

File No. 111212

Committee Item No. 4
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
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Committee: Rules

Date 1/26/12

Board of Supervisors Meeting

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Completed by: Linda Wong

Date 1/23/12

Completed by: _____

Date _____

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[Charter Amendment - Replacing ranked-choice voting with run-off elections]

CHARTER AMENDMENT

PROPOSITION _____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Section 13.102 and Article XVII to replace ranked-choice voting with run-off elections.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on June 5, 2012, a proposal to amend the Charter of the City and County by amending Section 13.102 and Article XVII to read as follows:

NOTE: Additions are *single-underline italics Times New Roman*; deletions are *strike-through italics Times New Roman*.

Section 1. The San Francisco Charter is hereby amended, by amending Section 13.102, to read as follows:

SEC. 13.102. ~~INSTANT RUNOFF ELECTIONS~~MUNICIPAL RUN-OFF ELECTIONS.

~~(a) For the purposes of this section: (1) a candidate shall be deemed "continuing" if the candidate has not been eliminated; (2) a ballot shall be deemed "continuing" if it is not exhausted; and (3) a ballot shall be deemed "exhausted," and not counted in further stages of the tabulation, if all of the choices have been eliminated or there are no more choices indicated on the ballot. If a ranked-choice ballot gives equal rank to two or more candidates, the ballot shall be declared exhausted when such multiple rankings are reached. If a voter casts a ranked-choice ballot but skips a rank, the voter's vote shall be transferred to that voter's next ranked choice.~~

~~(b) The Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender, and members of the Board of Supervisors shall be elected using a ranked-choice, or "instant runoff," ballot. The ballot shall allow voters to rank a number of choices in~~

~~order of preference equal to the total number of candidates for each office; provided, however, if the voting system, vote tabulation system or similar or related equipment used by the City and County cannot feasibly accommodate choices equal to the total number of candidates running for each office, then the Director of Elections may limit the number of choices a voter may rank to no fewer than three. The ballot shall in no way interfere with a voter's ability to cast a vote for a write-in candidate.~~

~~(c) If a candidate receives a majority of the first choices, that candidate shall be declared elected. If no candidate receives a majority, the candidate who received the fewest first choices shall be eliminated and each vote cast for that candidate shall be transferred to the next ranked candidate on that voter's ballot. If, after this transfer of votes, any candidate has a majority of the votes from the continuing ballots, that candidate shall be declared elected.~~

~~(d) If no candidate receives a majority of votes from the continuing ballots after a candidate has been eliminated and his or her votes have been transferred to the next ranked candidate, the continuing candidate with the fewest votes from the continuing ballots shall be eliminated. All votes cast for that candidate shall be transferred to the next ranked continuing candidate on each voter's ballot. This process of eliminating candidates and transferring their votes to the next ranked continuing candidates shall be repeated until a candidate receives a majority of the votes from the continuing ballots.~~

~~(e) If the total number of votes of the two or more candidates credited with the lowest number of votes is less than the number of votes credited to the candidate with the next highest number of votes, those candidates with the lowest number of votes shall be eliminated simultaneously and their votes transferred to the next ranked continuing candidate on each ballot in a single counting operation.~~

~~(f) A tie between two or more candidates shall be resolved in accordance with State law.~~

~~(g) The Department of Elections shall conduct a voter education campaign to familiarize voters with the ranked choice or, "instant runoff," method of voting.~~

~~(h) Any voting system, vote tabulation system, or similar or related equipment acquired by the City and County shall have the capability to accommodate this system of ranked choice, or "instant runoff," balloting.~~

~~(i) Ranked choice, or "instant runoff," balloting shall be used for the general municipal election in November 2002 and all subsequent elections. If the Director of Elections certifies to the Board of Supervisors and the Mayor no later than July 1, 2002 that the Department will not be ready to implement ranked choice balloting in November 2002, then the City shall begin using ranked choice, or "instant runoff," balloting at the November 2003 general municipal election.~~

~~If ranked choice, or "instant runoff," balloting is not used in November of 2002, and no candidate for any elective office of the City and County, except the Board of Education and the Governing Board of the Community College District, receives a majority of the votes cast at an election for such office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a runoff election held on the second Tuesday in December of 2002.~~

In any contest for Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender, or members of the Board of Supervisors, in which no candidate receives a majority of the votes cast, the Director of Elections shall hold a run-off election between the two candidates receiving the most votes. The Director of Elections shall hold the run-off election on the second Tuesday of the month following the municipal election in which the contest was on the ballot.

Ballots for run-off elections may not permit voters to cast votes for write-in candidates, and the Director of Elections may not count any attempts to cast votes for write-in candidates in a run-off election.

The Director of Elections may not place any measures on the ballot for any run-off election.

This section shall apply to the general municipal election in November 2012 and to all subsequent municipal elections.

Section 2. The San Francisco Charter is hereby amended, by amending Article XVII, to read as follows:

ARTICLE XVII: DEFINITIONS

For all purposes of this Charter, the following terms shall have the meanings specified below:

"Business day" shall mean any day other than a Saturday, Sunday or holiday on which governmental agencies are authorized by law to close.

"Confirm" or "confirmation" shall mean the approval by a majority of the members of the Board of Supervisors.

"Discrimination" shall mean violations of civil rights on account of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, ancestry, marital or domestic partners status, gender identity, parental status, other non-merit factors, or any category provided for by ordinance.

"Domestic partners" shall mean persons who register their partnerships pursuant to the voter-approved Domestic Partnership Ordinance.

"Elector" shall mean a person registered to vote in the City and County.

"For cause" shall mean the issuance of a written public statement by the Mayor describing those actions taken by an individual as a member of a board or commission which are the reasons for removal, provided such reasons constitute official misconduct in office.

"General municipal election" shall mean the election *for local officials or measures*, to be held in the City and County on the Tuesday immediately following the first Monday in November *in odd numbered years*.

"Initiative" shall mean (1) a proposal by the voters with respect to any ordinance, act or other measure which is within the powers conferred upon the Board of Supervisors to enact, any

legislative act which is within the power conferred upon any other official, board, commission or other unit of government to adopt, or any declaration of policy; or (2) any measure submitted to the voters by the Mayor or by the Board of Supervisors, or four or more members of the Board.

"Notice" shall mean publication (as defined by ordinance), and a contemporaneous filing with the Clerk of the Board of Supervisors or other appropriate office.

"One-third," "a majority" or "two-thirds" of the Board of Supervisors or any other board or commission of the City and County shall mean one-third, a majority or two-thirds of all members of such board or commission.

"Published" shall have the meaning ascribed to the term by the Board of Supervisors by ordinance. The Board of Supervisors shall seek a recommendation from the Clerk of the Board of Supervisors before adopting such an ordinance.

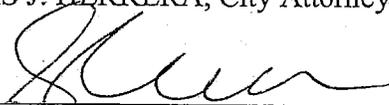
"Referendum" shall mean the power of the voters to nullify ordinances involving legislative matters except that the referendum power shall not extend to any portion of the annual budget or appropriations, annual salary ordinances, ordinances authorizing the City Attorney to compromise litigation, ordinances levying taxes, ordinances relative to purely administrative matters, ordinances necessary to enable the Mayor to carry out the Mayor's emergency powers, or ordinances adopted pursuant to Section 9.106 of this Charter.

"Special municipal election" shall mean, in addition to special elections otherwise required by law, the election called by (1) the Director of Elections with respect to an initiative, referendum or recall, and (2) the Board of Supervisors with respect to bond issues, election of an official not required to be elected at the general municipal election, or an initiative or referendum.

"Statewide election" shall mean an election held throughout the state.

"Voter" shall mean an elector who is registered in accordance with the provisions of state law.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 

ANDREW SHEN
Deputy City Attorney

LEGISLATIVE DIGEST

[Charter Amendment - Replacing ranked-choice voting with run-off elections]

A proposal to amend the Charter of the City and County of San Francisco, at an election to be held on June 5, 2012, by amending Section 13.102 and Article XVII to replace ranked-choice voting with run-off elections.

Existing Law

The City uses ranked-choice voting, also referred to as instant-runoff voting, to elect its Mayor, City Attorney, District Attorney, Public Defender, Sheriff, Assessor-Recorder, Treasurer, and members of the Board of Supervisors. In ranked-choice voting, voters may select up to the three candidates for a single office in order of preference. Under ranked-choice voting, the winning candidate is the one who receives the highest-level of support from the greatest number of voters.

The City's ranked-choice voting system does not employ run-off elections.

Amendments to Current Law

The proposed Charter amendment would replace the City's ranked-choice voting system with a system that uses run-off elections. Under the proposed run-off election system, each voter could select only one candidate for each office. And if no candidate for a given office garners a majority of the votes cast, the two candidates receiving the highest-number of votes for a single office would proceed to a run-off election. This proposal also clarifies that voters may not cast votes for write-in candidates during run-off elections.

If necessary, the City would hold run-off elections on the second Tuesday of the month following the election in which the contest first appeared on the ballot.

The proposal also specifies that ballot measures may not be submitted to voters at a run-off election.

Background Information

On March 5, 2002, the voters approved Proposition A, establishing a ranked-choice voting system to elect the City's Mayor, City Attorney, District Attorney, Public Defender, Sheriff, Assessor-Recorder, Treasurer, and members of the Board of Supervisors. The City first used ranked-choice voting to elect its local officials in November 2004.

The intent of the proposed amendments is to reinstate the run-off election system used prior to November 2004.