

**CITY OF SAN LEANDRO
STAFF REPORT**

DATE: April 5, 2010
TO: Stephen Hollister, City Manager
FROM: Marian Handa, City Clerk *mlh*

APPROVED AND
FORWARDED
TO CITY COUNCIL



Stephen L. Hollister
City Manager

SUBJECT PROJECT/PROJECT DESCRIPTION:

ORDINANCE PROVIDING FOR THE CONDUCT OF THE 2010 GENERAL MUNICIPAL ELECTION USING RANKED CHOICE VOTING (RCV) [CONTINUED FROM MARCH 15, 2010]

SUMMARY AND RECOMMENDATION

The San Leandro City Charter allows the City Council, by ordinance, to provide for the method of conducting municipal elections. Staff recommends adoption of the proposed ordinance, to authorize the conduct of the November 2, 2010 General Municipal Election using Ranked Choice Voting (RCV).

BACKGROUND

At its January 19, 2010 meeting, the City Council, by a vote of 5-2, approved the use of RCV to conduct the 2010 General Municipal Election. RCV eliminates the need for a separate runoff election, and allows the City's election to be held in November, when voter turnout is highest and election consolidation costs are lowest. Pursuant to its January 19 decision, the Council, on February 1, 2010, adopted Ordinance 2010-002, changing the General Municipal Election date from June to November of even-numbered years. Staff has performed public notification of the election date change, as required by the ordinance.

Article VI, Section 610 of the Charter of the City of San Leandro states that the City Council, by ordinance, may provide for the method of conducting municipal elections. The proposed ordinance provides for the use of RCV for the 2010 General Municipal Election.

To conduct the November 2010 General Municipal Election, the Council must also adopt the following documents: 1) a resolution calling the November 2010 election; 2) a resolution establishing regulations for candidates; and 3) an ordinance establishing nomination procedures. Staff will present these documents to the Council for adoption in June.

Current City Council Policy

Not Applicable.

Previous City Council Action(s)

On January 19, 2010, the City Council adopted Resolution No. 2010-006, approving the Memorandum of Understanding between the County of Alameda and the Cities of Oakland, Berkeley and San Leandro, to reimburse the County for costs it will incur in the conduct of the RCV election.

On February 1, 2010, the City Council passed to print and adopted Ordinance No. 2010-002, amending Article 1, Chapter 1-11 of the San Leandro Municipal Code to change the date of the City's General Municipal Election from June to November of even-numbered years. This change allows the City to conduct the RCV election in November 2010, along with the Cities of Berkeley and Oakland.

City Council Committee Review and Action

At its meeting on October 27, 2009, the City Council Rules and Communications Committee discussed the use of RCV, and recommended that the matter be brought to the full City Council for further discussion and action.

Summary of Public Outreach Efforts

Notification of the election date change has been published in both the Daily Review and San Leandro Times. The City's election webpage has been updated, and contains information on the election date change. A notice will run on the City's Government Access Channel 15 through mid-April. A large-scale public outreach effort is being coordinated with Berkeley, Oakland, San Leandro and Alameda County to educate voters on RCV, and will get underway soon.

Fiscal Impact

None.

Attachments

None.

CONCLUSION

Adoption of the ordinance will allow for the use of RCV to conduct the General Municipal Election on November 2, 2010.

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2010-

(1055)

AN ORDINANCE OF THE CITY OF SAN LEANDRO
PROVIDING FOR THE CONDUCT OF THE GENERAL MUNICIPAL ELECTION
USING RANKED CHOICE VOTING

WHEREAS, Article VI, Section 610 of the Charter of the City of San Leandro provides that the City Council can, by ordinance, provide for the method of conducting municipal elections; and

WHEREAS, the City Council of the City of San Leandro, on January 19, 2010, approved the use of Ranked Choice Voting for the City of San Leandro General Municipal Election, to be held on November 2, 2010; and

WHEREAS, the General Municipal Election for the City of San Leandro has been changed to consolidate with the Statewide General Election, held on the first Tuesday after the first Monday in November of even-numbered years, to allow for the use of Ranked Choice Voting; and

WHEREAS, the City Council must adopt an ordinance, providing for the use of Ranked Choice Voting to conduct the City's General Municipal Election on November 2, 2010.

NOW, THEREFORE, The City Council of the City of San Leandro does ordain as follows:

SECTION 1. DEFINITIONS.

- A. "Ranked Choice Voting" shall mean an election system in which voters rank the candidates for office in order of preference, and the ballots are counted in rounds that simulate a series of runoffs until one candidate receives a majority of votes. Ranked Choice Voting is also known as "instant runoff voting."
- B. "Majority of votes" shall mean fifty percent (50%) plus one of the votes cast on continuing ballots.
- C. "Continuing ballot" shall mean a ballot that counts towards a continuing candidate.
- D. "Continuing candidate" shall mean a candidate that has not been eliminated.
- E. "Choice" means an indication on a ballot of a voter's assigned ranking of candidates (i.e. first choice, second choice, third choice, etc.) for any single office according to the voter's preference.
- F. "Vote" means a ballot choice that is counted toward the election of a candidate. During each round of counting, each continuing ballot contains one vote. All first choices are votes and

lower ranked choices are potential runoff votes that may, in accordance with the requirements of this chapter, become votes and subsequently credited for a continuing candidate.

- G. "Round of counting" or "round" means a step in the counting process during which votes for all continuing candidates are tabulated for the purpose of determining whether a candidate has achieved a majority of the votes cast for a particular office, and, absent a majority, which candidate or candidates must be eliminated.
- H. "Next ranked" means the highest ranked choice for a continuing candidate.

SECTION 2. GENERAL PROVISIONS.

- A. Ranked choice voting elections for the offices of Mayor and City Councilmember shall be conducted according to the procedures in this ordinance.
- B. Ranked choice voting shall commence with the 2010 General Municipal Election and continue for all general municipal elections thereafter unless later repealed or invalidated by a subsequent federal, state or City law, statute, rule, regulation, or ordinance.
- C. The Alameda County Registrar of Voters must agree to the request for all election services that allow the City to use ranked choice voting and consolidation of the election prior to the use of ranked choice voting.

SECTION 3. ELECTION SERVICES. The request for election services submitted to the Registrar of Voters shall include all requirements and procedures enumerated in this ordinance.

SECTION 4. BALLOT.

- A. The ranked choice voting ballot shall allow voters to rank at least three choices.
- B. The ballot shall not interfere with a voter's ability to rank a write-in candidate.

SECTION 5. TABULATION. The ballots shall be counted in rounds.

- A. In the first round, every ballot shall count as a vote towards the first choice candidate.
- B. After any round, if any candidate receives a majority of votes from the continuing ballots, that candidate shall be declared the winner.
- C. If no candidate receives a majority, the candidate receiving the fewest number of votes shall be eliminated.

D. Every ballot counting towards the eliminated candidate shall be advanced to the next-ranked continuing candidate. All the continuing ballots for all continuing candidates shall be counted again in a new round.

SECTION 6. TIES. In the event that two or more candidates tie for the fewest number of votes, the candidate to eliminate shall be chosen by lot.

SECTION 7. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 8. EFFECTIVE DATE AND PUBLICATION. Pursuant to California Government Code Section 36937, and San Leandro Municipal Code Section 1-1-345, this ordinance shall be adopted and take effect immediately. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days following adoption.

Introduced by Councilmember _____ on this 5th day of April, 2010, and passed to print and adopted by the following called vote:

Members of the Council:

AYES: ()

NOES: ()

ABSENT: ()

ATTEST: _____
Marian Handa, City Clerk

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