AMENDED IN ASSEMBLY AUGUST 1, 2016

AMENDED IN ASSEMBLY JUNE 29, 2016

AMENDED IN ASSEMBLY JUNE 15, 2016

AMENDED IN SENATE APRIL 4, 2016

SENATE BILL   No. 1288

Introduced by Senator Leno
(Coauthors: Senators Allen and Hancock)
(Coauthor: Assembly Member Chiu)

February 19, 2016

LEGISLATIVE COUNSEL'S DIGEST

An act to amend Sections 5013, 5020, 5027, 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 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.

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 apply these provisions, upon approval by a jurisdiction's voters, to the nomination of officers for any jurisdiction not formed for municipal purposes, officers for general law cities, and school district 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.

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. 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 trustee area. A proposal to elect members by
9   ranked choice voting shall apply prospectively only and shall not
10   become operative unless it is submitted to the electors of the county
11   at a regularly scheduled election and a majority of the votes cast
12   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.

1   (c) 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 trustee area.
4   (d) A county board of education member elected to a full term
5 by ranked choice voting shall only be elected in a general election
6 held in November of an even-numbered year.
7   SEC. 2. Section 1019 is added to the Education Code, to read:
8   1019. (a) If a county board of education authorizes the use of
9 ranked choice voting pursuant to Section 1018, before that method
10 is used in any election, a county elections official may certify to
11 the county board of supervisors and county superintendent of
12 schools that the county lacks the technological capacity to conduct
13 elections by this method. The elections official shall provide this
14 certification at least seven days, and not more than 60 days, before
15 the later of 113 days before the election or the first day on which
16 a declaration of candidacy may be filed.
17   (b) If a county elections official provides a certification pursuant
18 to subdivision (a), the county board of education shall conduct its
19 next election in the same manner as its most recent election was
20 conducted.
21   SEC. 3. Section 1020 is added to the Education Code, to read:
22   1020. A special election to fill one or more vacancies with
23 ranked choice voting and an election to elect one or more other
24 members of the county board of education to full terms using
25 ranked choice voting that are held on the same day shall be
26 consolidated into a single contest if the board is elected at large
27 or the contests to be consolidated are for members elected by or
28 from the same trustee area.
29   SEC. 4. Section 5010 is added to the Education Code, to read:
30   5010. (a) Notwithstanding any other provision of this article,
31 the governing board of a school district or community college
32 district may adopt a resolution authorizing the election of members
33 of the governing board by ranked choice voting. The resolution
34 shall specify whether the members elected pursuant to this method
35 shall be elected at large or by or from trustee area, and it shall be
36 presented to the electors of the school district pursuant to Section
37 5020. A resolution adopted pursuant to this subdivision shall apply
38 prospectively only.
39   (b) This section does not authorize the governing board of a
40 school district or community college district to elect members at

1 large if it is required by a court order or judgment to elect its
2 members by or from trustee area.
3   (c) A member of the governing board of a school district or
4 community college district elected to a full term by ranked choice
5 voting shall only be elected in a general election held in November
6 of an even-numbered year.
7   SEC. 5.   Section 5013 of the Education Code is amended to
8 read:
9   5013.   (a) Except as provided in subdivision (b), the form of
10 ballot for governing board member elections shall be governed by
11 Chapter 2 (commencing with Section 13100) of Division 13 of the
12 Elections Code.
13   (b) The form of ballot for governing board member elections
14 conducted by ranked choice voting shall be governed by Division
15 22 (commencing with Section 22000) of 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 choice
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 choice 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 choice 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 choice 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 choice voting—Yes" and "For the election
35 of one member, or more than one member for one or more trustee
36 areas, of the governing board of the ____ (insert name) School
37 District residing in each trustee area elected by the registered voters
38 of the entire ____ (insert name) School District using ranked choice
39 voting—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   (f) If more than one proposal appears on the ballot, all must
7 carry in order for any to become effective, except as follows:
8   (1) A proposal to adopt one of the methods of election of board
9 members specified in Section 5030 that is approved by the voters
10 shall become effective unless a proposal that is inconsistent with
11 that proposal has been approved by a greater number of voters.
12   (2) An inconsistent proposal approved by a lesser number of
13 voters than the number which have approved a proposal to adopt
14 one of the methods of election of board members specified in
15 Section 5030 shall not be effective.
16   SEC. 7. Section 5027 of the Education Code is amended to
17 read:
18   5027. If the boundaries of a county high school district are
19 coterminous with the boundaries of a county, the board shall consist
20 of one of the following:
21   (a) One member from each supervisorial district in the county
22 elected at large from the county high school district.
23   (b) As many members as there are supervisorial districts with
24 the members elected at large using ranked choice voting.
25   SEC. 8. Section 5028 of the Education Code is amended to
26 read:
27   5028. In every community college district that was divided
28 into five wards on or before September 7, 1955, one member of
29 the board shall be elected from each ward by the registered voters
30 of the ward. On or before January 1st of a fiscal year, the governing
31 board of the district may rearrange the boundaries of the wards to
32 provide for representation in accordance with population and
33 geographic factors or may abolish the wards. If the wards are
34 abolished, members of the governing board may also be elected
35 at large using ranked choice voting.
36   SEC. 9. Section 5032 is added to the Education Code, to read:
37   5032. (a) If a school district or community college district
38 authorizes the use of ranked choice voting pursuant to Section
39 5010, before that method is used in any election, a county elections
40 official may certify to the governing board of the district, the

1 county board of supervisors, and the county superintendent of
2 schools who have jurisdiction over the election that the county
3 lacks the technological capacity to conduct elections by this
4 method. The elections official shall provide this certification at
5 least 7 days, and not more than 60 days, before the later of 113
6 days before the election or the first day on which a declaration of
7 candidacy may be filed.
8 (b) If a county elections official provides a certification pursuant
9 to subdivision (a), the district shall conduct its next election in the
10 same manner as its most recent election was conducted.
11 SEC. 10. Section 5096 is added to the Education Code, to read:
12 5096. A special election to fill one or more vacancies with
13 ranked choice voting and an election to elect one or more other
14 members of the governing board of the school district or
15 community college district to full terms using ranked choice voting
16 that are held on the same day shall be consolidated into a single
17 contest if the board is elected at large or the contests to be
18 consolidated are for members elected by or from the same trustee
19 area.
20 SEC. 11. Section 8141.3 is added to the Elections Code, to
21 read:
22 8141.3. (a) Notwithstanding Section 8000, the following
23 jurisdictions may elect a candidate for nonpartisan office, other
24 than a member of a legislative body elected at large, pursuant to
25 Sections 8140 and 8141:
26 (1) A district not formed for municipal purposes.
27 (2) A general law city.
28 (3) A school district.
29 (b) For purposes of this section, a separately elected mayor is
30 not a member of a legislative body.
31 (c) A proposal to conduct elections pursuant to this section shall
32 be submitted to the electors of the jurisdiction at a regularly
33 scheduled election and shall become operative only if a majority
34 of votes cast favor adoption of the proposal.
35 SEC. 12. Section 10005 is added to the Elections Code, to read:
36 10005. (a) For purposes of this section, the following terms
37 have the following meanings:
38 (1) "Additional supported language" means a language for which
39 a jurisdiction is required to provide voting materials and assistance
40 under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101

1   et seq.) or for which the Secretary of State has determined that it
2   is necessary to provide facsimile ballots at a precinct within the
3   jurisdiction pursuant to subdivision (c) of Section 14201.
4   (2) "Additional supported language community" means a
5   community that speaks an additional supported language.
6   (b) A jurisdiction that uses ranked choice voting or elects a
7   candidate pursuant to Section 8141.3 shall conduct a voter
8   education and outreach campaign before each election conducted
9   pursuant to this division, until the conclusion of the second general
10   election conducted in this manner. A campaign conducted pursuant
11   to this section shall include public meetings and public service
12   announcements on radio, television, or in print media, including
13   media serving additional supported language communities, if
14   available, to familiarize voters with that election method. Materials
15   and information disseminated as part of the campaign shall be
16   provided in all additional supported languages and shall be
17   accessible to individuals with disabilities.
18   (c) A jurisdiction shall, in collaboration with the county elections
19   official, develop a plan describing how it will conduct the voter
20   education and outreach campaign required by this section. The
21   plan shall include all of the following information:
22   (1) How the jurisdiction will use media, which may include
23   social media, newspapers, radio, and television, to inform voters
24   about an upcoming election.
25   (2) What information will be publicly available on the elections
26   official's Internet Web site.
27   (3) What information will be included in the sample ballot and
28   vote by mail materials.
29   (4) How the jurisdiction will conduct direct outreach to voters,
30   including voters with disabilities.
31   (5) How the jurisdiction will have a community presence to
32   educate voters, including voters with disabilities.
33   (6) How the jurisdiction will educate voters within each
34   additional supported language community.
35   (d) (1) Before finalizing its plan, a jurisdiction shall publish a
36   draft plan and hold, at least 10 days after publication of its plan,
37   at least two public meetings to discuss the plan. The jurisdiction
38   shall also make a good faith effort to invite each of the following
39   to at least one of those public meetings:

1   (A) Representatives, advocates, and other stakeholders
2   representing each additional supported language community.
3   (B) Representatives from the disability community and
4   community organizations and individuals that advocate on behalf
5   of, or provide services to, individuals with disabilities.
6   (2) A public meeting conducted pursuant to this section shall
7   be noticed at least 10 days in advance of the ~~hearing~~ *meeting* and
8   shall be held in a location that is accessible to people with
9   disabilities.
10 (3) If requested to do so at least 48 hours before a public meeting
11 conducted pursuant to this section, a jurisdiction shall provide
12 either or both of the following:
13 (A) Reasonable accommodations and modifications, as well as
14 auxiliary aids and services to ensure effective communication with
15 people with disabilities.
16 (B) Translation services in any additional supported language.
17 (e) All materials provided by the voter education and outreach
18 campaign, including materials provided on the Internet Web site
19 of the elections official, sample ballots and vote by mail materials,
20 and materials provided through direct outreach and community
21 presence, shall be provided in the additional supported languages
22 and shall be accessible to individuals with disabilities.
23 SEC. 13.   Section 22000 of the Elections Code is amended and
24 renumbered to read:
25 21700.   (a) Each district required by its authorizing act to adjust
26 division boundaries pursuant to this section shall, by resolution,
27 after each federal decennial census, and using that census as a
28 basis, adjust the boundaries of any divisions so that the divisions
29 are, as far as practicable, equal in population and in compliance
30 with Section 10301 of Title 52 of the United States Code, as
31 amended, to the extent those provisions apply. In adjusting the
32 boundaries of the divisions, the board may give consideration to
33 the following factors: (1) topography, (2) geography, (3)
34 cohesiveness, contiguity, integrity, and compactness of territory,
35 and (4) community of interests of the division. This section does
36 not apply to divisions in which only landowners vote for directors
37 or whose directors are all elected at large or appointed.
38 (b) The resolution specified in subdivision (a) shall be adopted
39 by a vote of not less than a majority of the directors.

1   (c) At the time of, or after, any annexation of territory to the
2 district, the board of directors shall designate, by resolution, the
3 division of which the annexed territory shall be a part.
4   (d) A change in division boundaries shall not be made within
5 180 days preceding the election of any director.
6   (e) (1) A change in division boundaries shall not affect the term
7 of office of any director.
8   (2) If division boundaries are adjusted, the director of the
9 division whose boundaries have been adjusted shall continue to
10 be the director of the division bearing the number of his or her
11 division as formerly comprised until the office becomes vacant by
12 means of term expiration or otherwise, whether or not the director
13 is a resident within the boundaries of the division as adjusted.
14   (f) The successor to the office in a division whose boundaries
15 have been adjusted shall be a resident and voter of that division.
16   (g) A district is not required to adjust the boundaries of any
17 divisions pursuant to this section until after the 2000 federal
18 decennial census.
19   (h) This section shall not be construed to prohibit or restrict a
20 district from adjusting the boundaries of any divisions whenever
21 the governing body of the district determines by a two-thirds vote
22 of the governing body that a sufficient change in population has
23 occurred that makes it desirable in the opinion of the governing
24 body to adjust the boundaries of any divisions, or whenever any
25 territory is added by or excluded from the district.
26   SEC. 14. Section 22001 of the Elections Code is amended and
27 renumbered to read:
28   21701. Before adjusting the boundaries of a division pursuant
29 to Section 21700 or for any other reason, the governing body of
30 the district shall hold at least one public hearing on the proposal
31 to adjust the boundaries of the division prior to the public hearing
32 at which the governing body votes to approve or defeat the
33 proposal.
34   SEC. 15. Division 22 (commencing with Section 22000) is
35 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 single-winner and multiple-winner elections. Elections conducted by ranked choice voting are tabulated in rounds, as specified in this division.

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

(a) "Abstention" means a ballot that is to be counted for the highest-ranked continuing candidate, but that does not contain a highest-ranked continuing candidate or ~~overvote,~~ *overvote ranking,* and the voter did at least one of the following:

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

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

(b) "Continuing candidate" means a qualified candidate who has not yet been elected or defeated.

(c) "Highest-ranked continuing candidate" means the continuing candidate on a ballot assigned a ranking with a numerical value that is lower than the ranking for both of the following:

(1) Any other continuing candidate.

(2) Any overvote ranking on the ballot.

(d) "Instant runoff voting" means a system of ranked choice voting used to elect a single candidate to office.

(e) "Majority of votes" means greater than 50 percent of the votes counting for all continuing candidates.

(f) "Other exhausted vote" means a ballot that is to be counted for the highest-ranked continuing candidate, but that does not contain a highest-ranked continuing candidate or overvote and is 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.

1   (h) "Overvote ranking" means a ranking assigned to more than
2 one qualified candidate.
3   (i) "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   (j) "Single transferable vote" means a system of ranked choice
9 voting used to elect two or more candidates to office.
10   22002. A ballot that does not contain a highest-ranked
11 continuing candidate shall not count for any candidate, but rather
12 shall count as an overvote, abstention, or other exhausted vote.
13   22003. If two or more candidates are tied with the fewest
14 number of votes, the candidate to be defeated shall be determined
15 by lot, publicly conducted with notice.
16   22004. A ballot shall allow voters to assign a different ranking
17 to each candidate, as well as to at least two write-in candidates. If
18 a jurisdiction's voting equipment cannot feasibly accommodate
19 that number of rankings on the ballot, the elections official may
20 limit the number of choices a voter may rank to the greater of three
21 candidates or the maximum number allowed by the equipment.
22   22005. In an election conducted by ranked choice voting, the
23 elections official shall provide ballot instructions that shall be
24 substantially in the following form:
25   "To vote in this election, indicate your first-choice candidate by
26 selecting or marking a "1" in the voting square to the right of that
27 candidate, a "2" in the voting square to the right of your
28 second-choice candidate, a "3" in the voting square to the right of
29 your third-choice candidate, and so on. Do not give the same
30 number to more than one candidate. You may rank as many or as
31 few of the candidates as you choose, up to the limit specified, if
32 any. Your second choice will not affect your first choice; your
33 third choice will not affect your first two choices, and so on. You
34 may include one or more qualified write-in candidates in your
35 rankings by writing each write-in candidate's name in one of the
36 blank spaces provided for that purpose after the names of the other
37 candidates for the same office, and then writing the desired ranking
38 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, each conducted with the following steps:

(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, in which case that candidate shall be designated as elected.

(2) There are exactly two continuing candidates, 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 majority candidate shall be designated as elected, all other continuing candidates shall be designated as defeated, and the tabulation shall be complete.

(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 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, each conducted with the following steps:

(a) In the first round:

(1) All ballots shall be counted, and each ballot shall be counted 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

1 subdivision (f), that the ballot will contribute to the vote total for
2 the ballot's highest-ranked continuing candidate.
3   (2) The "threshold," which is the number of votes in excess of
4 which a candidate will be designated as elected, shall be determined
5 by dividing the total number of ballots counting for all candidates
6 pursuant to paragraph (1) by one more than the number of offices
7 to be filled and rounding up the quotient to five decimal places.
8   (b) For each continuing candidate, the votes for the candidate
9 are the sum of the transfer values of all ballots counted for that
10 candidate.
11   (c) In the first round, if the number of continuing candidates is
12 less than or equal to the number of offices to be filled, all
13 continuing candidates shall be designated as elected, and the
14 tabulation is complete.
15   (d) Each continuing candidate with votes in excess of the
16 threshold shall be designated as elected, and his or her votes in
17 excess of the threshold calculated shall be treated as his or her
18 surplus.
19   (e) If the number of candidates designated as elected is equal
20 to the number of offices to be filled, all continuing candidates shall
21 be designated as defeated, and the tabulation shall be complete.
22   (f) For each candidate that is designated as elected and has a
23 surplus, the surplus of that candidate shall be transferred as follows:
24   (1) The surplus factor for the candidate shall be calculated as
25 the quotient, rounded down to five decimal places, of the
26 candidate's surplus divided by the total number of votes for the
27 candidate.
28   (2) Each ballot counted for the candidate shall be transferred
29 to, and counted for, the highest-ranked continuing candidate on
30 that ballot using a new transfer value, calculated as the product,
31 rounded down to five decimal places, of the old transfer value
32 times the candidate's surplus factor.
33   (3) "Residual surplus" means the number of surplus votes not
34 transferred pursuant to paragraphs (1) and (2) due to rounding.
35 The residual surplus for the transfer equals the surplus for the
36 candidate minus the sum of the new transfer values for every ballot
37 transferred from the candidate. The residual surplus shall not be
38 counted for any candidate nor as part of other exhausted votes.
39   (4) After the candidate's surplus is transferred and his or her
40 residual surplus is calculated, the candidate does not have a surplus,

1 and the candidate's vote total for the remainder of the tabulation
2 shall be equal to the threshold.
3   (g) If a surplus was not transferred in this round pursuant to
4 subdivision (f), the continuing candidate with the fewest votes
5 shall be designated as defeated.
6   (1) If the number of continuing candidates plus the number of
7 candidates that have been designated as elected equals the number
8 of offices to be filled, all continuing candidates shall be designated
9 as elected and the tabulation is complete.
10   (2) Each ballot that counted for the defeated candidate shall be
11 transferred to, and counted for, the highest-ranked continuing
12 candidate on that ballot using the current transfer value. After all
13 ballots have been transferred, a defeated candidate shall have zero
14 votes.
15   22102. The Secretary of State may promulgate regulations
16 authorizing modifications to the vote-counting methods described
17 in this chapter if the modifications do not change which candidates
18 are elected.
19   22103. If two or more candidates are elected pursuant to
20 Section 22101 in the same contest, and the offices to be filled by
21 the contest have terms of different remaining lengths, candidates
22 shall fill the offices based on the number of votes they received in
23 the first round so that a candidate with a higher first-round vote
24 total fills an office with an equal or longer term.
25
26   Chapter 3. Reporting
27
28   22200. (a) For purposes of this chapter, the following terms
29 have the following meanings:
30   (1) "Contest cast selections record report" means a report that
31 lists all of the following for each ballot counted in the tabulation:
32   (A) The candidate or candidates indicated at each ranking.
33   (B) The precinct in which the ballot was cast.
34   (C) Whether the ballot was cast by mail.
35   (2) "Contest tabulation report" means a report that lists all of
36 the following:
37   (A) The number of ballots counted.
38   (B) The votes received by each candidate in each round of the
39 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 report that, for each
5 precinct, lists all of the information required in a contest tabulation
6 report.
7 (b) For a given tabulation, an entry in the contest tabulation
8 report shall equal the total of all corresponding precinct entries
9 that are in the tabulation by precinct report. Whether a candidate
10 is designated as elected or defeated, and the round in which a
11 candidate is designated as elected or defeated, shall be the same
12 for the contest tabulation report and for every precinct in the
13 tabulation by precinct report.
14 (c) The votes for each round in a contest tabulation report or in
15 a tabulation by precinct report shall be reported as of the
16 completion of subdivision (a) of Section 22100 or subdivision (b)
17 of Section 22101. If Section 22100 applies, residual surplus is not
18 applicable and shall not be reported. If Section 22101 applies, each
19 ballot counted as an overvote, abstention, or other exhausted vote
20 shall be counted as having the number of votes equal to the ballot's
21 transfer value.
22 (d) In a contest cast selections record report, ballots shall be
23 listed in a manner that does not permit the order in which they
24 were cast in each precinct to be reconstructed. An overvote ranking
25 may be reported without reporting to which qualified candidates
26 the ranking was assigned.
27 22201. (a) An elections official shall publish a contest
28 tabulation report for the final tabulation of the official canvass in
29 conjunction with the certified statement of the results. The elections
30 official shall also publish at least one of the following reports for
31 the final tabulation of the official canvass:
32 (1) A tabulation by precinct report.
33 (2) A contest cast selections record report.
34 (b) If the elections official determines that tabulation of all
35 rounds is not feasible on election night, the elections official may
36 provide the contest tabulation report totals for only the first round
37 of tabulation or only a tally of the rankings of "1".
38 (c) For a contest that is tabulated with a voting system, the
39 elections official shall do all of the following:

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

1   SEC. 17.   Section 25040 of the Government Code is amended
2 to read:
3   25040.   Each member of the board of supervisors shall be
4 elected by the district that he or she represents, and not at large,
5 except if one of the following is true:
6   (a) The election is held in any county in which supervisorial
7 districts have not been established by law or ordinance, and in
8 which supervisors were on May 17, 1907, required to be elected
9 at large, but from particular wards, the members shall be elected
10 at large and without regard to residence.
11   (b) Members are elected at large by ranked choice voting
12 pursuant to Section 25001.
13   SEC. 18.   Section 25041 of the Government Code is amended
14 to read:
15   25041.   If an election is conducted by or from district, a member
16 shall have been a registered voter of the district that he or she seeks
17 to represent for at least 30 days immediately preceding the deadline
18 for filing nomination documents for the office of supervisor, and
19 shall reside in the district during his or her incumbency.
20   SEC. 19.   Section 25061 of the Government Code is amended
21 to read:
22   25061.   (a) The election of a supervisor to fill the vacancy for
23 the unexpired term shall be held at the next general election, unless
24 the term expires on the first Monday after January 1st succeeding
25 the election.
26   (b) A special election to fill one or more vacancies with ranked
27 choice voting and an election to elect one or more other members
28 of the board of supervisors to full terms using ranked choice voting
29 that are held on the same day shall be consolidated into a single
30 contest if the board of supervisors is elected at large or the contests
31 to be consolidated are for members elected by or from the same
32 district.
33   SEC. 20.   Article 4 (commencing with Section 34910) is added
34 to Chapter 4 of Part 1 of Division 2 of Title 4 of the Government
35 Code, to read:
36
37   Article 4. Election of City Officers by Ranked Choice Voting
38
39   34910.   (a) A municipal legislative body may submit to the
40 registered voters an ordinance providing for the election of an

1   officer of the city by ranked choice voting. The ordinance may
2   also be qualified for the ballot by means of an initiative measure
3   in accordance with Chapter 3 (commencing with Section 9200) of
4   Division 9 of the Elections Code. The ordinance shall specify
5   which city officers shall be elected by this method and whether
6   they shall be elected at large or by or from district, if applicable.
7   An ordinance adopted pursuant to this subdivision shall apply
8   prospectively only and shall not become operative unless it is
9   submitted to the electors of the city at a regularly scheduled
10 election and a majority of the votes cast on the question favor the
11 adoption of the proposal.
12   (b) If a legislative body is elected by ranked choice voting:
13   (1) The legislative body may have an odd number of members
14 greater than five, even if the members are elected at large.
15   (2) A member's term of office shall be four years.
16   (c) An ordinance enacted pursuant to this section may be
17 amended or repealed in the same manner.
18   (d) This section applies both to cities with an elective mayor
19 and cities with a city manager form of government.
20   (e) This section does not authorize a city to elect members at
21 large if it is required by a court order or judgment to elect its
22 members by or from district.
23   (f) A city officer elected to a full term by ranked choice voting
24 shall only be elected in a general election held in November of an
25 even-numbered year.
26   34911. If a special election to fill one or more vacancies with
27 ranked choice voting is held on the same day as an election to elect
28 one or more other members of the legislative body to full terms
29 using ranked choice voting, those election contests shall be
30 consolidated into a single contest, provided that the legislative
31 body is elected at large or the contests to be consolidated are for
32 members elected by or from the same district.

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