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M E M O R A N D U M

TO: Ben Rosenfield, City Controller

FROM: Derek Evans, Assistant Clerk, Rules Committee
Board of Supervisors

DATE: January 18, 2016

SUBJECT: CHARTER AMENDMENT INTRODUCED
June 7, 2016, Election

The Board of Supervisors Rules Committee has received the following Charter Amendment for the June 7, 2016, Election, introduced by Supervisor Avalos on January 13, 2016, and duplicated from File No. 151273 by Supervisor Avalos and amended by Rules Committee on January 14, 2016. This matter is being referred to you in accordance with Elections Code, Section 305(B)(2), and Rules of Order 2.22.3.

File No. 160040   Charter Amendment - Mayoral Run-Off Election Following Ranked-Choice Voting

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to to amend the Charter of the City and County of San Francisco to provide for a run-off election for Mayor between the top two candidates selected through ranked-choice voting unless one candidate receives a majority of first choices, at an election to be held on June 7, 2016.

Please review and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

If you have any questions or concerns please call me at (415) 554-7702 or email derek.evans@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Office of the City Controller

1   [Charter Amendment - Mayoral Run-Off Election Following Ranked-Choice Voting]

2

3   **Describing and setting forth a proposal to the voters at an election to be held on June 7,**

4   **2016, to amend the Charter of the City and County of San Francisco to provide for a run-**

5   **off election for Mayor between the top two candidates selected through ranked-choice**

6   **voting unless one candidate receives a majority of first choices.**

7

8   Section 1. The Board of Supervisors hereby submits to the qualified voters of the City

9   and County, at an election to be held on June 7, 2016, a proposal to amend the Charter of the

10   City and County by revising Section 13.102 and adding Section 13.102.5, to read as follows:

11   NOTE: **Unchanged Charter text and uncodified text** are in plain font.
                     Additions are *single-underline italics Times New Roman font*.
12   **Deletions** are *strike-through italics Times New Roman font*.
                     Asterisks (*   *   *   *) indicate the omission of unchanged Charter
13   subsections.

14

15   **SEC. 13.102. *INSTANT RUNOFF RANKED-CHOICE VOTING* ELECTIONS.**

16   (a) For the purposes of this *section* *Section*: (1) a candidate shall be deemed "continuing"

17   if the candidate has not been eliminated *from further rounds of tabulation*; (2) a ballot shall be

18   deemed "continuing" if it is not exhausted; and (3) a ballot shall be deemed "exhausted," and not

19   *counted* *included* in further stages of the tabulation, if all of the choices have been eliminated or

20   there are no more choices indicated on the ballot. If a ranked-choice ballot gives equal rank to

21   two or more candidates, the ballot shall be declared exhausted when such multiple rankings are

22   reached. If a voter casts a ranked-choice ballot but skips a rank, the voter's vote shall be

23   transferred to that voter's next ranked choice.

24   (b) The *Mayor,* Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder,

25   Public Defender, and *members* *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

1   choices in order of preference equal to the total number of candidates for each office; provided,

2   however, *that* if the voting system, vote tabulation system or similar or related equipment used

3   by the City and County cannot feasibly accommodate choices equal to the total number of

4   candidates running for each office, then the Director of Elections may limit the number of

5   choices a voter may rank to no fewer than three. The ballot shall in no way interfere with a

6   voter's ability to cast a vote for a write-in candidate.

7   (c) If a candidate receives a majority of the first choices, that candidate shall be declared

8   elected. If no candidate receives a majority, the candidate who received the fewest first choices

9   shall be eliminated *from further rounds of tabulation,* and each vote cast for that candidate shall

10   be transferred to the next ranked candidate on that voter's ballot. If, after this transfer of votes,

11   any candidate has a majority of the votes from the continuing ballots, that candidate shall be

12   declared elected.

13   (d) If no candidate receives a majority of votes from the continuing ballots after a

14   candidate has been eliminated and his or her votes have been transferred to the next-ranked

15   candidate, the continuing candidate with the fewest votes from the continuing ballots shall be

16   eliminated. All votes cast for that candidate shall be transferred to the next-ranked continuing

17   candidate on each voter's ballot. This process of eliminating candidates *from further rounds of*

18   *tabulation* and transferring their votes to the next-ranked continuing candidates shall be repeated

19   until a candidate receives a majority of the votes from the continuing ballots.

20   (e) If the total number of votes of the two or more candidates credited with the lowest

21   number of votes is less than the number of votes credited to the candidate with the next highest

22   number of votes, those candidates with the lowest number of votes shall be eliminated *from*

23   *further rounds of tabulation* simultaneously and their votes transferred to the next-ranked

24   continuing candidate on each ballot in a single counting operation.

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

1   (g) The Department of Elections shall conduct a voter education campaign to familiarize

2 voters with the ranked-choice ~~or, "instant runoff,"~~ method of voting.

3   (h) Any voting system, vote tabulation system, or similar or related equipment acquired

4 by the City and County shall have the capability to accommodate this system of ranked-choice,

5 ~~or "instant runoff,"~~ balloting.

6 *~~(i) Ranked-choice, or "instant runoff," balloting shall be used for the general municipal~~*

7 *~~election in November 2002 and all subsequent elections. If the Director of Elections certifies to~~*

8 *~~the Board of Supervisors and the Mayor no later than July 1, 2002 that the Department will not~~*

9 *~~be ready to implement ranked-choice balloting in November 2002, then the City shall begin~~*

10 *~~using ranked-choice, or "instant runoff," balloting at the November 2003 general municipal~~*

11 *~~election.~~*

12 *~~If ranked-choice, or "instant runoff," balloting is not used in November of 2002, and no~~*

13 *~~candidate for any elective office of the City and County, except the Board of Education and the~~*

14 *~~Governing Board of the Community College District, receives a majority of the votes cast at an~~*

15 *~~election for such office, the two candidates receiving the most votes shall qualify to have their~~*

16 *~~names placed on the ballot for a runoff election held on the second Tuesday in December of~~*

17 *~~2002.~~*

18 ***SEC. 13.102.5. RANKED-CHOICE VOTING PLUS RUN-OFF ELECTIONS FOR***

19 ***MAYOR.***

20   *(a) Elections for Mayor shall consist of a ranked-choice voting election, and if necessary*

21 *under subsection (b), a subsequent run-off election between the two candidates receiving the*

22 *most votes at that ranked-choice voting election.*

23   *(b) Elections for Mayor shall use a ranked-choice ballot. If a candidate for Mayor*

24 *receives a majority of the first choices in that contest, that candidate shall be declared elected.*

25 *If no candidate receives a majority of the first choices, then no candidate shall be declared*

elected, and the ranked-choice voting tabulation process set forth in subsections 13.102(a)-(e)

shall proceed, except that the ranked-choice voting tabulation process shall end when all but two

candidates have been eliminated. Those two candidates shall then proceed to a run-off election.

In that run-off election, the candidate who receives a majority of votes cast shall be declared

elected.

> *(c) The run-off election shall be held in the City and County on the second Tuesday in*
> *December following a general municipal election. If the City and County holds a special*
> *municipal election to elect a successor following a vacancy in the office of Mayor under Section*
> *13.101.5, the Director of Elections shall call the run-off election to be held on a date at least 35*
> *days, but not more than 42 days, following the date of the special municipal election.*

> *(d) Ballots cast in the run-off election shall not permit voters to cast votes for write-in*
> *candidates for Mayor. The Director of Elections shall not count any attempts to cast votes for*
> *write-in candidates in that contest.*

> *(e) The Director of Elections shall not include any measures on the ballot for a run-off*
> *election.*

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

By: _____
     ANDREW SHEN
     Deputy City Attorney

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