SENATE BILL   No. 1288

Introduced by Senator Leno

February 19, 2016

An act to amend Sections 5013, 5020, 5027, 5028, and 72036 of, and to add Sections 1018, 1019, 1020, 5010, 5032, and 5096 to, the Education Code, to amend and renumber Sections 22000 and 22001 of, to add Section 8141.3 to, and to add Division 22 (commencing with Section 22000) to, the Elections Code, to amend Sections 25040, 25041, and 25061 of, to add Section 25001 to, and to add Article 4 (commencing with Section 34910) to Chapter 4 of Part 1 of Division 2 of Title 4 of, the Government Code, relating to elections.

SB 1288, as introduced, Leno. Elections: local voting methods.

Under existing law, a candidate for nonpartisan office who receives votes on the majority of all ballots cast at a primary election is elected to that office, and the office does not appear on the ballot in the ensuing general election. Existing law prescribes which candidates appear on the ballot in the ensuing general election if no candidate has been elected pursuant to this provision, or if the number of candidates elected at the primary election is less than the total number to be elected to that office. Under existing law, these provisions do not apply to elections to fill certain enumerated offices.

This bill would extend these provisions to the nomination of officers for any district not formed for municipal purposes, officers for general law cities, and school district officers.

Existing law provides procedures for the election of candidates for elective offices in cities, counties, and local educational agencies. Existing law specifies the circumstances in which voters in these jurisdictions may elect officers at large or from or by district. Existing

law prescribes the length of various terms of office for locally elected officials, and it requires certain multimember bodies to have staggered terms of office.

This bill would authorize a city, county, or local educational agency to conduct an election using ranked voting, in which voters rank the candidates for office in order of preference, as specified. The bill would also allow a jurisdiction using ranked voting to eliminate staggered terms for a multimember body in certain circumstances. This bill would specify the procedures for conducting an election using ranked voting as it applies to both a single-winner election and a multiple-winner 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. Section 1018 is added to the Education Code, to
2 read:
3   1018. (a) Notwithstanding any other provision of this article,
4 the county board of education may adopt, or the residents of the
5 county may propose by initiative, a proposal to elect members of
6 the county board of education by ranked voting. The proposal shall
7 specify whether the members shall be elected at large or by or
8 from district. A proposal to elect members by ranked voting shall
9 apply prospectively only and shall not become operative unless it
10 is submitted to the electors of the county at a regularly scheduled
11 election and a majority of the votes cast on the question favor the
12 adoption of the proposal.
13   (b) An initiative measure proposed pursuant to subdivision (a)
14 is subject to the procedures set forth in Chapter 2 (commencing
15 with Section 9100) of Division 9 of the Elections Code.
16   (c) If a county board of education authorizes its members to be
17 elected at large by ranked voting pursuant to subdivision (a), the
18 county board of education, or a resident by initiative, may also
19 submit to the registered voters a proposal providing for the election
20 of one or more board members to serve transitional terms in order
21 to eliminate staggered terms on the board. A transitional term
22 authorized by this section shall not shorten a term of office that
23 has already started.

1   (d) This section does not authorize a county board of education
2   to elect members at large if it is required by a court order or
3   judgment to elect its members by or from district.
4   SEC. 2. Section 1019 is added to the Education Code, to read:
5   1019. (a) If a county board of education authorizes the use of
6   ranked voting pursuant to Section 1018, before that method is used
7   in any election, a county elections official may certify to the county
8   board of supervisors and county superintendent of schools that the
9   county lacks the technological capacity to conduct elections by
10 this method. The elections official shall provide this certification
11 at least seven days, and not more than 60 days, before any
12 candidate begins circulating a nomination paper.
13   (b) If a county elections official provides a certification pursuant
14 to subdivision (a), the county board of education shall conduct its
15 next election in the same manner as its most recent prior election
16 was conducted.
17   SEC. 3. Section 1020 is added to the Education Code, to read:
18   1020. A special election to fill one or more vacancies with
19 ranked voting and an election to elect one or more other members
20 of the county board to full terms using ranked voting that are held
21 on the same day shall be consolidated into a single contest if the
22 board is elected at large or the contests to be consolidated are for
23 members elected by or from the same trustee area.
24   SEC. 4. Section 5010 is added to the Education Code, to read:
25   5010. (a) Notwithstanding any other provision of this article,
26 the governing board of a school district or community college
27 district may adopt a resolution authorizing the election of members
28 of the governing board by ranked voting. The resolution shall
29 specify whether the members elected pursuant to this method shall
30 be elected at large or by or from district, and it shall be presented
31 to the electors of the school district pursuant to Section 5020. A
32 resolution adopted pursuant to this subdivision shall apply
33 prospectively only.
34   (b) The governing board of a school district or community
35 college district that authorizes members to be elected at large by
36 ranked voting pursuant to subdivision (a) may also by resolution
37 presented to the electors authorize the election of one or more
38 members to serve transitional two-year terms in order to eliminate
39 staggered terms on the board. A transitional two-year term shall
40 not shorten a term of office that has already started.

1   (c) Except as provided in subdivision (b), the term of office for
2 a member elected pursuant to this section shall be four years.
3   (d) This section does not authorize the governing board of a
4 school district or community college district to elect members at
5 large if it is required by a court order or judgment to elect its
6 members by or from district.
7   SEC. 5. Section 5013 of the Education Code is amended to
8 read:
9   5013. ~~The~~ *(a) Except as provided in subdivision (b), the* form
10 of ballot for governing board member elections shall be governed
11 by Chapter 2 (commencing with Section 13100) of Division 13 of
12 the Elections Code.
13   *(b) The form of ballot for governing board member elections*
14 *conducted by ranked voting shall be governed by Division 22 of*
15 *the Elections Code.*
16   SEC. 6. Section 5020 of the Education Code is amended to
17 read:
18   5020. (a) The resolution of the county committee approving
19 a proposal to establish or abolish trustee areas, to adopt one of the
20 alternative methods of electing governing board members specified
21 in Section *5010 or* 5030, or to increase or decrease the number of
22 members of the governing board shall constitute an order of
23 election, and the proposal shall be presented to the electors of the
24 district not later than the next succeeding election for members of
25 the governing board.
26   (b) If a petition requesting an election on a proposal to rearrange
27 trustee area boundaries is filed, containing at least 5 percent of the
28 signatures of the district's registered voters as determined by the
29 elections official, the proposal shall be presented to the electors
30 of the district, at the next succeeding election for the members of
31 the governing board, at the next succeeding statewide primary or
32 general election, or at the next succeeding regularly scheduled
33 election at which the electors of the district are otherwise entitled
34 to vote, provided that there is sufficient time to place the issue on
35 the ballot.
36   (c) If a petition requesting an election on a proposal to establish
37 or abolish trustee areas, to increase or decrease the number of
38 members of the board, or to adopt one of the alternative methods
39 of electing governing board members specified in Section *5010*
40 *or* 5030 is filed, containing at least 10 percent of the signatures of

1 the district's registered voters as determined by the elections
2 official, the proposal shall be presented to the electors of the
3 district, at the next succeeding election for the members of the
4 governing board, at the next succeeding statewide primary or
5 general election, or at the next succeeding regularly scheduled
6 election at which the electors of the district are otherwise entitled
7 to vote, provided that there is sufficient time to place the issue on
8 the ballot. Before the proposal is presented to the electors, the
9 county committee on school district organization may call and
10 conduct one or more public hearings on the proposal.
11   (d) The resolution of the county committee approving a proposal
12 to establish or abolish a common governing board for a high school
13 and an elementary school district within the boundaries of the high
14 school district shall constitute an order of election. The proposal
15 shall be presented to the electors of the district at the next
16 succeeding statewide primary or general election, or at the next
17 succeeding regularly scheduled election at which the electors of
18 the district are otherwise entitled to vote, provided that there is
19 sufficient time to place the issue on the ballot.
20   (e) For each proposal there shall be a separate proposition on
21 the ballot. The ballot shall contain the following words:
22   "For the establishment (or abolition or rearrangement) of trustee
23 areas in ____ (insert name) School District—Yes" and "For the
24 establishment (or abolition or rearrangement) of trustee areas in
25 ____ (insert name) School District—No."
26   "For increasing the number of members of the governing board
27 of ____ (insert name) School District from five to seven—Yes"
28 and "For increasing the number of members of the governing board
29 of ____ (insert name) School District from five to seven—No."
30   "For decreasing the number of members of the governing board
31 of ____ (insert name) School District from seven to five—Yes"
32 and "For decreasing the number of members of the governing
33 board of ____ (insert name) School District from seven to
34 five—No."
35   "For the election of each member of the governing board of the
36 ____ (insert name) School District by the registered voters of the
37 entire ____ (insert name) School District—Yes" and "For the
38 election of each member of the governing board of the ____ (insert
39 name) School District by the registered voters of the entire ____
40 (insert name) School District—No."

1 *"For the election of each member of the governing board of the*
2 *____ (insert name) School District by the registered voters of the*
3 *entire ____ (insert name) School District using ranked*
4 *voting—Yes" and "For the election of each member of the*
5 *governing board of the ____ (insert name) School District by the*
6 *registered voters of the entire ____ (insert name) School District*
7 *using ranked voting —No."*
8 "For the election of one member of the governing board of the
9 ____ (insert name) School District residing in each trustee area
10 elected by the registered voters in that trustee area—Yes" and "For
11 the election of one member of the governing board of the ____
12 (insert name) School District residing in each trustee area elected
13 by the registered voters in that trustee area—No."
14 *"For the election of one member of the governing board of the*
15 *____ (insert name) School District residing in each trustee area*
16 *elected by the registered voters in that trustee area using ranked*
17 *voting —Yes" and "For the election of one member of the*
18 *governing board of the ____ (insert name) School District residing*
19 *in each trustee area elected by the registered voters in that trustee*
20 *area using ranked voting —No."*
21 "For the election of one member, or more than one member for
22 one or more trustee areas, of the governing board of the ____
23 (insert name) School District residing in each trustee area elected
24 by the registered voters of the entire ____ (insert name) School
25 District—Yes" and "For the election of one member, or more than
26 one member for one or more trustee areas, of the governing board
27 of the ____ (insert name) School District residing in each trustee
28 area elected by the registered voters of the entire ____ (insert name)
29 School District—No."
30 *"For the election of one member, or more than one member for*
31 *one or more trustee areas, of the governing board of the ____*
32 *(insert name) School District residing in each trustee area elected*
33 *by the registered voters of the entire ____ (insert name) School*
34 *District using ranked voting —Yes" and "For the election of one*
35 *member, or more than one member for one or more trustee areas,*
36 *of the governing board of the ____ (insert name) School District*
37 *residing in each trustee area elected by the registered voters of*
38 *the entire ____ (insert name) School District using ranked voting*
39 *—No."*

1   "For the establishment (or abolition) of a common governing
2 board in the ____ (insert name) School District and the ____ (insert
3 name) School District—Yes" and "For the establishment (or
4 abolition) of a common governing board in the ____ (insert name)
5 School District and the ____ (insert name) School District—No."
6   *"For the election of one member, or more than one member for*
7 *one or more trustee areas, of the governing board of the ____*
8 *(insert name) School District to serve transitional two-year terms*
9 *in order to eliminate staggered terms on the board —Yes" and*
10 *"For the election of one member, or more than one member for*
11 *one or more trustee areas, of the governing board of the ____*
12 *(insert name) School District to serve transitional two-year terms*
13 *in order to eliminate staggered terms on the board —No."*
14 ~~If~~
15 *(f) Two or more compatible proposals may be combined into*
16 *a single proposition. If* more than one ~~proposal~~ *proposition* appears
17 on the ballot, all must carry in order for any to become effective,
18 except ~~that a proposal~~ *as follows:*
19 *(1) A proposition* to adopt one of the methods of election of
20 board members specified in Section 5030 ~~which~~ *that* is approved
21 by the voters shall become effective unless a ~~proposal which~~
22 *proposition that* is inconsistent with that ~~proposal~~ *proposition* has
23 been approved by a greater number of voters. ~~An~~
24 *(2) An* inconsistent ~~proposal~~ *proposition* approved by a lesser
25 number of voters than the number which have approved a ~~proposal~~
26 *proposition* to adopt one of the methods of election of board
27 members specified in Section 5030 shall not be effective.
28 *(3) A proposal to elect at least one member to serve a*
29 *transitional two-year term shall only appear on a ballot if a*
30 *proposal to elect each member of the governing board by the*
31 *registered voters of the entire district using ranked voting also*
32 *appears on the ballot, in which case the latter proposal may be*
33 *approved even if the former is not.*
34   SEC. 7. Section 5027 of the Education Code is amended to
35 read:
36   5027. ~~Whenever~~ *If* the boundaries of a county high school
37 district are coterminous with the boundaries of a county, the board
38 shall consist of one *of the following:*
39   *(a) One* member from each supervisorial district in the county
40 elected at large from the *county high school* district.

1   *(b) As many members are there are supervisorial districts with*
2   *the members elected at large using ranked voting.*
3   SEC. 8. Section 5028 of the Education Code is amended to
4   read:
5   5028. In every community college district ~~which~~ *that* was
6   divided into five wards on or before September 7, 1955, one
7   member of the board shall be elected from each ward by the
8   registered voters of the ward. On or before January 1st of a fiscal
9   year the governing board of the district may rearrange the
10   boundaries of the wards to provide for representation in accordance
11   with population and geographic factors or may abolish the wards.
12   *If the wards are abolished, members of the governing board may*
13   *also be elected at large using ranked voting.*
14   SEC. 9. Section 5032 is added to the Education Code, to read:
15   5032. If a school district or community college district
16   authorizes the use of ranked voting pursuant to Section 5010,
17   before that method is used in any election, a county elections
18   official may certify to the county board of supervisors and county
19   superintendent of schools who have jurisdiction over the election
20   that the county lacks the technological capacity to conduct elections
21   by this method. The elections official shall provide this certification
22   at least seven days, and not more than 60 days, before any
23   candidate circulates a nomination paper.
24   SEC. 10. Section 5096 is added to the Education Code, to read:
25   5096. A special election to fill one or more vacancies with
26   ranked voting and an election to elect one or more other members
27   of the governing board of the school district or community college
28   district to full terms using ranked voting that are held on the same
29   day shall be consolidated into a single contest if the board is elected
30   at large or the contests to be consolidated are for members elected
31   by or from the same trustee area.
32   SEC. 11. Section 72036 of the Education Code is amended to
33   read:
34   72036. Notwithstanding any other law, the governing board
35   of a community college district may change election systems, in
36   accordance with the provisions of this section and the California
37   Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section
38   14025) of Division 14 of the Elections Code), upon the adoption
39   by the board of trustees of a resolution in support of electing the
40   trustees in accordance with this section and upon the approval of

1 the Board of Governors of the California Community Colleges,
2 as follows:
3   (a) The governing board of a community college district may
4 establish elections by trustee areas. In establishing trustee areas,
5 the territory of a district shall be divided into trustee areas, and
6 one member of the governing board shall be elected from each
7 trustee area. A candidate for election as a member of the governing
8 board shall reside in, and be registered to vote in, the trustee area
9 he or she seeks to represent. The governing board shall set the
10 initial boundaries of each trustee area to reflect substantially equal
11 population in each district as enumerated in the most recent
12 decennial federal census. Thereafter, the boundaries of trustee
13 areas shall be adjusted pursuant to Section 5019.5, and may be
14 abolished or adjusted as otherwise provided in this code.
15   (b) The governing board of a community college district may
16 establish a top-two primary election system. Candidates for election
17 as a member of a governing board of a district shall be nominated
18 by trustee area at a district primary election held on the date of the
19 statewide direct primary election. At the district primary election,
20 the two candidates receiving the highest number of votes within
21 the trustee area shall be nominees for the district general election
22 for that trustee area, and the nominee who receives a majority of
23 the votes cast by the voters of the trustee area in the district general
24 election shall be elected to represent that trustee area. The district
25 general election shall be held on the same date as the statewide
26 general election.
27   (c) The governing board of a community college district may
28 determine the number of trustees pursuant to this subdivision. The
29 governing board of a community college district shall be composed
30 of not less than five members and not more than nine, as
31 determined by the governing board. Sections 5019 to 5030,
32 inclusive, do not apply to the governing board's determination of
33 the number of members pursuant to this subdivision. If the number
34 of members of a governing board is increased or decreased, a
35 governing board shall establish new trustee areas, abolish trustee
36 areas, or adjust the boundaries of trustee areas so that the number
37 of trustee areas is equal to the number of governing board members.
38 If the number of members of a governing board is increased, the
39 additional members of the governing board shall be elected at the
40 next regular district general election of board members occurring

1 at least 123 days after the governing board approved the increased
2 number of board members. Prior to the next district general
3 election, the governing board shall divide by lot the additional
4 trustee area positions that are created so that the term of one-half
5 of the board members elected to those positions shall expire on
6 the first Friday in December following the next district general
7 election. The term of the other board members elected to fill the
8 remainder of the additional positions shall expire on the first Friday
9 in December following the second district general election
10 succeeding their election.
11 *(d) The governing board of a community college district may*
12 *provide for the election of its members at large by ranked voting,*
13 *and it may also authorize members to serve transitional two-year*
14 *terms, pursuant to Section 5010.*
15 (d)
16 *(e)* This section shall *does* not apply to any community college
17 district that has been authorized by statute to provide for its own
18 trustee elections.
19 SEC. 12. Section 8141.3 is added to the Elections Code, to
20 read:
21 8141.3. Notwithstanding Section 8000, the following districts
22 may elect a candidate for nonpartisan office pursuant to Sections
23 8140 and 8141:
24 (a) A district not formed for municipal purposes.
25 (b) A general law city.
26 (c) A school district.
27 SEC. 13. Section 22000 of the Elections Code is amended and
28 renumbered to read:
29 22000.
30 *21700.* (a) Each district required by its authorizing act to adjust
31 division boundaries pursuant to this section shall, by resolution,
32 after each federal decennial census, and using that census as a
33 basis, adjust the boundaries of any divisions so that the divisions
34 are, as far as practicable, equal in population and in compliance
35 with Section 10301 of Title 52 of the United States Code, as
36 amended, to the extent those provisions apply. In adjusting the
37 boundaries of the divisions, the board may give consideration to
38 the following factors: (1) topography, (2) geography, (3)
39 cohesiveness, contiguity, integrity, and compactness of territory,
40 and (4) community of interests of the division. This section does

1 not apply to divisions in which only landowners vote for directors
2 or whose directors are all elected at large or appointed.
3   (b) The resolution specified in subdivision (a) shall be adopted
4 by a vote of not less than a majority of the directors.
5   (c) At the time of, or after, any annexation of territory to the
6 district, the board of directors shall designate, by resolution, the
7 division of which the annexed territory shall be a part.
8   (d) ~~No~~ *A* change in division boundaries ~~may~~ *shall not* be made
9 within 180 days preceding the election of any director.
10   (e) (1) A change in division boundaries shall not affect the term
11 of office of any director.
12   (2) If division boundaries are adjusted, the director of the
13 division whose boundaries have been adjusted shall continue to
14 be the director of the division bearing the number of his or her
15 division as formerly comprised until the office becomes vacant by
16 means of term expiration or otherwise, whether or not the director
17 is a resident within the boundaries of the division as adjusted.
18   (f) The successor to the office in a division whose boundaries
19 have been adjusted shall be a resident and voter of that division.
20   (g) A district is not required to adjust the boundaries of any
21 divisions pursuant to this section until after the 2000 federal
22 decennial census.
23   (h) ~~Nothing in this~~ *This* section shall *not* be construed to prohibit
24 or restrict a district from adjusting the boundaries of any divisions
25 whenever the governing body of the district determines by a
26 two-thirds vote of the governing body that a sufficient change in
27 population has occurred that makes it desirable in the opinion of
28 the governing body to adjust the boundaries of any divisions, or
29 whenever any territory is added by or excluded from the district.
30   SEC. 14. Section 22001 of the Elections Code is amended and
31 renumbered to read:
32   ~~22001.~~
33   *21701* Before adjusting the boundaries of a division pursuant
34 to Section ~~22000~~ *21700* or for any other reason, the governing
35 body of the district shall hold at least one public hearing on the
36 proposal to adjust the boundaries of the division prior to the public
37 hearing at which the governing body votes to approve or defeat
38 the proposal.
39   SEC. 15. Division 22 (commencing with Section 22000) is
40 added to the Elections Code, to read:

1 DIVISION 22. RANKED VOTING
2
3 Chapter 1. General Provisions
4
5   22000. Ranked voting is a method that allows voters to rank
6 candidates for office in order of preference. Elections conducted
7 by ranked voting may be used for both single-winner and
8 multiple-winner elections. Elections conducted by ranked voting
9 are tabulated in rounds, as specified in this division.
10   22001. A jurisdiction that introduces ranked voting shall
11 conduct a voter education and outreach campaign, which shall
12 include public service announcements on radio, television, or in
13 print media, to familiarize voters with that election method.
14 Materials and information disseminated as part of the campaign
15 shall be provided in languages other than English, as required by
16 the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).
17   22002. For purposes of this division, the following terms have
18 the following meanings:
19   (a) "Abstention" means a ballot that is to be counted for the
20 highest-ranked continuing candidate, but that does not contain a
21 highest-ranked continuing candidate or overvote, and the voter did
22 at least one of the following:
23   (1) Failed to assign an available ranking to every qualified
24 candidate.
25   (2) Assigned a qualified candidate two or more different
26 rankings.
27   (b) "Continuing candidate" means a qualified candidate who
28 has not yet been elected or defeated.
29   (c) "Highest-ranked continuing candidate" means the continuing
30 candidate on a ballot assigned the ranking with the lowest
31 numerical value, unless that ranking is assigned to more than one
32 candidate.
33   (d) "Instant runoff voting" means a system of ranked voting
34 used to elect a single candidate to office.
35   (e) "Majority of votes" means greater than 50-percent of the
36 votes counted for all candidates.
37   (f) "Other exhausted vote" means a ballot that is to be counted
38 for the highest-ranked continuing candidate, but that does not
39 contain a highest-ranked continuing candidate or overvote and is
40 not an abstention.

1   (g) "Overvote" means a ranking assigned to more than one
2 qualified candidate.
3   (h) "Ranking" means the number assigned to a candidate to
4 indicate a voter's preference for that candidate. The ranking with
5 the lowest numerical value indicates the voter's first-choice
6 preference, with the ranking increasing in numerical value as the
7 voter's preference decreases.
8   (i) "Single transferable vote" means a system of ranked voting
9 used to elect two or more candidates to office.
10   22003. A ballot that does not contain a highest-ranked
11 continuing candidate shall not be counted for any candidate in
12 determining the highest-ranked candidate, but rather shall be
13 counted as an other exhausted vote for the remainder of the
14 tabulation unless the ballot contains an overvote or is an abstention.
15   22004. If two or more candidates are tied with the fewest
16 number of votes, the candidate to eliminate shall be determined
17 by lot, publicly conducted with notice.
18   22005. A ballot shall allow voters to assign a different ranking
19 to each candidate, as well as to at least two write-in candidates. If
20 a jurisdiction's voting equipment cannot feasibly accommodate
21 that number of rankings on the ballot, the elections official may
22 limit the number of choices a voter may rank to the greater of ten
23 candidates or the maximum number allowed by the equipment.
24   22006. In an election conducted by ranked voting, the elections
25 official shall provide ballot instructions that shall be substantially
26 in the following form:
27   "To vote in this election, indicate your first-choice candidate by
28 selecting or marking a "1" in the voting square to the right of that
29 candidate, a "2" in the voting square to the right of your
30 second-choice candidate, a "3" in the voting square to the right of
31 your third-choice candidate, and so on. Do not give the same
32 number to more than one candidate. You may rank as many or as
33 few of the candidates as you choose, up to the limit specified, if
34 any. Your second choice will not affect your first choice; your
35 third choice will not affect your first two choices, and so on. You
36 may include one or more qualified write-in candidates in your
37 rankings by writing each write-in candidate's name in one of the
38 blank spaces provided for that purpose after the names of the other
39 candidates for the same office, and then writing the desired ranking
40 in the voting square to the right of that name."

Chapter 2. Vote Counting

22100. An election using instant runoff voting shall be tabulated in a series of one or more rounds that are conducted as follows:

(a) Each ballot shall count as one vote for the highest-ranked continuing candidate on that ballot.

(b) The tabulation shall be complete if either of the following situations occur:

(1) There is only one continuing candidate after the first round of tabulation, in which case that candidate shall be designated as elected.

(2) There are exactly two continuing candidates after any round of tabulation, in which case the candidate with a majority of votes shall be designated as elected, and the other candidate shall be designated as defeated.

(c) If a continuing candidate has a majority of votes, and the elections official determines that tabulation cannot feasibly continue until there are only two continuing candidates, the tabulation may be terminated after the elections official designates the majority candidate as elected and designates all other continuing candidates as defeated.

(d) If a candidate satisfies both of the following conditions, then all candidates with fewer votes may be designated as defeated:

(1) At least one other candidate has at least as many votes as the candidate.

(2) The candidate has more votes than the total votes for all candidates with fewer votes.

(e) If a candidate was not designated as defeated in a particular round pursuant to subdivision (d), the continuing candidate with the fewest votes shall be designated as defeated.

(f) Each ballot counted for a candidate defeated pursuant to subdivision (d) or (e) shall be transferred to, and counted for, the highest-ranked continuing candidate on that ballot.

22101. An election using single transferable vote shall be tabulated in a series of one or more rounds that are conducted as follows:

(a) (1) In the first round, all ballots shall be counted, and each ballot shall be transferred to, and counted for, the highest-ranked continuing candidate on that ballot, using a transfer value of one vote.

1   (2) The "threshold," which is the number of votes in excess of
2   which a candidate will designated as elected, shall be determined
3   by dividing the total number of ballots counted for a candidate
4   pursuant to paragraph (1) by one more than the number of offices
5   to be filled and rounding the quotient to five decimal places.
6   (3) If the number of continuing candidates is less than or equal
7   to the number of offices to be filled, all continuing candidates shall
8   be designated as elected, and the tabulation is complete.
9   (b) For each continuing candidate, the votes for the candidate
10 are the sum of the transfer values of all ballots counted for that
11 candidate.
12   (c) A continuing candidate with votes in excess of the threshold
13 shall be designated as elected, and his or her votes in excess of the
14 threshold calculated shall be treated as his or her surplus.
15   (d) If the number of candidates designated as elected is equal
16 to the number of offices to be filled, all continuing candidates shall
17 be designated as defeated, and the tabulation shall be complete.
18   (e) If a candidate is not designated as defeated in a particular
19 round, and one or more candidate is designated as elected and has
20 a surplus, the surplus of that candidate shall be transferred as
21 follows:
22   (1) The surplus factor for the candidate shall be calculated as
23 the quotient, rounded to five decimal places, of the candidate's
24 surplus divided by the total number of votes for the candidate.
25   (2) Each ballot counted for the candidate shall be transferred
26 to, and counted for, the highest-ranked continuing candidate on
27 that ballot using a new transfer value, calculated as the product,
28 rounded to five decimal places, of the transfer value times the
29 candidate's surplus factor.
30   (3) "Residual surplus" means the number of surplus votes not
31 transferred pursuant to paragraphs (1) and (2) due to rounding.
32 The residual surplus for the transfer equals the surplus for a
33 candidate minus the sum of the new transfer values for every ballot
34 transferred from the candidate. The residual surplus shall not be
35 counted for any candidate or as part of other exhausted votes.
36   (4) After a candidate's surplus is transferred and his or her
37 residual surplus is calculated, the candidate does not have a surplus,
38 and the candidate's vote count shall be considered to be the number
39 of votes at the threshold for the remainder of the tabulation.

1   (f) If a surplus was not transferred in a particular round pursuant
2 to subdivision (e), the continuing candidate with the fewest votes
3 shall be designated as defeated.
4   (g) If any candidates were designated as defeated in a particular
5 round, each ballot assigned to a defeated candidate shall be
6 transferred to, and counted for, the highest-ranked continuing
7 candidate on that ballot using the previous transfer value. After
8 all ballots have been transferred, a defeated candidate shall have
9 zero votes.
10   (1) If the number of continuing candidates plus the number of
11 candidates that have been designated as elected equals the number
12 of offices to be filled, all continuing candidates shall be designated
13 as elected and the tabulation is complete.
14   22102. The Secretary of State may promulgate regulations
15 authorizing modifications to the vote-counting methods described
16 in this chapter if the modifications do not change which candidates
17 are elected.
18   22103. If two or more candidates are elected pursuant to
19 Section 22101 in the same contest, and the offices to be filled by
20 the contest have terms of different remaining lengths, candidates
21 shall fill the offices in proportion to the number of votes they
22 received in the first round, with the candidate with the highest
23 first-round vote total filling the office with the longest term.
24
25   CHAPTER 3. REPORTING
26
27   22200. (a) For purposes of this chapter, the following terms
28 have the following meanings:
29   (1) "Contest cast selections record report" means a report that
30 lists all of the following for each ballot counted in the tabulation:
31   (A) The candidate or candidates indicated at each ranking.
32   (B) The precinct in which the ballot was cast.
33   (C) Whether the ballot was cast by mail.
34   (2) "Contest tabulation report" means a report that lists both of
35 the following:
36   (A) The number of ballots counted.
37   (B) The votes received by each candidate in each round of the
38 tabulation.

1 (C) The cumulative number of votes counted as an overvote,
2 abstention, other exhausted vote, and cumulative residual surplus
3 in each round of the tabulation.
4 (3) "Tabulation by precinct report" means a list, for all precincts
5 or a selected subset of precincts, that provides both of the
6 following:
7 (A) The total number of ballots counted for each round of votes
8 for each candidate.
9 (B) The total number of votes counted as an overvote,
10 abstention, other exhausted vote, and cumulative residual surplus.
11 (b) For a given tabulation, an entry in the contest tabulation
12 report shall equal the total of all corresponding precinct entries
13 that are in the tabulation by precinct report, or that would be in the
14 tabulation by precinct report if all precincts were reported. Whether
15 a candidate is designated as elected or defeated, and the round in
16 which a candidate is designated as elected or defeated, shall be the
17 same for the contest tabulation report and for every precinct in the
18 tabulation by precinct report.
19 (c) The votes for each round in a contest tabulation report or in
20 a tabulation by precinct report shall be reported as of the
21 completion of subdivision (a) of Section 22100 or subdivision (b)
22 of Section 22101. If Section 22101 applies, each ballot counted
23 as an overvote, abstention, or other exhausted vote shall be counted
24 as having the number of votes equal to the ballot's transfer value.
25 (d) In a contest cast selections record report, ballots shall be
26 listed in an manner that does not permit the order in which they
27 were cast in each precinct to be reconstructed. An overvote ranking
28 may be reported without reporting to which qualified candidates
29 the ranking was assigned.
30 22201. (a) An elections official shall publish a contest
31 tabulation report for the final tabulation of the official canvass in
32 conjunction with the certified statement of the results. The elections
33 official shall also publish at least one of the following reports for
34 the final tabulation of the official canvass:
35 (1) A tabulation by precinct report covering all precincts.
36 (2) A contest cast selections record report.
37 (b) If tabulation of all rounds is not feasible on election night,
38 the elections official may provide the contest tabulation report
39 totals for only the first round of tabulation or only a tally of the
40 rankings of "1".

1   (c) For a contest that is tabulated with a voting system, the
2 elections official shall do all of the following:
3   (1) Tabulate the results as soon as feasible after the close of the
4 polls, and publish the corresponding contest tabulation report.
5   (2) Tabulate the results for the last preliminary results on
6 election night and publish a corresponding contest tabulation report.
7   (3) Publish the corresponding contest cast selections record
8 report whenever the results of a tabulation is published, except if
9 tabulation is limited pursuant to subdivision (b).
10   22202. An elections official shall promptly post a report made
11 available to the public pursuant to Section 22201 on his or her
12 official Internet Web site. A contest cast selections record report
13 made available pursuant to this section shall be provided in a plain
14 text electronic format and need not be published by other means.
15 If an elections official does not have an official Internet Web site,
16 the elections official shall promptly make the report available to
17 the public by other means, and he or she shall notify the public of
18 the report's location through a notice prominently displayed in an
19 appropriate location in his or her office.
20   SEC. 16. Section 25001 is added to the Government Code, to
21 read:
22   25001. (a) Notwithstanding any other provision of law, a
23 county board of supervisors may adopt, or a resident of the county
24 may propose by initiative, a proposal to elect an officer of the
25 county by ranked voting. The proposal shall specify which county
26 officers shall be elected by this method and whether they shall be
27 elected at large or by or from district, if applicable.
28   (b) If a county board of supervisors authorizes its members to
29 be elected at large by ranked voting pursuant to subdivision (a),
30 the county board of supervisors may also adopt, or a resident of
31 the county may propose by initiative, a proposal to elect one or
32 more supervisors to serve transitional two-year terms in order to
33 eliminate staggered terms on the board. A transitional two-year
34 term shall not shorten a term of office that has already started.
35   (c) A proposal pursuant to subdivision (a) or (b) shall apply
36 prospectively only and shall not become operative unless it is
37 submitted to the electors of the county at a regularly scheduled
38 election and a majority of the votes cast on the question favor the
39 adoption of the proposal.

1   (d) Except as provided in subdivision (b), the term of office for
2 a member of the board of supervisors elected by ranked voting
3 shall be four years.
4   (e) A proposal enacted pursuant to this section may be amended
5 or repealed in the same manner, but an officer's term of office shall
6 not be affected.
7   (f) This section does not authorize a county to elect members
8 at large if it is required by a court order or judgment to elect its
9 members by or from district.
10   SEC. 17.   Section 25040 of the Government Code is amended
11 to read:
12   25040.   Each member of the board of supervisors shall be
13 elected by the district which he represents, and not at large, except
14 in *if one of the following is true:*
15   *(a) The election is held in* any county in which supervisorial
16 districts have not been established by law or ordinance, and in
17 which supervisors were on May 17, 1907, required to be elected
18 at large, but from particular wards, the members shall be elected
19 at large and without regard to residence.
20   *(b) Members are elected by ranked voting pursuant to Section*
21 *25001.*
22   SEC. 18.   Section 25041 of the Government Code is amended
23 to read:
24   25041.   In all other cases each *If an election is conducted from*
25 *district, a* member shall have been a registered voter of the district
26 which he seeks to represent for at least 30 days immediately
27 preceding the deadline for filing nomination documents for the
28 office of supervisor, and shall reside in the district during his
29 incumbency.
30   SEC. 19.   Section 25061 of the Government Code is amended
31 to read:
32   25061. *(a)* The election of a supervisor to fill the vacancy for
33 the unexpired term shall be held at the next general election, unless
34 the term expires on the first Monday after January 1st succeeding
35 the election.
36   *(b) A special election to fill one or more vacancies with ranked*
37 *voting and an election to elect one or more other members of the*
38 *board of supervisors to full terms using ranked voting that are*
39 *held on the same day shall be consolidated into a single contest if*

1 *the board of supervisors is elected at large or the contests to be*
2 *consolidated are for members elected by or from the same district.*
3   SEC. 20. Article 4 (commencing with Section 34910) is added
4 to Chapter 4 of Part 1 of Division 2 of Title 4 of the Government
5 Code, to read:
6
7   Article 4. Election of City Officers by Ranked Voting
8
9   34910. (a) At any municipal election, or special election held
10 for that purpose, the legislative body may submit to the registered
11 voters an ordinance providing for the election of an officer of the
12 city by ranked voting. The ordinance may also be qualified for the
13 ballot by means of an initiative measure in accordance with Chapter
14 3 (commencing with Section 9200) of Division 9 of the Elections
15 Code. The ordinance shall specify which city officers shall be
16 elected by this method and whether they shall be elected at large
17 or by or from district, if applicable. An ordinance adopted pursuant
18 to this subdivision shall apply prospectively only.
19   (b) If a city authorizes members of the legislative body to be
20 elected at large by ranked voting pursuant to subdivision (a), the
21 legislative body, or the proponent of an initiative, may also submit
22 to the registered voters an ordinance providing for the election of
23 one or more members to serve transitional two-year terms in order
24 to eliminate staggered terms on the body. A transitional two-year
25 term authorized by this section shall not shorten a term of office
26 that has already started.
27   (c) If a legislative body is elected by ranked voting:
28   (1) The legislative body may have more than five members,
29 even if the members are elected at large.
30   (2) A member's term of office shall be four years, except as
31 provided in subdivision (b).
32   (d) An ordinance enacted pursuant to this section may be
33 amended or repealed in the same manner, but an officer's term of
34 office shall not be affected.
35   (e) This section applies both to cities with an elective mayor
36 and cities with a city manager form of government.
37   (f) This section does not authorize a city to elect members at
38 large if it is required by a court order or judgment to elect its
39 members by or from district.

1   34911. If a special election to fill one or more vacancies with
2 ranked voting is held on the same day as an election to elect one
3 or more other members of the legislative body to full terms using
4 ranked voting, those election contests shall be consolidated into a
5 single contest, provided that the legislative body is elected at large
6 or the contests to be consolidated are for members elected by or
7 from the same district.

O