

AMENDED IN SENATE APRIL 4, 2016

SENATE BILL

No. 1288

Introduced by Senator Leno
(Coauthor: Senator Allen)

February 19, 2016

An act to amend Sections 5013, 5020, 5027, ~~5028, and 72036~~ and 5028 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~~ *Sections 8141.3 and 10005* 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.

LEGISLATIVE COUNSEL'S DIGEST

SB 1288, as amended, 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~~ *jurisdiction* not formed for municipal purposes, officers

for general law cities, and school district ~~officers~~. *officers, except as specified.*

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.~~ *officials.*

This bill would authorize a city, county, or local educational agency to conduct an election using ranked *choice* 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 *choice* 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 *choice* voting. The
- 7 proposal shall specify whether the members shall be elected at
- 8 large or by or from ~~district.~~ *trustee area.* A proposal to elect
- 9 members by ranked *choice* voting shall apply prospectively only
- 10 and shall not become operative unless it is submitted to the electors
- 11 of the county at a regularly scheduled election and a majority of
- 12 the votes cast on the question favor the 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~~

1 submit to the registered voters a proposal providing for the election
2 of one or more board members to serve transitional terms in order
3 to eliminate staggered terms on the board. A transitional term
4 authorized by this section shall not shorten a term of office that
5 has already started.

6 (d)

7 (c) This section does not authorize a county board of education
8 to elect members at large if it is required by a court order or
9 judgment to elect its members by or from ~~district~~ *trustee area*.

10 SEC. 2. Section 1019 is added to the Education Code, to read:

11 1019. (a) If a county board of education authorizes the use of
12 ranked *choice* voting pursuant to Section 1018, before that method
13 is used in any election, a county elections official may certify to
14 the county board of supervisors and county superintendent of
15 schools that the county lacks the technological capacity to conduct
16 elections by this method. The elections official shall provide this
17 certification at least seven days, and not more than 60 days, before
18 ~~any candidate begins circulating a nomination paper.~~ *the later of*
19 *113 days before the election or the first day on which a declaration*
20 *of candidacy may be filed.*

21 (b) If a county elections official provides a certification pursuant
22 to subdivision (a), the county board of education shall conduct its
23 next election in the same manner as its most recent ~~prior~~ election
24 was conducted.

25 SEC. 3. Section 1020 is added to the Education Code, to read:

26 1020. A special election to fill one or more vacancies with
27 ranked *choice* voting and an election to elect one or more other
28 members of the county board *of education* to full terms using
29 ranked *choice* voting that are held on the same day shall be
30 consolidated into a single contest if the board is elected at large
31 or the contests to be consolidated are for members elected by or
32 from the same trustee area.

33 SEC. 4. Section 5010 is added to the Education Code, to read:

34 5010. (a) Notwithstanding any other provision of this article,
35 the governing board of a school district or community college
36 district may adopt a resolution authorizing the election of members
37 of the governing board by ranked *choice* voting. The resolution
38 shall specify whether the members elected pursuant to this method
39 shall be elected at large or by or from ~~district~~ *trustee area*, and it
40 shall be presented to the electors of the school district pursuant to

1 Section 5020. A resolution adopted pursuant to this subdivision
2 shall apply prospectively only.

3 ~~(b) The governing board of a school district or community~~
4 ~~college district that authorizes members to be elected at large by~~
5 ~~ranked voting pursuant to subdivision (a) may also by resolution~~
6 ~~presented to the electors authorize the election of one or more~~
7 ~~members to serve transitional two-year terms in order to eliminate~~
8 ~~staggered terms on the board. A transitional two-year term shall~~
9 ~~not shorten a term of office that has already started.~~

10 ~~(c) Except as provided in subdivision (b), the term of office for~~
11 ~~a member elected pursuant to this section shall be four years.~~

12 ~~(d)~~

13 ~~(b)~~ This section does not authorize the governing board of a
14 school district or community college district to elect members at
15 large if it is required by a court order or judgment to elect its
16 members by or from ~~district~~ *trustee area*.

17 SEC. 5. Section 5013 of the Education Code is amended to
18 read:

19 5013. (a) Except as provided in subdivision (b), the form of
20 ballot for governing board member elections shall be governed by
21 Chapter 2 (commencing with Section 13100) of Division 13 of the
22 Elections Code.

23 (b) The form of ballot for governing board member elections
24 conducted by ranked *choice* voting shall be governed by Division
25 22 of the Elections Code.

26 SEC. 6. Section 5020 of the Education Code is amended to
27 read:

28 5020. (a) The resolution of the county committee approving
29 a proposal to establish or abolish trustee areas, to adopt one of the
30 alternative methods of electing governing board members specified
31 in Section 5010 or 5030, or to increase or decrease the number of
32 members of the governing board shall constitute an order of
33 election, and the proposal shall be presented to the electors of the
34 district not later than the next succeeding election for members of
35 the governing board.

36 (b) If a petition requesting an election on a proposal to rearrange
37 trustee area boundaries is filed, containing at least 5 percent of the
38 signatures of the district's registered voters as determined by the
39 elections official, the proposal shall be presented to the electors
40 of the district, at the next succeeding election for the members of

1 the governing board, at the next succeeding statewide primary or
2 general election, or at the next succeeding regularly scheduled
3 election at which the electors of the district are otherwise entitled
4 to vote, provided that there is sufficient time to place the issue on
5 the ballot.

6 (c) If a petition requesting an election on a proposal to establish
7 or abolish trustee areas, to increase or decrease the number of
8 members of the board, or to adopt one of the alternative methods
9 of electing governing board members specified in Section 5010
10 or 5030 is filed, containing at least 10 percent of the signatures of
11 the district's registered voters as determined by the elections
12 official, the proposal shall be presented to the electors of the
13 district, at the next succeeding election for the members of the
14 governing board, at the next succeeding statewide primary or
15 general election, or at the next succeeding regularly scheduled
16 election at which the electors of the district are otherwise entitled
17 to vote, provided that there is sufficient time to place the issue on
18 the ballot. Before the proposal is presented to the electors, the
19 county committee on school district organization may call and
20 conduct one or more public hearings on the proposal.

21 (d) The resolution of the county committee approving a proposal
22 to establish or abolish a common governing board for a high school
23 and an elementary school district within the boundaries of the high
24 school district shall constitute an order of election. The proposal
25 shall be presented to the electors of the district at the next
26 succeeding statewide primary or general election, or at the next
27 succeeding regularly scheduled election at which the electors of
28 the district are otherwise entitled to vote, provided that there is
29 sufficient time to place the issue on the ballot.

30 (e) For each proposal there shall be a separate proposition on
31 the ballot. The ballot shall contain the following words:

32 "For the establishment (or abolition or rearrangement) of trustee
33 areas in ____ (insert name) School District—Yes" and "For the
34 establishment (or abolition or rearrangement) of trustee areas in
35 ____ (insert name) School District—No."

36 "For increasing the number of members of the governing board
37 of ____ (insert name) School District from five to seven—Yes"
38 and "For increasing the number of members of the governing board
39 of ____ (insert name) School District from five to seven—No."

1 “For decreasing the number of members of the governing board
2 of ____ (insert name) School District from seven to five—Yes”
3 and “For decreasing the number of members of the governing
4 board of ____ (insert name) School District from seven to
5 five—No.”

6 “For the election of each member of the governing board of the
7 ____ (insert name) School District by the registered voters of the
8 entire ____ (insert name) School District—Yes” and “For the
9 election of each member of the governing board of the ____ (insert
10 name) School District by the registered voters of the entire ____
11 (insert name) School District—No.”

12 “For the election of each member of the governing board of the
13 ____ (insert name) School District by the registered voters of the
14 entire ____ (insert name) School District using ranked *choice*
15 voting—Yes” and “For the election of each member of the
16 governing board of the ____ (insert name) School District by the
17 registered voters of the entire ____ (insert name) School District
18 using ranked *choice* voting —No.”

19 “For the election of one member of the governing board of the
20 ____ (insert name) School District residing in each trustee area
21 elected by the registered voters in that trustee area—Yes” and “For
22 the election of one member of the governing board of the ____
23 (insert name) School District residing in each trustee area elected
24 by the registered voters in that trustee area—No.”

25 “For the election of one member of the governing board of the
26 ____ (insert name) School District residing in each trustee area
27 elected by the registered voters in that trustee area using ranked
28 *choice* voting —Yes” and “For the election of one member of the
29 governing board of the ____ (insert name) School District residing
30 in each trustee area elected by the registered voters in that trustee
31 area using ranked *choice* voting —No.”

32 “For the election of one member, or more than one member for
33 one or more trustee areas, of the governing board of the ____
34 (insert name) School District residing in each trustee area elected
35 by the registered voters of the entire ____ (insert name) School
36 District—Yes” and “For the election of one member, or more than
37 one member for one or more trustee areas, of the governing board
38 of the ____ (insert name) School District residing in each trustee
39 area elected by the registered voters of the entire ____ (insert name)
40 School District—No.”

“For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District using ranked *choice* voting —Yes” and “For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District using ranked *choice* voting —No.”

“For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—Yes” and “For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—No.”

~~“For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District to serve transitional two-year terms in order to eliminate staggered terms on the board —Yes” and “For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District to serve transitional two-year terms in order to eliminate staggered terms on the board —No.”~~

(f) ~~Two or more compatible proposals may be combined into a single proposition.~~ If more than one *proposal* appears on the ballot, all must carry in order for any to become effective, except as follows:

(1) A ~~proposition~~ *proposal* to adopt one of the methods of election of board members specified in Section 5030 that is approved by the voters shall become effective unless a ~~proposition~~ *proposal* that is inconsistent with that ~~proposition~~ *proposal* has been approved by a greater number of voters.

(2) An inconsistent ~~proposition~~ *proposal* approved by a lesser number of voters than the number which have approved a ~~proposition~~ *proposal* to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.

(3) ~~A proposal to elect at least one member to serve a transitional two-year term shall only appear on a ballot if a proposal to elect each member of the governing board by the registered voters of the entire district using ranked voting also appears on the ballot,~~

1 ~~in which case the latter proposal may be approved even if the~~
2 ~~former is not.~~

3 SEC. 7. Section 5027 of the Education Code is amended to
4 read:

5 5027. If the boundaries of a county high school district are
6 coterminous with the boundaries of a county, the board shall consist
7 of one of the following:

8 (a) One member from each supervisorial district in the county
9 elected at large from the county high school district.

10 (b) As many members as there are supervisorial districts with
11 the members elected at large using ranked *choice* voting.

12 SEC. 8. Section 5028 of the Education Code is amended to
13 read:

14 5028. In every community college district that was divided
15 into five wards on or before September 7, 1955, one member of
16 the board shall be elected from each ward by the registered voters
17 of the ward. On or before January 1st of a fiscal year the governing
18 board of the district may rearrange the boundaries of the wards to
19 provide for representation in accordance with population and
20 geographic factors or may abolish the wards. If the wards are
21 abolished, members of the governing board may also be elected
22 at large using ranked *choice* voting.

23 SEC. 9. Section 5032 is added to the Education Code, to read:

24 5032. (a) If a school district or community college district
25 authorizes the use of ranked *choice* voting pursuant to Section
26 5010, before that method is used in any election, a county elections
27 official may certify to the *governing board of the district, the*
28 ~~county board of—supervisors~~ *supervisors*, and ~~the~~ county
29 superintendent of schools who have jurisdiction over the election
30 that the county lacks the technological capacity to conduct elections
31 by this method. The elections official shall provide this certification
32 at least seven days, and not more than 60 days, before ~~any~~
33 ~~candidate circulates a nomination paper.~~ *the later of 113 days*
34 *before the election or the first day on which a declaration of*
35 *candidacy may be filed.*

36 (b) *If a county elections official provides a certification pursuant*
37 *to subdivision (a), the district shall conduct its next election in the*
38 *same manner as its most recent election was conducted.*

39 SEC. 10. Section 5096 is added to the Education Code, to read:

1 5096. A special election to fill one or more vacancies with
2 ranked *choice* voting and an election to elect one or more other
3 members of the governing board of the school district or
4 community college district to full terms using ranked *choice* voting
5 that are held on the same day shall be consolidated into a single
6 contest if the board is elected at large or the contests to be
7 consolidated are for members elected by or from the same trustee
8 area.

9 ~~SEC. 11. Section 72036 of the Education Code is amended to~~
10 ~~read:~~

11 ~~72036. Notwithstanding any other law, the governing board~~
12 ~~of a community college district may change election systems, in~~
13 ~~accordance with the provisions of this section and the California~~
14 ~~Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section~~
15 ~~14025) of Division 14 of the Elections Code), upon the adoption~~
16 ~~by the board of trustees of a resolution in support of electing the~~
17 ~~trustees in accordance with this section and upon the approval of~~
18 ~~the Board of Governors of the California Community Colleges,~~
19 ~~as follows:~~

20 ~~(a) The governing board of a community college district may~~
21 ~~establish elections by trustee areas. In establishing trustee areas,~~
22 ~~the territory of a district shall be divided into trustee areas, and~~
23 ~~one member of the governing board shall be elected from each~~
24 ~~trustee area. A candidate for election as a member of the governing~~
25 ~~board shall reside in, and be registered to vote in, the trustee area~~
26 ~~he or she seeks to represent. The governing board shall set the~~
27 ~~initial boundaries of each trustee area to reflect substantially equal~~
28 ~~population in each district as enumerated in the most recent~~
29 ~~decennial federal census. Thereafter, the boundaries of trustee~~
30 ~~areas shall be adjusted pursuant to Section 5019.5, and may be~~
31 ~~abolished or adjusted as otherwise provided in this code.~~

32 ~~(b) The governing board of a community college district may~~
33 ~~establish a top-two primary election system. Candidates for election~~
34 ~~as a member of a governing board of a district shall be nominated~~
35 ~~by trustee area at a district primary election held on the date of the~~
36 ~~statewide direct primary election. At the district primary election,~~
37 ~~the two candidates receiving the highest number of votes within~~
38 ~~the trustee area shall be nominees for the district general election~~
39 ~~for that trustee area, and the nominee who receives a majority of~~
40 ~~the votes cast by the voters of the trustee area in the district general~~

1 election shall be elected to represent that trustee area. The district
2 general election shall be held on the same date as the statewide
3 general election.

4 (e) ~~The governing board of a community college district may~~
5 ~~determine the number of trustees pursuant to this subdivision. The~~
6 ~~governing board of a community college district shall be composed~~
7 ~~of not less than five members and not more than nine, as~~
8 ~~determined by the governing board. Sections 5019 to 5030,~~
9 ~~inclusive, do not apply to the governing board's determination of~~
10 ~~the number of members pursuant to this subdivision. If the number~~
11 ~~of members of a governing board is increased or decreased, a~~
12 ~~governing board shall establish new trustee areas, abolish trustee~~
13 ~~areas, or adjust the boundaries of trustee areas so that the number~~
14 ~~of trustee areas is equal to the number of governing board members.~~
15 ~~If the number of members of a governing board is increased, the~~
16 ~~additional members of the governing board shall be elected at the~~
17 ~~next regular district general election of board members occurring~~
18 ~~at least 123 days after the governing board approved the increased~~
19 ~~number of board members. Prior to the next district general~~
20 ~~election, the governing board shall divide by lot the additional~~
21 ~~trustee area positions that are created so that the term of one-half~~
22 ~~of the board members elected to those positions shall expire on~~
23 ~~the first Friday in December following the next district general~~
24 ~~election. The term of the other board members elected to fill the~~
25 ~~remainder of the additional positions shall expire on the first Friday~~
26 ~~in December following the second district general election~~
27 ~~succeeding their election.~~

28 (d) ~~The governing board of a community college district may~~
29 ~~provide for the election of its members at large by ranked voting,~~
30 ~~and it may also authorize members to serve transitional two-year~~
31 ~~terms, pursuant to Section 5010.~~

32 (e) ~~This section does not apply to any community college district~~
33 ~~that has been authorized by statute to provide for its own trustee~~
34 ~~elections.~~

35 ~~SEC. 12.~~

36 *SEC. 11.* Section 8141.3 is added to the Elections Code, to
37 read:

38 8141.3. (a) Notwithstanding Section 8000, the following
39 ~~districts~~ *jurisdictions* may elect a candidate for nonpartisan office,

1 *other than a member of a legislative body elected at large, pursuant*
2 *to Sections 8140 and 8141:*

3 ~~(a)~~

4 *(1) A district not formed for municipal purposes.*

5 ~~(b)~~

6 *(2) A general law city.*

7 ~~(c)~~

8 *(3) A school district.*

9 *(b) For purposes of this section, a separately elected mayor is*
10 *not a member of a legislative body.*

11 *SEC. 12. Section 10005 is added to the Elections Code, to read:*

12 *10005. A jurisdiction that uses ranked choice voting or elects*
13 *a candidate pursuant to Section 8141.3 shall conduct a voter*
14 *education and outreach campaign that includes public service*
15 *announcements on radio, television, or in print media to familiarize*
16 *voters with that election method. Materials and information*
17 *disseminated as part of the campaign shall be provided in*
18 *languages other than English, as required by the federal Voting*
19 *Rights Act of 1965 (52 U.S.C. Sec. 10503).*

20 *SEC. 13. Section 22000 of the Elections Code is amended and*
21 *renumbered to read:*

22 *21700. (a) Each district required by its authorizing act to adjust*
23 *division boundaries pursuant to this section shall, by resolution,*
24 *after each federal decennial census, and using that census as a*
25 *basis, adjust the boundaries of any divisions so that the divisions*
26 *are, as far as practicable, equal in population and in compliance*
27 *with Section 10301 of Title 52 of the United States Code, as*
28 *amended, to the extent those provisions apply. In adjusting the*
29 *boundaries of the divisions, the board may give consideration to*
30 *the following factors: (1) topography, (2) geography, (3)*
31 *cohesiveness, contiguity, integrity, and compactness of territory,*
32 *and (4) community of interests of the division. This section does*
33 *not apply to divisions in which only landowners vote for directors*
34 *or whose directors are all elected at large or appointed.*

35 *(b) The resolution specified in subdivision (a) shall be adopted*
36 *by a vote of not less than a majority of the directors.*

37 *(c) At the time of, or after, any annexation of territory to the*
38 *district, the board of directors shall designate, by resolution, the*
39 *division of which the annexed territory shall be a part.*

(d) A change in division boundaries shall not be made within 180 days preceding the election of any director.

(e) (1) A change in division boundaries shall not affect the term of office of any director.

(2) If division boundaries are adjusted, the director of the division whose boundaries have been adjusted shall continue to be the director of the division bearing the number of his or her division as formerly comprised until the office becomes vacant by means of term expiration or otherwise, whether or not the director is a resident within the boundaries of the division as adjusted.

(f) The successor to the office in a division whose boundaries have been adjusted shall be a resident and voter of that division.

(g) A district is not required to adjust the boundaries of any divisions pursuant to this section until after the 2000 federal decennial census.

(h) This section shall not be construed to prohibit or restrict a district from adjusting the boundaries of any divisions whenever the governing body of the district determines by a two-thirds vote of the governing body that a sufficient change in population has occurred that makes it desirable in the opinion of the governing body to adjust the boundaries of any divisions, or whenever any territory is added by or excluded from the district.

SEC. 14. Section 22001 of the Elections Code is amended and renumbered to read:

21701 Before adjusting the boundaries of a division pursuant to Section 21700 or for any other reason, the governing body of the district shall hold at least one public hearing on the proposal to adjust the boundaries of the division prior to the public hearing at which the governing body votes to approve or defeat the proposal.

SEC. 15. Division 22 (commencing with Section 22000) is added to the Elections Code, to read:

DIVISION 22. RANKED *CHOICE* VOTING

CHAPTER 1. GENERAL PROVISIONS

22000. Ranked *choice* voting is a method that allows voters to rank candidates for office in order of preference. Elections conducted by ranked *choice* voting may be used for both

1 single-winner and multiple-winner elections. Elections conducted
2 by ranked *choice* voting are tabulated in rounds, as specified in
3 this division.

4 ~~22001. A jurisdiction that introduces ranked voting shall~~
5 ~~conduct a voter education and outreach campaign, which shall~~
6 ~~include public service announcements on radio, television, or in~~
7 ~~print media, to familiarize voters with that election method.~~
8 ~~Materials and information disseminated as part of the campaign~~
9 ~~shall be provided in languages other than English, as required by~~
10 ~~the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).~~

11 ~~22002.~~

12 22001. For purposes of this division, the following terms have
13 the following meanings:

14 (a) “Abstention” means a ballot that is to be counted for the
15 highest-ranked continuing candidate, but that does not contain a
16 highest-ranked continuing candidate or overvote, and the voter did
17 at least one of the following:

18 (1) Failed to assign an available ranking to every qualified
19 ~~candidate; candidate, and the ballot allowed the voter to rank an~~
20 ~~additional qualified candidate without creating an overvote~~
21 ~~ranking.~~

22 (2) Assigned a qualified candidate two or more different
23 rankings.

24 (b) “Continuing candidate” means a qualified candidate who
25 has not yet been elected or defeated.

26 (c) “Highest-ranked continuing candidate” means the continuing
27 candidate on a ballot assigned ~~the a~~ ranking with ~~the lowest a~~
28 ~~numerical value, unless that ranking is assigned to more than one~~
29 ~~candidate; value that is lower than the ranking for both of the~~
30 ~~following:~~

31 (1) *Any other continuing candidate.*

32 (2) *Any overvote ranking on the ballot.*

33 (d) “Instant runoff voting” means a system of ranked *choice*
34 voting used to elect a single candidate to office.

35 (e) “Majority of votes” means greater than 50-percent of the
36 votes ~~counted~~ *counting* for all *continuing* 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.

(g) “Overvote” means a ballot that is to be counted for the highest-ranked continuing candidate, contains an overvote ranking, and does not contain a highest-ranked continuing candidate.

(h) “Overvote ranking” means a ranking assigned to more than one qualified candidate.

~~(h)~~

(i) “Ranking” means the number assigned to a candidate to indicate a voter’s preference for that candidate. The ranking with the lowest numerical value indicates the voter’s first-choice preference, with the ranking increasing in numerical value as the voter’s preference decreases.

~~(i)~~

(j) “Single transferable vote” means a system of ranked *choice* voting used to elect two or more candidates to office.

~~22003.~~

22002. A ballot that does not contain a highest-ranked continuing candidate shall not be counted ~~count~~ for any candidate ~~in determining the highest-ranked candidate, candidate,~~ but rather shall be counted ~~count~~ as an *overvote, abstention, or other exhausted vote for the remainder of the tabulation unless the ballot contains an overvote or is an abstention vote.*

~~22004.~~

22003. If two or more candidates are tied with the fewest number of votes, the candidate to ~~eliminate~~ *be defeated* shall be determined by lot, publicly conducted with notice.

~~22005.~~

22004. A ballot shall allow voters to assign a different ranking to each candidate, as well as to at least two write-in candidates. If a jurisdiction’s voting equipment cannot feasibly accommodate that number of rankings on the ballot, the elections official may limit the number of choices a voter may rank to the greater of ~~ten~~ *three* candidates or the maximum number allowed by the equipment.

~~22006.~~

22005. In an election conducted by ranked *choice* voting, the elections official shall provide ballot instructions that shall be substantially in the following form:

“To vote in this election, indicate your first-choice candidate by selecting or marking a “1” in the voting square to the right of that candidate, a “2” in the voting square to the right of your

1 second-choice candidate, a “3” in the voting square to the right of
2 your third-choice candidate, and so on. Do not give the same
3 number to more than one candidate. You may rank as many or as
4 few of the candidates as you choose, up to the limit specified, if
5 any. Your second choice will not affect your first choice; your
6 third choice will not affect your first two choices, and so on. You
7 may include one or more qualified write-in candidates in your
8 rankings by writing each write-in candidate’s name in one of the
9 blank spaces provided for that purpose after the names of the other
10 candidates for the same office, and then writing the desired ranking
11 in the voting square to the right of that name.”
12

13 CHAPTER 2. VOTE COUNTING
14

15 22100. An election using instant runoff voting shall be tabulated
16 in a series of one or more ~~rounds that are~~ *rounds, each* conducted
17 ~~as follows: with the following steps:~~

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

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

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

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

29 (c) If a continuing candidate has a majority of votes, and the
30 elections official determines that tabulation cannot feasibly
31 continue until there are only two continuing candidates, the
32 ~~tabulation may be terminated after the elections official designates~~
33 ~~the majority candidate shall be designated as elected and designates~~
34 ~~elected, all other continuing candidates shall be designated as~~
35 ~~defeated; defeated, and the tabulation shall be complete.~~

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

38 (1) At least one other candidate has at least as many votes as
39 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 ~~this~~ 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 rounds, each conducted as follows: with the following steps:

(a) ~~(1) In the first round, all round:~~

(1) All ballots shall be counted, and each ballot shall be transferred to, and counted for, for the highest-ranked continuing candidate on that ballot, using a transfer value of one vote. The “transfer value” of a ballot is the one vote, or portion of a vote after a surplus transfer pursuant to subdivision (f), that the ballot will contribute to the vote total for the ballot’s highest-ranked continuing candidate.

(2) The “threshold,” which is the number of votes in excess of which a candidate will be designated as elected, shall be determined by dividing the total number of ballots counted counting for a candidate all candidates pursuant to paragraph (1) by one more than the number of offices to be filled and rounding up the quotient to five decimal places.

(b) For each continuing candidate, the votes for the candidate are the sum of the transfer values of all ballots counted for that candidate.

~~(3) If~~

(c) In the first round, if the number of continuing candidates is less than or equal to the number of offices to be filled, all continuing candidates shall be designated as elected, and the tabulation is complete.

~~(b) For each continuing candidate, the votes for the candidate are the sum of the transfer values of all ballots counted for that candidate.~~

~~(e) A~~

(d) Each continuing candidate with votes in excess of the threshold shall be designated as elected, and his or her votes in

1 excess of the threshold calculated shall be treated as his or her
2 surplus.

3 ~~(d)~~

4 (e) If the number of candidates designated as elected is equal
5 to the number of offices to be filled, all continuing candidates shall
6 be designated as defeated, and the tabulation shall be complete.

7 ~~(e) If a~~

8 ~~(f) For each candidate is not designated as defeated in a~~
9 ~~particular round, and one or more candidate that~~ is designated as
10 elected and has a surplus, the surplus of that candidate shall be
11 transferred as follows:

12 (1) The surplus factor for the candidate shall be calculated as
13 the quotient, rounded *down* to five decimal places, of the
14 candidate's surplus divided by the total number of votes for the
15 candidate.

16 (2) Each ballot counted for the candidate shall be transferred
17 to, and counted for, the highest-ranked continuing candidate on
18 that ballot using a new transfer value, calculated as the product,
19 rounded *down* to five decimal places, of the *old* transfer value
20 times the candidate's surplus factor.

21 (3) "Residual surplus" means the number of surplus votes not
22 transferred pursuant to paragraphs (1) and (2) due to rounding.
23 The residual surplus for the transfer equals the surplus for ~~a the~~
24 candidate minus the sum of the new transfer values for every ballot
25 transferred from the candidate. The residual surplus shall not be
26 counted for any candidate ~~or~~ *nor* as part of other exhausted votes.

27 (4) After ~~a the~~ candidate's surplus is transferred and his or her
28 residual surplus is calculated, the candidate does not have a surplus,
29 and the candidate's vote count shall be considered to be the number
30 of votes at the threshold total for the remainder of the ~~tabulation.~~
31 *tabulation shall be equal to the threshold.*

32 ~~(f)~~

33 (g) If a surplus was not transferred in ~~a particular~~ *this* round
34 pursuant to subdivision ~~(e); (f),~~ the continuing candidate with the
35 fewest votes shall be designated as defeated.

36 ~~(g) If any candidates were designated as defeated in a particular~~
37 ~~round, each ballot assigned to a defeated candidate shall be~~
38 ~~transferred to, and counted for, the highest-ranked continuing~~
39 ~~candidate on that ballot using the previous transfer value. After~~

1 ~~all ballots have been transferred, a defeated candidate shall have~~
2 ~~zero votes.~~

3 (1) If the number of continuing candidates plus the number of
4 candidates that have been designated as elected equals the number
5 of offices to be filled, all continuing candidates shall be designated
6 as elected and the tabulation is complete.

7 (2) *Each ballot that counted for the defeated candidate shall be*
8 *transferred to, and counted for, the highest-ranked continuing*
9 *candidate on that ballot using the current transfer value. After all*
10 *ballots have been transferred, a defeated candidate shall have*
11 *zero votes.*

12 22102. The Secretary of State may promulgate regulations
13 authorizing modifications to the vote-counting methods described
14 in this chapter if the modifications do not change which candidates
15 are elected.

16 22103. If two or more candidates are elected pursuant to
17 Section 22101 in the same contest, and the offices to be filled by
18 the contest have terms of different remaining lengths, candidates
19 shall fill the offices ~~in proportion to~~ *based on* the number of votes
20 they received in the first round, ~~with the round so that a candidate~~
21 ~~with the highest~~ *a higher* first-round vote total ~~filling the fills an~~
22 office ~~with the longest~~ *an equal or longer* term.

23 CHAPTER 3. REPORTING

24
25
26 22200. (a) For purposes of this chapter, the following terms
27 have the following meanings:

28 (1) “Contest cast selections record report” means a report that
29 lists all of the following for each ballot counted in the tabulation:

30 (A) The candidate or candidates indicated at each ranking.

31 (B) The precinct in which the ballot was cast.

32 (C) Whether the ballot was cast by mail.

33 (2) “Contest tabulation report” means a report that lists both of
34 the following:

35 (A) The number of ballots counted.

36 (B) The votes received by each candidate in each round of the
37 tabulation.

38 (C) The cumulative number of votes counted as an overvote,
39 abstention, other exhausted vote, and cumulative residual surplus
40 in each round of the tabulation.

1 (3) “Tabulation by precinct report” means a list, for all precincts
2 or a selected subset of precincts, that provides both of the
3 following: *report that, for each precinct, lists all of the information*
4 *required in a contest tabulation report.*

5 (A) The total number of ballots counted for each round of votes
6 for each candidate.

7 (B) The total number of votes counted as an overvote,
8 abstention, other exhausted vote, and cumulative residual surplus.

9 (b) For a given tabulation, an entry in the contest tabulation
10 report shall equal the total of all corresponding precinct entries
11 that are in the tabulation by precinct report, or that would be in the
12 tabulation by precinct report if all precincts were reported. *report.*
13 Whether a candidate is designated as elected or defeated, and the
14 round in which a candidate is designated as elected or defeated,
15 shall be the same for the contest tabulation report and for every
16 precinct in the tabulation by precinct report.

17 (c) The votes for each round in a contest tabulation report or in
18 a tabulation by precinct report shall be reported as of the
19 completion of subdivision (a) of Section 22100 or subdivision (b)
20 of Section 22101. *If Section 22100 applies, residual surplus is not*
21 *applicable and shall not be reported.* If Section 22101 applies,
22 each ballot counted as an overvote, abstention, or other exhausted
23 vote shall be counted as having the number of votes equal to the
24 ballot’s transfer value.

25 (d) In a contest cast selections record report, ballots shall be
26 listed in ~~an~~ a 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. *report.*

36 (2) A contest cast selections record report.

37 (b) If *the elections official determines that* tabulation of all
38 rounds is not feasible on election night, the elections official may
39 provide the contest tabulation report totals for only the first round
40 of tabulation or only a tally of the rankings of “1”.

(c) For a contest that is tabulated with a voting system, the elections official shall do all of the following:

(1) Tabulate the results as soon as *the elections official determines it is* feasible after the close of the polls, and publish the corresponding contest tabulation report.

(2) Tabulate the results for the last preliminary results on election night and publish a corresponding contest tabulation report.

(3) Publish the corresponding contest cast selections record report whenever the results of a tabulation is published, except if tabulation is limited pursuant to subdivision (b).

22202. An elections official shall promptly post a report made available to the public pursuant to Section 22201 on his or her official Internet Web site. A contest cast selections record report made available pursuant to this section shall be provided in a plain text electronic format and need not be published by other means. If an elections official does not have an official Internet Web site, the elections official shall promptly make the report available to the public by other means, and he or she shall notify the public of the report's location through a notice prominently displayed in an appropriate location in his or her office.

SEC. 16. Section 25001 is added to the Government Code, to read:

25001. (a) Notwithstanding any other provision of law, a county board of supervisors may adopt, or a resident of the county may propose by initiative, a proposal to elect an officer of the county by ranked *choice* voting. The proposal shall specify which county officers shall be elected by this method and whether they shall be elected at large or by or from district, if applicable.

~~(b) If a county board of supervisors authorizes its members to be elected at large by ranked voting pursuant to subdivision (a), the county board of supervisors may also adopt, or a resident of the county may propose by initiative, a proposal to elect one or more supervisors to serve transitional two-year terms in order to eliminate staggered terms on the board. A transitional two-year term shall not shorten a term of office that has already started.~~

~~(c)~~

~~(b)~~ A proposal pursuant to subdivision (a) ~~or (b)~~ shall apply prospectively only and shall not become operative unless it is submitted to the electors of the county at a regularly scheduled

1 election and a majority of the votes cast on the question favor the
2 adoption of the proposal.

3 ~~(d) Except as provided in subdivision (b), the term of office for~~
4 ~~a member of the board of supervisors elected by ranked voting~~
5 ~~shall be four years.~~

6 ~~(e)~~

7 (c) A proposal enacted pursuant to this section may be amended
8 or repealed in the same manner, but an officer's term of office shall
9 not be affected. manner.

10 (d) A county officer elected to a full term by ranked choice voting
11 shall only be elected in a general election held in November of an
12 even-numbered year.

13 ~~(f)~~

14 (e) This section does not authorize a county to elect members
15 at large if it is required by a court order or judgment to elect its
16 members by or from district.

17 SEC. 17. Section 25040 of the Government Code is amended
18 to read:

19 25040. Each member of the board of supervisors shall be
20 elected by the district which he represents, and not at large, except
21 if one of the following is true:

22 (a) The election is held in any county in which supervisorial
23 districts have not been established by law or ordinance, and in
24 which supervisors were on May 17, 1907, required to be elected
25 at large, but from particular wards, the members shall be elected
26 at large and without regard to residence.

27 (b) Members are elected *at large* by ranked *choice* voting
28 pursuant to Section 25001.

29 SEC. 18. Section 25041 of the Government Code is amended
30 to read:

31 25041. If an election is conducted *by or* from district, a member
32 shall have been a registered voter of the district which he seeks to
33 represent for at least 30 days immediately preceding the deadline
34 for filing nomination documents for the office of supervisor, and
35 shall reside in the district during his incumbency.

36 SEC. 19. Section 25061 of the Government Code is amended
37 to read:

38 25061. (a) The election of a supervisor to fill the vacancy for
39 the unexpired term shall be held at the next general election, unless

1 the term expires on the first Monday after January 1st succeeding
2 the election.

3 (b) A special election to fill one or more vacancies with ranked
4 *choice* voting and an election to elect one or more other members
5 of the board of supervisors to full terms using ranked *choice* voting
6 that are held on the same day shall be consolidated into a single
7 contest if the board of supervisors is elected at large or the contests
8 to be consolidated are for members elected by or from the same
9 district.

10 SEC. 20. Article 4 (commencing with Section 34910) is added
11 to Chapter 4 of Part 1 of Division 2 of Title 4 of the Government
12 Code, to read:

13
14 Article 4. Election of City Officers by Ranked *Choice* Voting

15
16 34910. (a) At any municipal election, or special election held
17 for that purpose, the legislative body may submit to the registered
18 voters an ordinance providing for the election of an officer of the
19 city by ranked *choice* voting. The ordinance may also be qualified
20 for the ballot by means of an initiative measure in accordance with
21 Chapter 3 (commencing with Section 9200) of Division 9 of the
22 Elections Code. The ordinance shall specify which city officers
23 shall be elected by this method and whether they shall be elected
24 at large or by or from district, if applicable. An ordinance adopted
25 pursuant to this subdivision shall apply prospectively only.

26 ~~(b) If a city authorizes members of the legislative body to be~~
27 ~~elected at large by ranked voting pursuant to subdivision (a), the~~
28 ~~legislative body, or the proponent of an initiative, may also submit~~
29 ~~to the registered voters an ordinance providing for the election of~~
30 ~~one or more members to serve transitional two-year terms in order~~
31 ~~to eliminate staggered terms on the body. A transitional two-year~~
32 ~~term authorized by this section shall not shorten a term of office~~
33 ~~that has already started.~~

34 (e)

35 (b) If a legislative body is elected by ranked *choice* voting:

36 (1) The legislative body may have ~~more~~ *an odd number of*
37 *members greater than five members, five*, even if the members are
38 elected at large.

39 (2) A member's term of office shall be four years, ~~except as~~
40 ~~provided in subdivision (b):~~ *years.*

1 ~~(d)~~

2 (c) An ordinance enacted pursuant to this section may be
3 amended or repealed in the same manner, but an officer's term of
4 office shall not be affected. *manner*.

5 ~~(e)~~

6 (d) This section applies both to cities with an elective mayor
7 and cities with a city manager form of government.

8 ~~(f)~~

9 (e) This section does not authorize a city to elect members at
10 large if it is required by a court order or judgment to elect its
11 members by or from district.

12 34911. If a special election to fill one or more vacancies with
13 ranked *choice* voting is held on the same day as an election to elect
14 one or more other members of the legislative body to full terms
15 using ranked *choice* voting, those election contests shall be
16 consolidated into a single contest, provided that the legislative
17 body is elected at large or the contests to be consolidated are for
18 members elected by or from the same district.

O