minimum number of votes
33 needed to be elected, then that candidate is declared elected and
34 the counted ballots indicating that candidate as a highest ranking
35 are put aside and the other rankings recorded on the ballots are not
36 examined.
37   (e) If a candidate on the first count gains more than the minimum
38 number of votes needed to be elected, the candidate is declared
39 elected, and the number of votes in excess of the number of votes
40 needed to be elected (the surplus) is recorded. All of the elected

1 candidate's ballots are then reexamined and assigned to candidates
2 not yet elected according to the highest continuing ranking on the
3 ballots of those who gave a first preference vote to the elected
4 candidate. These votes are allocated according to a "transfer value."
5 The formula for the transfer value is:
6 Surplus votes cast for the elected candidate, divided by total
7 number of votes received by the elected candidate, calculated out
8 to four decimal places using "rounding to nearest" equals the
9 transfer value.
10 (f) If two or more candidates on the first count gain more than
11 the minimum number of votes needed to be elected, all of those
12 candidates are declared elected. Each of the ballots of the candidate
13 with the largest number of highest ranking votes will be reexamined
14 first and assigned (at the transfer value) to candidates not yet
15 elected according to the next highest continuing ranking marked
16 on that ballot. The ballots of the other elected candidates will then
17 be reexamined and their surpluses distributed in order according
18 to the number of highest ranking votes each candidate received.
19 (g) If a candidate reaches more than the minimum number of
20 votes needed to be elected as the consequence of a transfer of votes
21 from an elected candidate, the number of votes in excess of the
22 number of votes needed to be elected shall be transferred to other
23 candidates. This transfer will be to the next highest continuing
24 ranking shown on each of this candidate's ballots. These ballots
25 now include (1) ballots indicating this candidate as the highest
26 ranking, and (2) the ballots transferred to the candidate from one
27 or more elected candidates. The transfer value for the ballots on
28 which the candidate was indicated by the highest ranking is the
29 same as the transfer value defined in subdivision (e).
30 The transfer value for each ballot transferred to the candidate
31 from one or more previously elected candidates shall be shall be
32 the surplus votes cast for the elected candidate divided by the total
33 number of votes received by the elected candidate multiplied by
34 the previous transfer value of the ballot received by that candidate,
35 as shown in the following formula:
36 The surplus votes cast for the elected candidate, divided by the
37 total number of votes received by the elected candidate, multiplied
38 by the previous transfer value of the ballot received by that
39 candidate, calculated out five decimal places and rounded to the
40 fourth decimal place.

1   (h) If no candidate has a number of votes equal to or greater
2   than the minimum number of votes needed to be elected as a
3   consequence of a redistribution of surplus votes from a previously
4   elected candidate, the candidate with the smallest number of votes
5   is eliminated. All of eliminated candidate's ballots, both ballots
6   indicating that candidate as the highest ranking and any ballots
7   transferred from other candidates, are transferred to the next highest
8   continuing ranking on the eliminated candidate's ballots.
9   The ballots in which the eliminated candidate was indicated by
10 the highest ranking are transferred to the candidate indicated by
11 next highest continuing ranking on that ballot at full value. Ballots
12 received from previously elected or previously eliminated
13 candidates are transferred at the transfer value at which the ballots
14 were received.
15   (i) Tabulation of votes shall continue in the following sequence:
16   (1) The surplus votes of elected candidates shall be redistributed
17 until no more candidates receive the minimum threshold of votes
18 necessary to be elected. The surplus votes of the newly elected
19 candidate with the greatest surplus will be distributed first, and
20 the surpluses of the other newly elected candidates will then be
21 distributed in order according to the number of surplus votes of
22 each elected candidate awaiting transfer of surplus votes.
23   (2) Candidates are eliminated as specified in subdivision (h)
24 and the votes of eliminated candidates are redistributed until
25 another candidate receives the minimum threshold of votes
26 necessary to be elected.
27   (3) When all but one of the candidates to be elected have been
28 elected, and only two candidates remain in the count, the candidate
29 with the most votes is declared elected, even though the candidate
30 may not have reached the minimum threshold of votes necessary
31 to be elected.
32   (j) A tie between two or more candidates for fewest votes, as
33 specified in subdivision (h), shall be resolved by lot and that
34 candidate chosen by lot shall be eliminated. A tie between two or
35 more candidates for the number of highest ranking votes received,
36 as specified in subdivision (f), or the most surplus votes, as
37 specified in paragraph (1) of subdivision (i), shall be resolved by
38 lot and the candidate chose by lot shall be the first to have his or
39 her surplus votes transferred.

1   10053. The instructions to the voters for an election that uses
2 ranked voting shall read substantially as follows:
3   "To vote in this election, ~~write~~ *indicate by selecting or marking*
4 a '1' in the voting square to the right of your first choice, a '2' in
5 the voting square to the right of your second choice, a '3' in the
6 voting square to the right of your third choice, and so on. Do not
7 give the same number to more than one candidate. You may rank
8 as many or as few of the candidates as you choose, up to the limit
9 specified, if any. Your second choice will not hurt your first choice,
10 your third choice will not hurt your first two choices, and so on.
11   You may include one or more qualified write-in candidates in
12 your rankings by writing each person's name in one of the blank
13 spaces provided for that purpose after the names of the other
14 candidates for the same office, and then writing the desired ranking
15 in the voting square to the right of that name."
16   The instructions may be modified as appropriate for the specific
17 voting equipment used, as long as the intent is preserved.
18   10054. (a) Summary, ballot image, and comprehensive reports
19 shall be made available after each ranked voting election, as
20 follows:
21   (1) The "summary report" for a race means a report that lists
22 the candidate vote totals in each round, along with the cumulative
23 numbers of undervotes, overvotes, and exhausted ballots in each
24 round.
25   (2) The "ballot image report" for a race means a report that lists,
26 for each ballot, the candidate or candidates indicated at each
27 ranking, the precinct of the ballot, and whether the ballot was cast
28 absentee. In the report, the ballots shall be listed in an order that
29 does not permit the order in which they were cast in each precinct
30 to be reconstructed.
31   (3) The "comprehensive report" for a race means a report that
32 breaks the numbers in the summary report down by precinct. The
33 report shall list, for each round, the number of ballots cast in each
34 precinct that count as votes for each candidate in that round, that
35 have been declared undervotes, that have been declared overvotes
36 up to that point, and that have been declared exhausted up to that
37 point.
38   (4) Mode and manner of release. Preliminary versions of the
39 summary report and ballot image report shall be made available
40 as soon as possible after the ~~ballots have begun to be processed~~

1 ~~and counted~~ *commencement of the official canvass of the vote*
2 *pursuant to Section 15301 and prior to the 1 percent manual tally*
3 *pursuant to Section 15360.* The summary report, ballot image
4 report, comprehensive report, and preliminary versions of the
5 summary report and ballot image report shall be made available
6 to the public during the canvass via the Internet and by other
7 means. The ballot image report and preliminary versions of the
8 ballot image report shall be made available in a plain text electronic
9 format.

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