



## THE CITY OF SAN DIEGO

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### OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

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**Date Issued:** June 2, 2022

**IBA Report Number:** 22-12

**Committee Agenda Date:** June 8, 2021

**Item Number:** TBD

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# Review of Ranked Choice Voting Ballot Proposal

## OVERVIEW

On April 20, 2022, the Rules Committee conducted initial committee review of ballot proposal submissions for the November 2022 election cycle in accordance with [Council Policy 000-21](#), which establishes procedures for the submittal of ballot proposals to the City Council by members of the public, Councilmembers, the Mayor, or mayoral departments, independent department directors, or public agencies.

During discussion of [Sub-item C: Consideration of a ballot measure proposed by More Choice San Diego regarding a Ranked Choice Voting Charter Amendment](#), the Rules Committee requested our Office conduct additional analysis and provide more information at a future Committee meeting. The proposed ballot measure is included as Attachment 1 to this report. Given that the last day for the City Clerk to file election material for the General election is August 12, 2022, this item will be discussed at the June 8, 2022 Rules Committee meeting.

Councilmembers raised some questions about this proposal during the April 20, 2022 Rules Committee meeting, and our Office therefore met with the Rules Committee members to ensure we were able to address those questions in this analysis. We further met with the City Clerk's Office and City Attorney's Office to obtain election cost data and voter turnout information, and to discuss any potential legal issues with the ballot proposal being put forward by More Choice San Diego, the coalition of Ranked Choice Voting (RCV) advocates. We also met with More Choice San Diego to better understand the proposal.

In this report, we discuss the feasibility and potential estimated costs for implementing RCV in the City of San Diego as well as potential implementation challenges. We also provide potential pros and cons of RCV and information on other jurisdictions' experiences with this voting method. While the proposed ballot measure includes San Diego School Board member races, our analysis focuses specifically on costs and impacts to the City.

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While there are some provisions of the proposed measure that we believe require additional analysis (or amendment if the item is put before voters on the upcoming November ballot), we ultimately conclude that the decision to include a measure for RCV on the ballot is a policy call for Council, and given suitable amendments suggested by the City Clerk and City Attorney's office, there is nothing that would preclude the City from including this measure on the November ballot if Council determines it would like to move forward.

## **BACKGROUND**

In the United States and other modern democracies, elections are one of the most fundamental components of the maintenance of government. Citizens vote for their government officials and these officials represent the concerns and ideas of the citizens in government. Voter turnout is an important measure of citizen participation in the governance of their country and gauges the health of the electoral process. High voter turnout is generally seen as evidence of the legitimacy of the current system, while low turnout is usually associated with voter apathy and/or mistrust of the political process.

### **Plurality Voting**

A common electoral method in the United States is plurality voting where each voter is allowed a single vote, regardless of the number of candidates running. The votes are then counted and the candidate with the most votes is declared the winner. The candidate need not win an outright majority to be elected.<sup>1</sup> This method is sometimes referred to as winner-take-all.

Some variants of the plurality method, such as majority voting, require that the winning candidate receive a majority of the vote, with a runoff required between the top two candidates with the most votes if this threshold is not reached. For this reason, majority voting is sometimes referred to as a two-round system. The majority voting method, which generally includes a nonpartisan blanket primary, is currently used in the State of California, County of San Diego, City of San Diego, and other municipalities in the San Diego region.

Plurality and majority voting methods can each have challenges. In a plurality voting system, in races where a large number of candidates seek election, the winner could be selected with less than a majority of the vote. In a majority voting system, multiple elections may need to be held to narrow the field down until someone reaches majority support. Multiple elections can be expensive for the government and requires citizens to vote twice, which can negatively impact voter turnout. Because high voter turnout is considered a mark of a successful democracy, policymakers and citizens often support electoral reform measures based on whether they will increase turnout, either overall or for particular groups.

### **Ranked Choice Voting**

Given challenges with plurality and majority voting systems, some jurisdictions have chosen to adopt an electoral system aimed at ensuring that winning candidates have majority support, known

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<sup>1</sup> The candidate who wins a majority of the vote in every head-to-head election against each of the other candidates, that is, a candidate preferred by more voters than any others, is the Condorcet winner, although Condorcet winners do not exist in all cases.

as Ranked Choice Voting (RCV). RCV is used to describe several different types of voting systems that use ranked ballots, even though each of these systems has its own unique properties and types of representation. The two main types include instant-runoff voting (IRV) and single-transferrable vote (STV). We discuss IRV here as STV is not being proposed and doesn't fit into our system of geographically bound council districts.<sup>2</sup>

Generally, with IRV, voters rank candidates in order of preference. A candidate can win outright by receiving the majority of first-preference votes. If no candidate receives a majority, then the candidate with the fewest first-preference votes is eliminated, and voters who picked that candidate as their first choice will have their next choice counted. If there still is not a winner, then the candidate with the next fewest votes is also eliminated. This process continues with candidates eliminated one by one until one candidate has obtained a majority. IRV is the proposed method for use in the City of San Diego.

Another relatively common system essentially replicates our current top-two finisher system, with the top two vote-getters in an IRV system keeping their initial votes, but all other votes for candidates 3 through X being re-allocated to the top two. This isn't what is being proposed by RCV proponents, but it most closely mirrors San Diego's current system of primary/general elections.

## **Jurisdictions Using Ranked Choice Voting**

As of June 2022, Ranked Choice (RCV) is the voting method that *either is currently used or has been approved but not yet implemented* in about 60 jurisdictions in the United States, including two states (Alaska and Maine), one county (Benton County, OR), and about 57 cities (see Attachment 2).<sup>3</sup> Note that this number changes as jurisdictions approve and implement RCV, or there may be legal questions or challenges in some cases.

### **States**

**Maine** – Maine was the first state to use RCV in federal elections, starting with the congressional election in 2018. RCV was not used in the governor's race or legislative races (state senator or representative) in this election because the Maine Supreme Court issued an advisory opinion that the Maine Constitution requires the winners of those offices in a general election to be decided by a plurality. Primary elections in Maine and elections for federal offices are governed by statute and not by the Maine Constitution. RCV was expanded to include the first-ever ranked-choice presidential primary in 2020. Beginning with the November 3, 2020 General Election, the U.S. Presidential race is also conducted using ranked-choice voting, per the law passed in 2019.<sup>4</sup>

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<sup>2</sup> In an STV system, there are multiple winners in each race, and voters rank as many candidates as they wish. If a candidate breaks the threshold of first-place votes to be elected, votes from different precincts are randomly assigned to their second choice. This continues until all available seats in an election have been filled. In effect, this is a form of proportional representation and carries distinct representational effects separate from the actual rankings of candidates.

<sup>3</sup> Military and overseas voters use Ranked Choice Voting ballots in federal elections requiring runoffs in six states (Arkansas, Alabama, Georgia, Louisiana, Mississippi, South Carolina) and one City (Springfield, Illinois). Note, this is a different system than the local voters in those jurisdictions.

<sup>4</sup> [Ch. 539, Public Laws of 2019, "An Act to Implement Ranked-choice Voting for Presidential Primary and General Elections in Maine."](#)

**Alaska** – In the 2020 General Election, Alaska voters approved an initiative to establish a Nonpartisan Top Four Primary Election system and an RCV General Election system. Offices that will be elected using RCV in the 2024 election include President/Vice President, U.S. Senator, U.S. Representative, Governor/Lieutenant Governor, and all state representatives and state senators. The first election RCV will be used in Alaska is the November 8, 2022 General Election.

### New York, NY

In November 2019, New York City voters approved a Charter amendment to use RCV in special and primary elections to elect the city offices of Mayor, Public Advocate, Comptroller, Borough President, and City Council member.<sup>5</sup> No run-off election will be held for any ranked choice office. The first ranked choice voting elections took place in 2021, with four special elections for City Council in February and March and a citywide primary election for all five city offices on June 22, 2021. [The NYC Campaign Finance Board 2021-22 Voter Analysis Report](#) notes that 26.5% of New Yorkers turned out to vote in the primary election, making the 2021 primary election the highest voter turnout of any mayoral primary in the last several decades. However, in the general election, turnout fell to a historic low of 23.3%.<sup>6</sup> The report also provides RCV analysis, noting that 88.3% of voters ranked candidates for at least one office on the ballot, as shown in the box to the right.

#### NYC Campaign Finance Board Voting Analysis

- 88.3% of voters ranked candidates for at least one office on their ballot.
- 89.3% of Democrats ranked multiple unique candidates in at least one race.
- 56.6% of Republicans ranked multiple unique candidates in at least one race.

### California Cities

Cities in California who have approved use of RCV in elections are shown in the following table, which also shows when RCV was adopted and the types of elections for which it is used. San Francisco was the first city to switch to RCV, adopting the system to elect all city officials by a charter amendment in 2002 and holding its first RCV elections in 2004. Note that Berkeley and Oakland approved RCV in 2004 and 2006, respectively, but it was not implemented until 2010. This is because reconciling Alameda County’s voting equipment with the new voting system proved more challenging than anticipated. Three cities (Albany, Eureka, and Palm Desert) are projected to first use RCV in November 2022.

Other cities in California are also considering switching to ranked choice voting. For example, the [San Jose Charter Review Commission’s Final Report](#) (December 3, 2021) recommended to Consolidate Primary and General Elections for candidates and allow voters to rank multiple candidates in San José elections via RCV.

<sup>5</sup> [New York City Charter, section 1057-g.](#)

<sup>6</sup> Note that these voter participation rates are for a City-specific election; New York City voter participation rates for the 2020 US Presidential Primary and General Elections were 25.7% and 61.9% respectively.

| California City | Date A Date Adopted | Date Implemented | Type/s of Elections   |
|-----------------|---------------------|------------------|---|
| Albany          | 2020                | November 2022    | Projected to first be used for city council and school board in November 2022.  |
| Berkeley        | 2004                | 2010             | Used since 2010 to elect the mayor, city council and city auditor. Staggered elections are held every 2 years.  |
| Eureka          | 2020                | November 2022    | Projected to be used for mayor and city council elections beginning in November 2022.   |
| Oakland         | 2006                | 2010             | Used since 2010 for a total of 18 single-winner city offices, including mayor and city council. Staggered elections are held every 2 years. Also used for vacancy elections.  |
| Palm Desert     | 2020                | November 2022    | To be used for city council elections; projected to start in November 2022 as part of a California Voting Rights Act settlement. (One district is elected in a single-winner election, with the rest of the council electing citywide with proportional RCV.) |
| San Francisco   | 2002                | 2004             | Used since 2004 to elect the mayor, city attorney, Board of Supervisors and five additional citywide executive offices (all single-winner contests). Staggered elections, with elections 3 out of every 4 years. Also used for vacancy elections.             |
| San Leandro     | 2000                | 2010             | Used since 2010 to elect the mayor and city council (council elected at-large, by numbered post). Staggered elections are held every 2 years.   |

**Burlington, VT – RCV Was Implemented, Repealed, and then Reapproved**

Burlington, VT first used RCV in its 2006 mayoral election, electing a candidate with a majority after two rounds. Challenges with RCV occurred in the 2009 mayoral race, when after three rounds, a candidate won with 51.5 percent of the vote who had not received the most first-place or second-place votes. Subsequently this candidate was involved in a scandal involving misuse of city funds. The city repealed RCV in 2010.

RCV was re-approved in March 2021 for city council races and would first be used in the 2022 Town Meeting election.

**FISCAL AND POLICY DISCUSSION**

**Elections for the City of San Diego**

Elections for the City of San Diego are conducted by the San Diego County Registrar of Voters (ROV), including ballot development, mailing of ballots, administering the voting process,

tabulating results, and tallying and reporting. The City Clerk’s Office works with the County ROV to help administer municipal elections. The County ROV assigns election costs in a consolidated election through the use of a weighted average method which allocates costs to each jurisdiction based on the number of contests, registered voters, and sample ballot pages.

Election costs vary from year to year based on the number and types of races, ballot measures, etc., on each ballot, with citywide races like Mayor and City Attorney significantly increasing costs. Under the current majority voting method, the cost of the City of San Diego election held in November 3, 2020 was \$4.3 million, including five ballot measures and seven races: Mayor, City Attorney, and five Council Districts (1, 3, 5, 7, and 9), as shown in the following table. For the previous General election in November 6, 2018, which included eight ballot measures and four Council Districts (2, 4, 6, and 8), costs were \$2.4 million. Election-related costs include staff labor, overhead, rentals and equipment, postage, and costs for absentee ballots.

The County ROV also records the percentage of County of San Diego registered voters who voted in each election. Voter turnout also varies by election and depending on various factors such as current events, concerns, candidates, and ballot measures. As shown in the following table, 83.51% of registered voters in San Diego County voted in the November 3, 2020 presidential general election, with far fewer (49.73%) voting in the March 3, 2020 primary. Generally, voter participation rates are higher during Presidential General elections.

| Election Date and Type                    | Cost (\$ in millions) | City Races on Ballot |               |                             | Number of Ballot Measures | Voter Turnout* |
|---|-----------------------|----------------------|---------------|-----------------------------|---------------------------|----------------|
|   |                       | Mayor                | City Attorney | Number of Council Districts |                           |                |
| November 3, 2020<br>Presidential General  | \$4.30                | -                    | √             | 5                           | 5                         | 83.51%         |
| March 3, 2020<br>Presidential Primary     | \$2.96                | √                    | √             | 5                           | 2                         | 49.73%         |
| November 6, 2018<br>Gubernatorial General | \$2.35                | -                    | -             | 4                           | 8                         | 66.42%         |
| June 5, 2018<br>Gubernatorial Primary     | \$0.17                | -                    | -             | 4                           | -                         | 39.77%         |
| November 8, 2016<br>Presidential General  | \$4.15                | -                    | √             | 2                           | 12                        | 81.46%         |
| June 7, 2016<br>Presidential Primary      | \$5.26                | √                    | √             | 5                           | 9                         | 50.94%         |
| November 4, 2014<br>Gubernatorial General | \$0.02                | -                    | -             | 2                           | -                         | 44.76%         |
| June 3, 2014<br>Gubernatorial Primary     | \$1.34                | -                    | -             | 4                           | 3                         | 27.23%         |

\* Voter turnout represents the percentage of County of San Diego registered voters who voted in each election, provided on the [County of San Diego ROV website](#).

## **Dominion Voting System**

The County ROV implemented a Dominion Voting System that was first used in the Presidential Primary election on March 3, 2020. This system provided high speed scanners and replaced manual tabulation. While the Dominion Voting System currently used by the County is compatible with RCV, the County currently does not have the Dominion Ranked Choice Voting module and would need to purchase this module before RCV could be implemented, if it is placed on the ballot and approved by voters.

Comparisons of election costs over time or between jurisdictions would not be an apples to apples comparison, given the change from manual tabulation to high speed scanners and variances in election costs noted above.

## **Pros and Cons of Ranked Choice Voting**

We reviewed pros and cons associated with using RCV and provide some highlights below.

### **Pros**

Primary goals and pros of RCV includes increasing voter turnout, making candidate fields more diverse and giving voters more choice.

**Increases Voter Turnout** – When turnout is high, winners are more likely to reflect the will of the voting public and act on their wishes in government and voters are more likely to have a greater say in the policies that affect their lives. Many factors impact voter turnout, such as current events and concerns, specific candidates, issues, or ballot measures, it can be difficult to specifically attribute increases. As shown in the following table, San Diego’s voter turnout rates are similar to

| <b>Voting Participation Rates in Various California Counties</b> |                  |               |                    |                      |                |
|--|------------------|---------------|--------------------|----------------------|----------------|
| <b>Election Date and Type</b>                                    | <b>San Diego</b> | <b>Orange</b> | <b>Los Angeles</b> | <b>San Francisco</b> | <b>Alameda</b> |
| November 3, 2020<br>Presidential General                         | 83.5%            | 87.3%         | 78.9%              | 86.3%                | 81.3%          |
| March 3, 2020 Presidential<br>Primary                            | 49.7%            | 50.1%         | 38.3%              | 60.6%                | 51.2%          |
| November 6, 2018<br>Gubernatorial General                        | 66.4%            | 71.0%         | 57.0%              | 74.5%                | 66.8%          |
| June 5, 2018<br>Gubernatorial Primary                            | 39.8%            | 42.9%         | 28.9%              | 52.6%                | 39.7%          |
| November 8, 2016<br>Presidential General                         | 81.5%            | 80.7%         | 67.5%              | 80.7%                | 75.4%          |
| June 7, 2016 Presidential<br>Primary                             | 50.9%            | 49.6%         | 41.3%              | 56.6%                | 49.3%          |
| November 4, 2014<br>Gubernatorial General                        | 44.8%            | 45.0%         | 31.0%              | 53.0%                | 45.0%          |
| June 3, 2014<br>Gubernatorial Primary                            | 27.2%            | 24.1%         | 17.0%              | 29.7%                | 25.8%          |

those in other California counties, though they are generally below voter turnout in San Francisco where RCV has been used since 2004.

We note that San Diego's voter participation rates since 2014 have been similar to that of Alameda County; as noted above, several cities in Alameda County have used ranked choice voting since 2010.

**Promotes Majority Support** – The voting continues until one candidate has the majority of votes, so the final winner has support of the majority of voters. Note that in our current run-off system, the final elected position also ends up with a majority vote in the general election.

**Provides More Choice for Voters** – By ranking multiple candidates, voters can still have a voice in who gets elected even if their top choice does not win. Ranking multiple candidates ensures their vote will go toward their 2nd, 3rd, 4th, or 5th choice if their top choice is eliminated, giving them more voice in who wins. Voters can vote for the candidate they truly feel is best, without concern about strategic voting or the spoiler effect.

**Increases Diversity of Candidates** – More candidates from underrepresented populations could potentially advance to the general election. Cities that have implemented RCV have elected more women and more women of color, making their elected officials more representative of their communities.

**Discourages Negative Campaigning** – Proponents suggest that RCV reduces incentives for negative campaigning and increases civility among candidates, because it fosters more choice, more competition and a greater need for cooperation and engagement of voters. While RCV won't completely eliminate negative campaign strategies, as candidates are trying to earn second and third place votes, there are more incentives to listen to and engage with voters outside of their base.

**Elections Costs May Decrease** – RCV can save money by eliminating the cost associated with administering primary elections to narrow the field before the general election or run-off elections to choose a final winner after a general election (if no candidate has a majority and if the law requires a majority for that office). With IRV, the result can be obtained with one ballot.

### **Cons and Challenges**

There are several cons or challenges with RCV discussed below with potential options to address.

**May Appear Complicated or Confusing** – Education and outreach will be necessary to ensure all voters understand the voting system. Conducting outreach and education and providing simple, clear ballot design and instructions can help to address this challenge.

**Election Costs May Increase** – The ballots and the counting of the ballots will be more expensive due to the need for additional materials. The need for education and outreach will also increase costs. Eliminating the primary would help to offset or reduce cost increases.

**Results May Not Be Immediate** – The tabulation process when multiple rounds occur will require additional time, perhaps even days or weeks, until results are available. Results may take longer than they generally do with majority or plurality voting methods. Ensuring the tabulation methodology is consistent with RCV will increase efficiency of the process. Also, educating and preparing voters with realistic expectations of when results will likely be available could help to address this challenge.



**Results Could Fail to Get a Candidate with a Majority** – One of the potential drawbacks of IRV/RCV is that a non-Condorcet winner can still win depending on candidates and voter preferences.

**There Could be a High Number of Exhausted Ballots** – Ballot exhaustion is when a ballot is not included in the final count because all of the candidates ranked on that ballot have been eliminated during the vote counting process. This could occur due to confusion over how to rank candidates, running out of ranking slots when there is a large number of candidates, or some voters preferring to rank one candidate. Note that this is also an issue with the current majority system, when voters choose to just leave some positions up for election blank on their ballot without voting. Another concern is that some voters will have their ballots counted more than others, depending on which candidate is eliminated first. Conducting education and outreach could help to address these concerns.

## **Ranked Choice Voting Ballot Measure Proposal for the City of San Diego**

The ballot proposal submitted by More Choice San Diego would provide RCV in primary and general elections for all City of San Diego elections including Mayor, City Attorney, City Council members as well as San Diego Unified School Board members. This requires amendments and additions to the City Charter.<sup>77</sup> The proposed changes for implementing RCV would be effective January 1, 2024. Key provisions of the proposal are discussed below.

### **Primary Elections**

If there are five or fewer candidates running in the primary election, the primary would be eliminated, and all qualified candidates will advance to the general election. If there are six or more candidates in the primary, instant runoff voting would be used to determine which five candidates will advance to the general election.

More Choice San Diego told us they initially planned on advancing four candidates as part of the proposal but changed this to five to address potential concerns. The RCV coalition believes advancing five candidates creates more opportunity for competitive elections, increases the savings from the reduction in primary elections, and reduces the chance of unranked ballots from an oversized field in the General Election.

As part of the proposed measure, special elections for Council districts and Citywide offices would not include a primary and would use an RCV ballot method to select from among the candidates nominated to fill the vacant office.

### **Ranked Choice Ballot Method**

As we described earlier with Instant Runoff Voting (IRV), in the general election if any candidate receives a majority of first choice votes cast, then that candidate is elected. If no candidate receives a majority, IRV would determine the winner. If no candidate receives more than 50% of first-choice votes cast, then the candidate receiving the fewest first-choice votes would be considered defeated and a new round of counting would be conducted without the defeated candidate. In the new round, for each ballot that listed the defeated candidate as a first choice, the highest ranked

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<sup>77</sup> This requires amending Article II Paragraphs 1,6,7 and adding a Section 10.5 and amending Article VI Section 66 Paragraphs 2 and 3 of the City Charter.

choice remaining on that ballot would then be counted as a first-choice vote and the runoff tabulations for the remaining candidates would be adjusted accordingly. This process continues until a candidate has a majority of the votes.

### **Publication of Ballots**

The proposal includes a provision that, for each election, an electronic copy of each ballot cast in the election, stripped of all information that could identify the voter who cast the ballot but showing the voter's order of preference for candidates, would be posted on the City website within 30 days after the election results have been certified. The purpose of this provision is for transparency over the election and tabulation process.

The City Attorney's Office reviewed this provision and concluded the proposed language regarding the publication of the ranked choice ballots is inconsistent with state law, specifically Elections Code sections 15370 and 17301.<sup>8</sup> Ballots are maintained by the County ROV (and are not within the City's possession) and, under the law, are not subject to public inspection except during the actual counting process, which allows for observers during the counting of the vote. The City would not be able to legally comply with this provision.

The City Attorney's Office notified More Choice San Diego and they indicated that they will remove that provision from their proposal and resubmit to the Rules Committee consultant.<sup>9</sup>

### **Estimated Resources Needed for Implementation**

It is important that policy makers and voters have accurate facts about the costs of RCV implementation. To estimate potential costs for implementing RCV in the City of San Diego, the County ROV conducted research and consulted with the City of San Francisco, which has using RCV since 2004.<sup>10</sup> The ROV noted that more research would need to be done on how best to target City of San Diego voters without confusing the other jurisdictions in the county.

Total implementation costs are estimated to be \$3.5 million, as shown in the following table, including:

- \$555,000 in one-time costs to purchase the Dominion Ranked Choice Voting module, implement, and train staff; design a new webpage; and provide public service announcements.
- \$70,000 in annual ongoing software maintenance and support costs.
- \$2.8 million in ongoing costs per election for voter education and outreach, additional ballot, and voter information. The County ROV noted that the robustness of the \$1.65 million Outreach Campaign included as part of this total amount, may taper off as RCV becomes more socialized, but expects a high-level of outreach to be required through at least eight election cycles. We discuss this more in the "Education and Outreach" section.

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<sup>8</sup> See also, *Citizens Oversight, Inc. v. Vu*, 35 Cal. App. 5<sup>th</sup> 612 (2019).

<sup>9</sup> More Choice San Diego is also planning to revise their proposed changes to Charter section 66 (regarding the school board) as they used outdated language.

<sup>10</sup> San Francisco was the first California city to switch to RCV, adopting the system to elect all city officials by a charter amendment in 2002 and holding its first RCV elections in 2004.

| Items Required for Implementation  | One-time Costs   | Annual Costs    | Cost Per Election |
|--|------------------|-----------------|-------------------|
| Dominion Voting System   |                  |                 |                   |
| Purchase of Ranked Choice Voting Module  | \$350,000        |                 |                   |
| Vendor Implementation and Training Costs   | \$75,000         |                 |                   |
| Software Maintenance and Support   |                  | \$70,000        |                   |
| Additional Ballot and Related Materials  |                  |                 |                   |
| Voter Information Pamphlet (6 pages)   |                  |                 | \$400,000         |
| Ballot Card  |                  |                 | \$200,000         |
| Additional Insert in Vote by Mail Packet   |                  |                 | \$200,000         |
| New Webpage Design and Functionality with Interactive Practice Ballot                | \$30,000         |                 |                   |
| Public Service Announcements (audio, video development, translation, and production) | \$100,000        |                 |                   |
| Outreach Program/Voter Education Workshops   |                  |                 | \$350,000         |
| Voter Education and Outreach Campaign  |                  |                 | \$1,650,000       |
| <b>Total</b>   | <b>\$555,000</b> | <b>\$70,000</b> | <b>\$2,800,00</b> |

Note: All outreach and voting materials must be translated into federally covered languages (currently Spanish, Filipino, Vietnamese, and Chinese).

The ongoing election costs include \$800,000 for additional ballots, related materials, and inserts. Ballots currently are lengthy, and they could be longer and/or more numerous with RCV. Additionally, the County and State would most likely continue to use majority voting, which means that more than one type of voting would be on the ballot. An effectively designed ballot could help to make this process simpler and clearer. The sample ballot shown here is from the [Alaska Division of Elections website](#). Note, the ballot includes a space for write in candidates to be ranked.

| United States Senator                  |                                  |                                  |                                  |                                  |                       |
|--|----------------------------------|----------------------------------|----------------------------------|----------------------------------|-----------------------|
|  | 1st Choice                       | 2nd Choice                       | 3rd Choice                       | 4th Choice                       | 5th Choice            |
| Heather OLSON (Registered Libertarian) | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> |
| Chick HICKS (Registered Republican)    | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> |
| Naomi JACKSON (Nonpartisan)            | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| Tiffany STRAIT (Registered AK Indep)   | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/> |
| Write-In:                              | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> |

### **Education and Outreach**

Because RCV would be new and a change from the previous majority system, and ranking candidates is more complex than choosing one candidate, significant education and outreach would be needed. Costs for the Voter Education and Outreach Campaign of \$1.65 million, shown in the table above, were developed by the County ROV and assume spending \$2 per registered voter in the City of San Diego. The County ROV believes this high level of outreach would be required for eight election cycles. We agree that extensive outreach and education is needed for the first few elections, but beyond that we believe that this amount might decrease more rapidly as RCV becomes normalized.

The County ROV noted that the Education and Outreach campaign would target low-income communities, communities of color, persons with disabilities, state and federal language communities and the general population. It includes development, design, and translations:

- Direct mailers (printing and postage)

- Digital advertisements
- Social media advertisements
- Radio and streaming audio ads
- Video and televisions ads
- Outdoor posters and billboards
- Transit and transit shelter ads

To support education and outreach for RCV, some jurisdictions have added a voter outreach coordinator/s in their elections departments, and this may also be a consideration for the City Clerk’s office.

**Costs Could be Offset by Savings of Eliminating the Primary Election**

While additional resources would be needed to implement RCV, these costs could be offset in cases where the primary election is eliminated. Costs for City of San Diego primary elections since 2014 ranged from \$1.3 million to \$5.3 million, depending on the number and type of races and ballot measures. Some of these costs would be saved if fewer than 6 candidates are running (based on the current ballot proposal for RCV). However, we note that implementing RCV may increase the number of candidates that enter races given their increased chances of advancing to the general election.

**Implementation-Related Issues to Consider**

If Council determines it would like to move forward at this time and place this proposal on the ballot for consideration by voters, we want to note several important implementation-related issues to consider.

- Based on discussions with the City Clerk’s Office, we believe the implementation of RCV should be contingent on the County ROV allowing the City to continue to consolidate ballots. If ballots are not consolidated, elections would be much more expensive for the City. Additionally, the City Clerk’s Office is not currently staffed or equipped to properly run unconsolidated City elections.
- The date of implementation should be changed from January 2024 to January 2026. This will provide additional time for outreach, education, and implementation. Moving implementation to 2026 also would provide the City Attorney’s Office more time to prepare a corresponding implementation ordinance, because the Municipal Code will also need to be updated. This would also avoid any appearance of conflict with the current City Council as it is outside of current term limits.<sup>11</sup>
- Revise the proposed ballot measure to remove the provision regarding the publication of the ranked choice ballots given the City Attorney Office’s opinion it is inconsistent with state law and the City would not be able to legally comply with this provision.

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<sup>11</sup> It should be noted that while moving the implementation date would help to avoid the appearance of any conflicts, the City Attorney’s Office does not believe there is an actual conflict of interest for this Council to propose an earlier implementation date. Practical considerations however, as discussed above, argue for a 2026 implementation date.

- Consider partnering with appropriate voting groups to share costs on outreach and education. More Choice San Diego noted that it has a 503 organization that potentially could provide up to \$1 million in funds for outreach and education for RCV.

## CONCLUSION

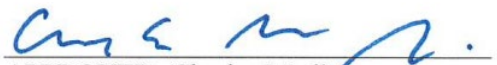
In the United States and other modern democracies, elections are one of the most fundamental components of the maintenance of government. Citizens vote for their government officials and these officials represent the concerns and ideas of the citizens in government. As the country grapples with increased divisions and polarization, policymakers and citizens often are seeking electoral reform and solutions. There are a number jurisdictions that have successfully adopted RCV, and proponents note it promotes inclusivity and participation by putting more power in the hands of voters.

Based on our assessment of potentially implementing RCV in the City of San Diego, we believe that extensive outreach and education would be needed for at least the first few elections after implementation, though that this need may diminish if RCV became more normalized. Also, while difficult to predict, there could be potential cost savings in elections where primaries are eliminated due to having five or fewer candidates.

While there are some provisions of the proposed measure for RCV that we believe require additional analysis (or amendment if the item is put before voters on the upcoming November ballot), we ultimately conclude that the decision to include a measure on the ballot is a policy call for Council. If Council determines it would like to move forward at this time, we do suggest including amendments suggested by the City Clerk and City Attorney's office in the measure.



Erin Noel  
Fiscal & Policy Analyst



APPROVED: Charles Modica  
Independent Budget Analyst



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: April 1, 2022

TO: Brendan Dentino, Rules Committee Consultant

FROM: Elizabeth Maland, City Clerk *Elizabeth Maland*

SUBJECT: Ballot Proposal for Committee Review

Attached is a ballot proposal filed in my office pursuant to Council Policy 000-21 for the submission of ballot proposals to be reviewed by the Committee for possible placement on the November ballot.

| Date Filed | Topic                                  | Proponent             |
|------------|--|-----------------------|
| 4/1/2022   | Ranked Choice Voting Charter Amendment | More Choice San Diego |

Attachment

EM/jb

cc: Haley Lesser, Director of Legislative Affairs  
 Heather Ferbert, Chief Deputy City Attorney



April 1, 2022  
*Sent via email*

Office of the City Clerk  
Attn: Elizabeth Maland  
202 C St., Second Floor  
San Diego, CA 92101  
[cityclerk@sandiego.gov](mailto:cityclerk@sandiego.gov)

**Re: Submission by San Diegans for Ranked Choice Voting**

To the Honorable City Council of the City of San Diego:

As provided for in City Council Policy 000-21, we as residents and voting members of the City of San Diego submit to the City Council the following ballot proposal to amend Article II Paragraphs 1,6,7 adding a Section 10.5 and amending Article VI Section 66 Paragraphs 2 and 3 of the City Charter to provide Ranked Choice Voting in primary and general elections for all city elections including mayor, city attorney city council members and school board members.

Under the proposal if there are five or fewer candidates running in the primary election, the primary shall be eliminated, and all qualified candidates will advance to the general election. If there are six or more candidates, instant runoff voting shall be used to determine which five candidates shall advance to the general election. In the general election if any candidate receives a majority of first choice votes cast, that candidate is elected. If no candidate receives a majority, instant runoff voting shall determine the winner.

This change will provide voters more choice in the general election, promote more diverse ideas, encourage more civil campaigns, and assure the final winner has the support of the majority of voters.

Additions are *single-underline italics Times New Roman*.

Deletions are ~~strikethrough Times New roman~~.

The proposed Charter Amendment shall become effective at the 2024 Primary Municipal Election and reads as follows:

**PART 1**

**Section 10: Elections**

Elective officers of the City shall be nominated and elected by all of the electors of the City except that City Council members *and School Board members* shall be nominated and elected by the electors of the district for which elective office they are a candidate.

Commencing with the year 1996, the municipal primary elections to the office of Council member for Districts 1, 3, 5, and 7 shall be held on same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year. Commencing with the year 2012, the election to the office of Council member for District 9 shall be held on the same date as the election to the office of Council member for Districts 1, 3, 5, and 7.

Commencing with the year 1998, the municipal primary elections to the offices of Council member for Districts 2, 4, 6, and 8 shall be held on same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year.

Commencing with the next municipal primary and general elections following the redistricting occurring after the 2010 national decennial census, and every four years thereafter, the municipal primary and general elections to the office of Council District 9 shall be held.

Commencing with the year 1984 the elections to the offices of Mayor and City Attorney shall be held every four (4) years. The municipal primary election for the offices of Mayor and City Attorney shall be held on the same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year. All other municipal elections which may be held under this Charter shall be known as special municipal elections.

All elective officers of the City shall be nominated at the municipal primary election- using a ranked-choice ballot method. The ~~two~~ five candidates receiving the highest number of votes for a particular elective office at the primary shall be the candidates, and only candidates, for such office and the names of only those ~~two~~ five candidates shall be printed upon the ballots to be used at the general municipal election. ~~In the event only one candidate has qualified for the ballot in the municipal primary election for a particular elective office, the sole qualified candidate receiving votes in the municipal primary election shall be deemed to be, and declared by the Council to be, elected to such office after the primary election results are certified. Notwithstanding the foregoing, the City shall permit write-in candidates for all municipal elections, including general elections.~~

If five or fewer candidates qualify to be placed on the municipal primary election ballot for a particular elective office, the City shall forgo the primary election for that particular office and the qualified candidates shall be automatically nominated and printed upon the ballots to be used at the general municipal election for that office.

At each general municipal election held for the purpose of electing Council members *and School Board*, the electors of each Council *and School Board* district shall use a ranked-choice ballot method to select from among the candidates nominated ~~chosen~~ at the primary election in that district one candidate for the office of the Council member whose term expires the succeeding December. ~~At the general municipal~~



~~election held for the purpose of electing any other elective officer, there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary one candidate to succeed any other elective officer whose term expires in December succeeding the election. At each general municipal election held for the purpose of electing any elective City-wide officer, the electors of the whole City shall use a ranked-choice ballot method to select from among the candidates nominated at the primary election for the particular City-wide office one candidate to succeed the elective officer who holds that office and whose term expires the succeeding December.~~

Special municipal elections shall not include a primary. At each special municipal election held for the purpose of electing a Council member, the electors of each Council district shall use a ranked-choice ballot method to select from among the candidates nominated to fill the vacancy of a Council office. At each special municipal election held for the purpose of electing any elective City-wide officer, the electors of the whole City shall use a ranked-choice ballot method to select from among the candidates nominated to fill the vacancy of the particular City-wide office.

After the result of an election for any office is declared, or when an appointment is made, the City Clerk, under his or her hand and official seal, shall issue a certificate therefor, and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

As used in this Section 10, "ranked-choice ballot method" means the ballot method established pursuant to Section 10.5.

**Section 10.5: Ranked-Choice Ballot Method**

A. The City Council must implement by ordinance an “Instant-runoff voting” method of counting the votes and breaking ties by January 1, 2024, in which:

1. For purposes of counting the votes for the winner in general and special elections:

- i. The votes shall be counted in successive rounds using a series of runoff tabulations to defeat candidates with the fewest votes. There shall be at least one round of counting. If necessary, counting rounds shall continue until one candidate has received more than 50% of first-choice votes on continuing ballots.
- ii. At the end of the round of counting, if any candidate has received more than 50% all first-choice votes cast, then that candidate shall be deemed elected and there shall be no further counting rounds. However, if no candidate has received more than 50% of first-choice votes cast, then the candidate receiving the fewest first-choice votes shall be declared defeated and then a new round of counting shall be conducted without the defeated candidate.
- iii. In the new round, for each ballot that listed the defeated candidate as a first choice, the highest ranked choice remaining on that ballot shall then be counted as a first-choice vote and the runoff tabulations for the remaining candidates shall be adjusted accordingly.
- iv. Upon completion of the new round of counting, the procedures specified in sub-paragraphs (ii) and (iii) above shall be followed until one candidate has received more than 50% of the votes on continuing ballots and that person shall be deemed elected.

2. For purposes of counting the votes for the nomination of candidates in the primary election:

- i. The voters may rank up to five candidates.
- ii. The votes shall be counted in successive rounds using a series of runoff tabulations to defeat candidates with the fewest votes. There shall be at least one round of counting unless five or fewer candidates received votes, in which case those candidates shall be deemed nominated. If necessary, counting rounds shall continue until only five candidates remain.
- iii. At the end of the round of counting, the candidate receiving the fewest first-choice votes shall be declared defeated and then a new round of counting shall be conducted without the defeated candidate.
- iv. In the new round, for each ballot that listed the defeated candidate as a first choice, the highest ranked choice remaining on that ballot shall then be counted as a first-choice vote and the runoff tabulations for the remaining candidates shall be adjusted accordingly.

v. Upon completion of the new round of counting, the procedures specified in sub-paragraphs (iii) and (iv) above shall be followed until only five candidates remain and those candidates shall be deemed nominated.

- B. For each election, an electronic copy of each ballot cast in the election, stripped of all information that could identify the voter who cast the ballot but showing the voter's order of preference for candidates, shall be deemed a public record and shall be posted on the City's Internet website not more than 30 days after the results of the election have been certified as prescribed by law. The purpose of this provision includes, but is not limited to, enabling members of the public to verify for each election that the counting of votes using the ranked-choice voting method prescribed by this Section was performed correctly.
- C. In the event the City Council adopts any implementation ordinance that does not comply with this Section or fails to adopt an implementation ordinance by January 1, 2024, any registered voter in the City shall have standing to seek judicial enforcement of the City Council's obligation to adopt an implementation ordinance in conformity with this Section.

### **Section 66: Board of Education**

The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be nominated and elected at the regular municipal primary elections and the general municipal elections at the same time and with the same ranked-choice ballot method as the election of Councilmembers. At the municipal primary election there shall be chosen by the registered voters of each Board of Education District ~~two~~ five candidates for the office of any Board of Education member from a District whose term expires the succeeding December. At the general municipal election the registered voters of the whole San Diego Unified School District shall select from among the candidates nominated ~~chosen~~ at the primary election in each district one candidate for the office of each Board of Education member whose term expires the succeeding December using a ranked-choice ballot method. Each candidate for the Board of Education shall have been a registered voter of the San Diego Unified School District and an actual resident of the election district from which the candidate seeks to be nominated for thirty (30) days immediately preceding filing of a nomination petition. The members shall serve for a term of four years from and after 10 a.m. the first Monday after the first day of December next succeeding this election and until their successors are elected and qualified, except as herein provided. Notwithstanding any other provision of this Charter, and commencing in 2020, no person shall serve more than three four-year terms as a member of the Board of Education. Board members who hold the office as of the date of the Municipal General Election in 2020 shall not have prior or current terms counted for purposes of applying this term limit provision.

Any vacancy occurring in the Board shall be filled from the election district in which the vacancy occurs by appointment by the remaining Board members; but in the event that said remaining members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause to be held a ~~primary election in the district in which the vacancy occurs and a general~~ special election within the entire school district to fill such vacancy; provided, however, that any person

appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

For the purpose of electing members of the Board of Education, the San Diego Unified School District shall be divided into five (5) districts as nearly equal in registered voter population as practicable. For the first primary and regular election held under this section, as amended, the boundaries of such election districts shall be established by the Board of Education as such Board existed on the effective date of the amendment to this section. Thereafter, the boundaries of such election districts shall be subject to alteration and change under the provisions of this section. The Board of Education, by resolution, may change and alter the boundaries of the election districts and in the resolution may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in said resolution.

As used in this Section 66, "ranked-choice ballot method" means the ballot method established pursuant to Section 10.5.

## **PART 2**

If any section, sub-section, clause, or other portion of this Amendment is held invalid, the remainder of this Amendment shall remain in full force and effect as if the Amendment had been adopted without the invalid portion. To this end, the Amendment is declared to be severable.

[Statement of Reasons and Signatures Below]

## STATEMENT OF REASONS

### San Diegans for Ranked Choice Voting

A statement of the reasons for the proposed action as contemplated in said amendment is as follows:

**Purpose:** is to modify the election process in the City to provide voters more choice, more voice, more diverse ideas, and more civility in elections:

1. **More voter participation.** Studies show that ranked choice voting increases voter turnout.
2. **More civility.** Voters can reward candidates who engage in positive campaigning by ranking them ahead of other candidates.
3. **More voter choice.** Voters can vote for the candidate they like the best without worrying that they will help the candidate they like the least.
4. **More diversity.** More candidates from underrepresented populations will advance to the general election.
5. **Save taxpayer dollars.** The City will save the cost of running “unnecessary” primary elections when 5 or less candidates run for an office.

With ranked-choice voting, the top-five vote getters advance to the general election instead of just two. As a voter you can still vote for only one candidate in the primary or November General election or you can rank five candidates in order of preference (first choice, second choice, and so on). In the General election, if any candidate receives the majority of votes they are declared the winner. If no candidate receives a majority, the winning candidate is determined by a ranked choice voting counting methodology to be statutorily implemented by the City Council in accordance with the principles and purpose established herein.

**Offices:** All elective officers of the City, including School Board

Ranked Choice Voting is not new. It has been enacted or used for some elections in 25 states, 33 U.S. municipalities, and statewide in Alaska and Maine.

Sincerely,



Aniya Brown

Policy Director, Community Advocates for a Just and Moral Governance (MOGO)



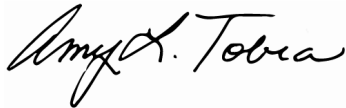
Ed Chaplin  
Representative, MoreChoiceSD Team



Lori Thiel  
Vice President, San Diego League of Women Voters



S. Chad Peace  
Legal Advisor, Independent Voter Project



Amy Tobia  
Local Representative of Represent.us

cc: San Diego City Councilmembers, Mayor, and City Attorney

## Jurisdictions Using Ranked Choice Voting

As of June 2022, Ranked Choice (RCV) is the voting method that *either is currently used or has been approved but not yet implemented* in about 60 jurisdictions in the United States, including two states (Alaska and Maine), one county (Benton County, OR), and about 57 cities (see below). Note that this number increases as jurisdictions approve and implement RCV. There may be legal questions in some cases, such as in Austin, TX and Memphis, TN. For more information on jurisdictions implementing RCV, see [FairVote.org](https://FairVote.org).

- |                                |                               |
|--------------------------------|-------------------------------|
| 1. Albany, California          | 30. Millcreek, Utah           |
| 2. Amherst, Massachusetts      | 31. Minneapolis, Minnesota    |
| 3. Arden, Delaware             | 32. Minnetonka, Minnesota     |
| 4. Austin, Texas               | 33. Moab, Utah                |
| 5. Basalt, Colorado            | 34. New York City             |
| 6. Benton County, Oregon       | 35. Newton, Utah              |
| 7. Berkeley, California        | 36. Nibley, Utah              |
| 8. Bloomington, Minnesota      | 37. Oakland, California       |
| 9. Bluffdale, Utah             | 38. Palm Desert, California   |
| 10. Boulder, Colorado          | 39. Payson, Utah              |
| 11. Broomfield, Colorado       | 40. Portland, Maine           |
| 12. Burlington, Vermont        | 41. River Heights, Utah       |
| 13. Cambridge, Massachusetts   | 42. Riverton, Utah            |
| 14. Carbondale, Colorado       | 43. Salt Lake City, Utah      |
| 15. Cottonwood Heights, Utah   | 44. San Francisco, California |
| 16. Draper, Utah               | 45. San Leandro, California   |
| 17. Easthampton, Massachusetts | 46. Sandy, Utah               |
| 18. Eastpointe, Michigan       | 47. Santa Fe, New Mexico      |
| 19. Elk Ridge, Utah            | 48. Sarasota, FL              |
| 20. Eureka, California         | 49. South Salt Lake, Utah     |
| 21. Ferndale, Massachusetts    | 50. Springville, Utah         |
| 22. Genola, Utah               | 51. St. Louis Park, Minnesota |
| 23. Goshen, Utah               | 52. St. Paul, Minnesota       |
| 24. Heber, Utah                | 53. Takoma Park, Maryland     |
| 25. Las Cruces, New Mexico     | 54. Telluride, Colorado       |
| 26. Lehi, Utah                 | 55. Vineyard, Utah            |
| 27. Magna Township, Utah       | 56. Westbrook, Maine          |
| 28. Memphis, Tennessee         | 57. Woodland Hills, Utah      |
| 29. Midvale, Utah              |                               |