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SB-212 Elections: local voting methods. (2019-2020)

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AMENDED IN SENATE MARCH 21, 2019

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

SENATE BILL

No. 212

Introduced by Senator Allen

February 04, 2019

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 *add Section 8141.3 to, and to add Division 22 (commencing with Section 24000) to, the Elections Code,* to amend Sections 25040, 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 212, as amended, Allen. 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 general law cities and school districts, 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-seat election and a multi-seat election.*

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) Each local jurisdiction should have the authority to determine the best voting method for that jurisdiction.
- (b) Under current law, charter cities and counties may adopt alternative voting methods while general law cities, counties, and school districts cannot.
- (c) Ranked choice voting has led to greater voter participation in multiple cities, and voters using ranked choice voting have been more satisfied with candidates' conduct and have generally viewed those campaigns as less negative.

SEC. 2. Section 1018 is added to the Education Code, to read:

1018. (a) Notwithstanding any other provision of this article, the county board of education may adopt, or the residents of the county may propose by initiative, a proposal to elect members of the county board of education by ranked choice voting. The proposal shall specify whether the members shall be elected at large or by or from trustee area. A proposal to elect members by ranked choice voting shall apply prospectively only and shall not become operative unless it is submitted to the electors of the county at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal.

(b) An initiative measure proposed pursuant to subdivision (a) is subject to the procedures set forth in Chapter 2 (commencing with Section 9100) of Division 9 of the Elections Code.

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

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

SEC. 3. Section 1019 is added to the Education Code, to read:

1019. (a) If a county board of education authorizes the use of ranked choice voting pursuant to Section 1018, before that method is used in any election, a county elections official may certify to the county board of supervisors and county superintendent of schools that the county lacks the technological capacity to conduct elections by this method. The elections official shall provide this certification at least seven days, and not more than 60 days, before the later of 113 days before the election or the first day on which a declaration of candidacy may be filed.

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

SEC. 4. Section 1020 is added to the Education Code, to read:

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

SEC. 5. Section 5010 is added to the Education Code, to read:

5010. (a) Notwithstanding any other provision of this article, the governing board of a school district or community college district may adopt a resolution authorizing the election of members of the governing board by ranked choice voting. The resolution shall specify whether the members elected pursuant to this method shall be elected at large or by or from trustee area, and it shall be presented to the electors of the school district pursuant to Section 5020. A resolution adopted pursuant to this subdivision shall apply prospectively only.

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

(c) A member of the governing board of a school district or community college district elected to a full term by ranked choice voting shall only be elected in a general election held in November of an even-numbered year.

SEC. 6. Section 5013 of the Education Code is amended to read:

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

(b) The form of ballot for governing board member elections conducted by ranked choice voting shall be governed by ~~Section 24100~~ *Chapter 2 (commencing with Section 24100) of Division 22* of the Elections Code.

SEC. 7. Section 5020 of the Education Code is amended to read:

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

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote if there is sufficient time to place the issue on the ballot.

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

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

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

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

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

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

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District using ranked choice voting—Yes" and "For the

election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District using ranked choice voting—No.”

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

“For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area using ranked choice voting—Yes” and “For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area using ranked choice voting—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—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—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.”

(f) If more than one proposal appears on the ballot, all must carry in order for any to become effective, except as follows:

(1) A 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 proposal that is inconsistent with that proposal has been approved by a greater number of voters.

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

SEC. 8. Section 5027 of the Education Code is amended to read:

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

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

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

SEC. 9. Section 5028 of the Education Code is amended to read:

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

SEC. 10. Section 5032 is added to the Education Code, to read:

5032. (a) If a school district or community college district authorizes the use of ranked choice voting pursuant to Section 5010, before that method is used in any election, a county elections official may certify to the governing

board of the district, the county board of supervisors, and the county superintendent of schools who have jurisdiction over the election that the county lacks the technological capacity to conduct elections by this method. The elections official shall provide this certification at least 7 days, and not more than 60 days, before the later of 113 days before the election or the first day on which a declaration of candidacy may be filed.

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

SEC. 11. Section 5096 is added to the Education Code, to read:

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

SEC. 12. Section 8141.3 is added to the Elections Code, to read:

8141.3. (a) Notwithstanding Section 8000, the following jurisdictions may elect a candidate for nonpartisan office, other than a member of a legislative body elected at large, pursuant to Sections 8140 and 8141:

(1) A general law city.

(2) A school district.

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

(c) A proposal to conduct elections pursuant to this section shall be submitted to the electors of the jurisdiction at a regularly scheduled election and shall become operative only if a majority of votes cast favor adoption of the proposal.

SEC. 13. Division 22 (commencing with Section 24000) is added to the Elections Code, to read:

DIVISION 22. Ranked Choice Voting
CHAPTER 1. General Provisions

24000. This division establishes procedures to be used in ranked choice voting elections. This division does not bind a charter city, charter county, or charter city and county.

24001. Ranked choice voting is a method that allows voters to rank candidates for elected office in order of preference. Elections conducted by ranked choice voting may be used for both single-seat and multi-seat elections. Elections conducted by ranked choice voting are tabulated in rounds, as specified in this division.

24002. For purposes of this division, the following terms have the following meanings:

(a) "Batch elimination" means the simultaneous defeat of two or more continuing candidates because it is mathematically impossible for those candidates to receive enough votes to become designated as elected before being designated as defeated.

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

(c) "Election threshold" means the number of votes sufficient for a candidate to be elected in a multi-seat contest. The election threshold is calculated by dividing the total number of votes counting for continuing candidate in the first round by the sum of one plus the number of seats to be filled, or $X/(Y+1)$, in which "X" is the total number of votes counting for continuing candidates in the first round and "Y" is the number of seats to be filled, rounding up to four decimal places.

(d) "Elimination batch" means a group of two or more candidates who can be simultaneously defeated through batch elimination because it is mathematically impossible for those candidates to be elected.

(e) "Highest-ranked continuing candidate" means the ranking on a voter's ballot with the lowest numerical value for a continuing candidate.

(f) "Inactive ballot" means a ballot on which all candidates ranked on the ballot have been designated as elected or defeated, the highest-ranked continuing candidate's ranking is an overvote, or there are two or more

consecutive skipped rankings before the highest-ranked continuing candidate's ranking, making the ballot unable to be transferred to another continuing candidate.

(g) "Multi-seat election" means an election in which two or more candidates can be designated as elected in a single contest to fill multiple seats in the same publicly elected office. This may also be referred to as a multi-winner election. Multi-seat elections using ranked choice voting may be referred to as single transferable vote.

(h) "Overvote" means an instance in which a voter has ranked more than one candidate at the same ranking.

(i) "Ranking" means the number assigned to a candidate that establishes the order in which a ballot is transferred to that candidate. The ranking with the lowest numerical value indicates the voter's highest-ranked continuing candidate, with the rankings increasing in numerical value for the voter's lower-ranked continuing candidates.

(j) "Seat" means an elected position occupied by one person, one or more of which form a publicly elected office.

(k) "Single-seat election" means an election in which only one continuing candidate can be designated as elected in the contest. This may also be referred to as a single-winner election. Single-seat elections using ranked choice voting may be referred to as instant runoff voting.

(l) "Skipped ranking" means a voter has left a ranking order unassigned but ranks a candidate at a subsequent ranking order.

(m) "Surplus" or "surplus fraction" means a number equal to the quotient of the difference between an elected candidate's vote total and the election threshold, divided by the candidate's vote total (or $(V-T)/V$, in which "V" is the elected candidate's vote total and "T" is the election threshold), rounded down to four decimal places, ignoring any remainder.

(n) "Transfer value" means the proportion of a vote that a ballot will contribute to its highest-ranked continuing candidate. Each ballot begins with a transfer value of 1. If a ballot contributes to the election of a candidate under paragraph (2) of subdivision (b) of Section 24104, it receives a new transfer value.

24003. (a) A ballot that does not contain a highest-ranked continuing candidate shall not be transferred to or count for any candidate, but rather shall count as an inactive ballot.

(b) If a ballot contains a skipped ranking, the ballot shall be transferred to the highest-ranked continuing candidate unless the ballot contains two or more consecutive skipped rankings before its highest-ranked continuing candidate, in which case it shall count as an inactive ballot.

(c) A ballot whose highest-ranked continuing candidate's ranking is an overvote shall count as an inactive ballot.

24004. If two or more candidates are tied with the fewest number of votes and cannot be defeated through batch elimination, the candidate to be defeated shall be determined by lot.

24005. A question put before the voters to adopt ranked choice voting pursuant to this division shall specify the future election in which ranked choice voting will be implemented. If a jurisdiction fails to specify the election for its implementation and the question is adopted by the voters of the jurisdiction, ranked choice voting shall be implemented in the next general election for that jurisdiction.

24006. (a) The governing body in a jurisdiction that possesses voting equipment capable of conducting elections using ranked choice voting may adopt a resolution by majority vote to use ranked choice voting in one trial election.

(b) The governing body shall hold at least one regular public meeting to discuss and allow for public comment on the resolution before adopting the resolution.

(c) A question to permanently adopt ranked choice voting in a jurisdiction may be placed on the ballot in a trial election using ranked choice voting pursuant to this section.

24007. The Secretary of State may adopt regulations to implement this division.

CHAPTER 2. Vote Counting

24100. This chapter establishes the procedures for electing candidates in single-seat and multi-seat elections using ranked choice voting.

24101. A ballot shall allow voters to assign a different ranking to every candidate, as well as to 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 maximum number allowed by the equipment.

24102. In an election conducted by ranked choice voting, the elections official shall provide ballot instructions that make clear the proper voting procedures for voting in a ranked choice voting election. The Secretary of State may establish required language for elections conducted pursuant to this division.

24103. (a) In any single-seat election conducted by ranked choice voting, each ballot shall count as one vote for the highest-ranked continuing candidate on that ballot.

(b) In a single-seat election conducted by ranked choice voting, tabulation proceeds in rounds as follows:

(1) The number of votes cast for each candidate are counted. If there are two or fewer continuing candidates, the candidate with the most votes is declared the winner of the election. If there are more than two continuing candidates, tabulation proceeds as described in paragraph (2).

(2) If batch elimination is used and any continuing candidates qualify for an elimination batch, those candidates are defeated. Otherwise, the candidate with the fewest votes is defeated and votes for the defeated candidates are transferred to each ballot's next-ranked continuing candidate.

(3) Once candidate elimination and vote transfers are complete, a new round starts again pursuant to paragraph (1).

24104. In a multi-seat election conducted by ranked choice voting, tabulation proceeds in rounds as follows:

(a) If, in the initial tabulation, the number of continuing candidates is less than or equal to the number of seats to be filled, then all continuing candidates are elected and tabulation is complete. Otherwise, tabulation proceeds to an additional round as described in paragraph (2) of subdivision (b).

(b) An additional round of tabulation shall proceed as follows:

(1) Each ballot shall count, at its current transfer value, for the highest-ranked continuing candidate on that ballot. If the number of elected candidates or the sum of the number of elected candidates and the number of continuing candidates is equal to the number of seats to be filled, then all continuing candidates are designated as elected, and tabulation is complete. Otherwise, the tabulation proceeds pursuant to paragraph (2).

(2) If any continuing candidate has more votes than the election threshold for the contest, that candidate shall be designated as elected. Each ballot counting for an elected candidate is assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the elected candidate, rounded down to four decimal places and ignoring any remainder. If two or more candidates have more votes than the election threshold for the contest at the same time, the surpluses may be distributed simultaneously or in rounds in which the largest surplus is distributed first. Each candidate elected under this paragraph is deemed to have a number of votes equal to the election threshold for the contest in all future rounds and a new round begins pursuant to paragraph (1).

(3) If no candidate is elected pursuant to paragraph (2), then, if batch elimination is used and any candidates qualify for an elimination batch, any candidates in the elimination batch are defeated through batch elimination. Otherwise the candidate with the fewest votes is defeated and votes for the defeated candidates shall be transferred to each ballot's next-ranked continuing candidate and a new round begins pursuant to paragraph (1).

24105. (a) Jurisdictions using ranked choice voting may eliminate multiple candidates through batch elimination. If batch elimination is used, candidates shall be eliminated in batches as described in paragraph (2) of subdivision (b) of Section 24103 and paragraph (3) of subdivision (b) of Section 24104.

(b) A continuing candidate is in the elimination batch if the number of elected and continuing candidates with more votes than that candidate is greater than or equal to the number of seats to be filled, and it is mathematically impossible for that candidate to be elected for any of the following reasons:

(1) The candidate has fewer votes than any other continuing candidate.

(2) The candidate's current vote total plus the sum of current votes for continuing candidates with fewer votes would not be enough to equal or surpass the continuing candidate with the next highest current vote total.

(3) The candidate has a lower current vote total than a continuing candidate described in paragraph (2).

(c) If a candidate is defeated through batch elimination, votes for that candidate shall be transferred to each ballot's next-ranked continuing candidate.

CHAPTER 3. Reporting

24200. (a) For purposes of this chapter, the following terms have the following meanings:

(1) "Ballot report" means a report that lists all of the following for each ballot counted in the tabulation:

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

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

(C) Whether the ballot was cast by mail.

(2) "Summary report" means a report that lists all of the following:

(A) The number of ballots counted.

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

(C) The cumulative number of inactive ballots.

(D) Any additional information the jurisdiction chooses to include, such as the cumulative number of inactive ballots that were counted as inactive for any of the following reasons:

(I) The ranking of the highest-ranked continuing candidate on the ballot is an overvote.

(II) The ballot contained two or more consecutive skipped rankings before the highest-ranked continuing candidates' ranking.

(III) All candidates on the ballot were designated as elected or defeated.

(3) "Comprehensive report" means a report that, for each precinct, lists all of the information required in a summary report.

24201. (a) An elections official shall publish a summary report for the final tabulation of the official canvass in conjunction with the certified statement of the results. The elections official shall also publish at least one of the following reports for the final tabulation of the official canvass:

(1) A comprehensive report.

(2) A ballot report.

(b) (1) In a single-seat election, a report generated pursuant to this section shall reflect the vote count at the point when the votes have been counted toward each continuing candidate but before the candidate with the fewest votes has been designated as defeated.

(2) In a multi-seat election, a report generated pursuant to this section shall reflect the vote count at the point when the votes have been counted toward each continuing candidate but before the transfer of elected candidates' surplus or candidates have been subsequently designated as defeated. The report shall also reflect each ballot counted as an inactive ballot as having the number of votes equal to the ballot's transfer value.

(c) A ballot report generated pursuant to this section shall not permit the order in which the votes were cast in each precinct to be reconstructed. An overvote ranking shall be reported without reporting to which candidates the ranking was assigned.

(d) If the elections official determines that tabulation of all rounds is not feasible on election night, the elections official may provide the contest tabulation report totals for only the first round of tabulation or only a tally of highest-ranked continuing candidates in the initial tabulation.

(e) 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 summary report.

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

(3) *Publish the corresponding ballot report whenever the results of a tabulation is published, except if tabulation is limited pursuant to subdivision (b).*

(f) *This section does not prohibit an elections official from including additional information in any report.*

24202. *An elections official shall promptly post a report made available to the public pursuant to Section 24201 on the official's internet website. A ballot 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 internet website, the elections official shall promptly make the report available to the public by other means and shall notify the public of the report's location through a notice prominently displayed in an appropriate location in their office.*

CHAPTER 4. Voter Education

24300. *For purposes of this chapter, the following terms have the following meanings:*

(a) *"Additional supported language" means a language for which a jurisdiction is required to provide voting materials and assistance under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or for which the Secretary of State has determined that it is necessary to provide facsimile ballots at a precinct within the jurisdiction pursuant to subdivision (c) of Section 14201.*

(b) *"Additional supported language community" means a community that speaks an additional supported language.*

24301. (a) *A jurisdiction that uses ranked choice voting shall conduct a voter education and outreach campaign before each election conducted pursuant to this division, until the conclusion of the second general election conducted in this manner. A campaign conducted pursuant to this chapter shall include public meetings and public service announcements through different media, including media serving additional supported language communities, if available, to familiarize voters with that election method. Materials and information disseminated as part of the campaign shall be provided in all additional supported languages and shall be accessible to individuals with disabilities.*

(b) *A jurisdiction shall, in collaboration with the county elections official, develop a plan describing how it will conduct the voter education and outreach campaign required by this section. The plan shall include all of the following information:*

(1) *How the jurisdiction will use media, which may include digital media, newspapers, radio, and television, to inform voters about an upcoming election.*

(2) *What information will be publicly available on the elections official's internet website.*

(3) *What information will be included in the sample ballot and vote by mail materials.*

(4) *How the jurisdiction will conduct direct outreach to voters, including voters with disabilities.*

(5) *How the jurisdiction will have a community presence to educate voters, including voters with disabilities.*

(6) *How the jurisdiction will educate voters within each additional supported language community.*

(c) *Before finalizing its plan, a jurisdiction shall publish a draft plan and hold, at least 10 days after publication of its plan, at least one regular public meeting to discuss the plan. The jurisdiction shall also make a good faith effort to invite each of the following to at least one of those public meetings:*

(A) *Representatives, advocates, and other stakeholders representing each additional supported language community.*

(B) *Representatives from the disability community and community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.*

(d) *All materials provided by the voter education and outreach campaign, including materials provided on the internet website of the elections official, sample ballots and vote by mail materials, and materials provided through direct outreach and community presence, shall be provided in the additional supported languages and shall be accessible to individuals with disabilities.*

(e) If multiple jurisdictions within the same county are conducting ranked choice voting elections, the jurisdictions may combine or coordinate their voter education plans and voter education and outreach campaigns.

(f) A jurisdiction may partner or coordinate resources with nongovernmental organizations to conduct its voter education and outreach campaign.

~~SEC. 12.~~ SEC. 14. Section 25001 is added to the Government Code, to read:

25001. (a) Notwithstanding any other 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, as applicable.

(b) A proposal pursuant to subdivision (a) shall apply prospectively only and shall not become operative unless it is submitted to the electors of the county at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal.

(c) A proposal enacted pursuant to this section shall only be amended or repealed in the manner described in subdivisions (a) and (b).

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

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

~~SEC. 13.~~ SEC. 15. Section 25040 of the Government Code is amended to read:

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

(a) The election is held in any county in which supervisorial districts have not been established by law or ordinance, and in which supervisors were on May 17, 1907, required to be elected at large, but from particular wards.

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

~~SEC. 14.~~ SEC. 16. Section 25061 of the Government Code is amended to read:

25061. (a) The election of a supervisor to fill the vacancy for the unexpired term shall be held at the next general election, unless the term expires on the first Monday after January 1st succeeding the election.

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

~~SEC. 15.~~ SEC. 17. Article 4 (commencing with Section 34910) is added to Chapter 4 of Part 1 of Division 2 of Title 4 of the Government Code, to read:

Article 4. Election of City Officers by Ranked Choice Voting

34910. (a) A municipal legislative body may submit to the registered voters an ordinance providing for the election of an officer of the city by ranked choice voting. The ordinance may also be qualified for the ballot by means of an initiative measure in accordance with Chapter 3 (commencing with Section 9200) of Division 9 of the Elections Code. The ordinance shall specify which city officers shall be elected by this method and whether they shall be elected at large or by or from district, as applicable. An ordinance adopted pursuant to this subdivision shall apply prospectively only and shall not become operative unless it is submitted to the electors of the city at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal.

(b) If a legislative body is elected by ranked choice voting, the following apply:

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

(2) A member's term of office shall be four years.

(c) An ordinance enacted pursuant to this section shall only be amended or repealed in the manner described in subdivision (a).

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

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

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

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

SB 212 – Local Options for Elections

SENATOR BEN ALLEN

Fact Sheet

SUMMARY

SB 212 authorizes general law cities, general law counties and school districts to utilize two majority-winner voting methods for local elections: a two-round runoff and ranked choice voting (RCV). RCV can be used in single-seat or multi-seat elections. This gives local jurisdictions the same flexibility that charter cities already have to conduct their elections.

BACKGROUND

Under current state law, voters in general law cities must elect their city council members using plurality-winner voting, meaning the candidate with the most votes wins. Charter cities have the authority to adopt majority-winner voting methods, which require that the winner receive a majority of votes to win. Plurality-winner voting can result in winners who have little popular support and can be especially problematic when there are many candidates running for office.

Charter cities can currently use two majority-winner voting methods: the traditional two-round runoff or ranked choice voting (RCV). Counties can use the traditional two-round runoff. Under these systems, majority-winner voting ensures that there is substantial support for a candidate.

Plurality-winner voting in single member districts requires only one election to determine the winner, but candidates can be elected with much less than majority support. In 2014, a Pomona city council member was elected with a mere 28.9% of votes and in the same year in Moreno Valley, a city council member was elected with only 21.6%. Unfortunately, these are not just extreme outliers.

California Common Cause conducted an analysis of city elections from 2006-14 and found that in races with three or more candidates, 42% of city council candidates were elected with less than majority support¹.

Giving cities the option to choose RCV can save jurisdictions and campaigns money by eliminating the need to hold a second election, and would address turnout disparities of the two-round elections for jurisdictions that hold their elections when turnout is highest, generally on the same date as the November general election. For multi-seat elections, RCV ensures that a majority of voters will elect a majority of seats, while also allowing an electoral minority to elect a fair share of representation.

HOW IT WORKS

SB 212 gives local jurisdictions access to solutions that charter cities are already using in California to counter vote-splits and the spoiler effect of plurality-winner voting.

Under the traditional two-round runoff, if a candidate gets a majority of votes in the first election, that candidate is elected. If there is not a majority winner in the first election, the top-two candidates advance to the second election. The candidate that receives the majority of votes in the second-round runoff is elected. Traditional two-round runoffs are already used in Los Angeles, San Diego, San Jose, Sacramento and many counties across the state.

Ranked choice voting (RCV) also elects a majority winner, but in a single election. Each voter has one vote and ranks the candidates in order of preference. The results are tabulated in rounds and if no

¹ California Municipal Democracy Index 2016; California Common Cause; Nicolas Heidorn December 2016



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candidate receives a majority in the first round, this process proceeds until one candidate receives more than 50%.

Today RCV is used by more than ten cities for municipal elections, including San Francisco, Oakland, Berkeley, San Leandro, Minneapolis, and Santa Fe. In 2018, Maine voters used ranked choice voting to elect their U.S. Senator and Representatives. Between 1970 and 2014, nine of the Maine's past twelve governors got less than 50% of votes and five took office with less than 40% of votes. Many Maine voters cited this as a reason for switching to RCV, where candidates are only elected if they receive a majority, not a mere plurality of support from the electorate.

Majority-winner voting methods avoid vote splitting and ensure that the winner is preferred by a majority of voters. RCV has resulted in decreases in negative campaigning, more choices for voters and limits the "spoiler effect" of crowded elections by allowing voters to select candidates in order of preference.

SOLUTION

SB 212 does not impose any change in localities. It simply provides communities with more options so they can better select an elections method that matches their needs and circumstances.

The majority-winner options that SB 212 provides are already in use in various jurisdictions around California. In order to adopt these majority-winner voting methods, a majority of voters must approve the change at a regularly scheduled election. The jurisdiction must also conduct a voter outreach campaign for the first two elections that RCV is adopted.

If a jurisdiction decides to adopt RCV, it can allow more voters to fully participate because the single election can be scheduled for a date with higher turnout and this consolidation may provide significant cost savings to the jurisdiction. By giving general law jurisdictions the same tools that charter cities have, SB 212 will expand access to electoral options that will ensure that elected officials enjoy wider-spread popular support before assuming office.

SUPPORT

FairVote California (Sponsor)

CONTACT

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April 16, 2019

The Honorable Thomas J. Umberg
Chair, Senate Elections and Constitutional
Amendments Committee
State Capitol, Room 2203
Sacramento, 95814

RE: SUPPORT for Senate Bill 212 (BEN ALLEN)

Dear Senator Umberg:

On behalf of the Humboldt County Board of Supervisors, I am writing in support of SB 212, which would give general law cities, general law counties, and school districts the ability to adopt two majority-winner voting methods: two-round runoff and ranked choice voting (RCV) for local elections.

Under current law, only charter cities and counties may use RCV for their local elections. This means that roughly 75 percent of California's cities and counties do not have the authority to use these methods. Several charter cities in California already use these systems of voting. Cities using two-round runoffs include Los Angeles, Seal Beach, Burbank, San Bernardino, Sacramento, San Francisco, Oakland, Berkeley, and San Leandro.

General law cities, counties, and school boards can only hold plurality-winner elections in which the candidate with the most votes wins, even if the majority did not vote for that candidate. According to a California Common Cause report, between 2006 and 2014, 42 percent of winning candidates in single-seat city elections were elected with less than a majority when three or more candidates ran. Electing candidates without majority support can undermine voter confidence in elections and government.

Two-round runoffs and RCV are voting methods that require candidates to receive a majority vote to win. In a two-round runoff, if no candidate gets a majority in the first round, the top two candidates advance to a second election to see who gets the most votes. Alternatively, RCV can be used in both single-seat and multi-seat elections to ensure the outcome is representative of voters' preferences.

Under RCV, voters rank candidates in order of preference. If a candidate receives more than half of the first choices, they win, just like any other election. If not, the candidate with the fewest votes is eliminated, and voters who had picked that now-eliminated candidate will have their votes count for their number second-ranked choice. This way, every voter feels like their vote matters.

Exit polls of six jurisdictions that use RCV found on average 84 percent of voters report that they understood the system extremely, very or somewhat well. Similar to non-RCV elections, over 99 percent of RCV ballots are validly cast. **SB 212** requires jurisdictions to educate voters about RCV and make them aware of the change before their first two RCV elections.

For these reasons, we ask you to vote **“AYE”** on **SB 212 (Allen)**.

Sincerely,

Rex Bohn, Chair
Humboldt County Board of Supervisors

RB:kh

cc: Senate Elections and Constitutional Amendments Committee Consultant