OFFICE OF THE CITY CLERK

REPORT

REPORT TO THE COMMITTEE ON RULES, OPEN GOVERNMENT AND INTERGOVERNMENTAL RELATIONS

DATE: April 5, 2006 REPORT NO.: CC-06-02

SUBJECT: ELECTIONS TASK FORCE ASSIGNMENTS AND TIMELINE

ISSUE

To develop a list of study assignments for the Elections Task Force, and to develop a timeline for the purpose of completing those assignments.

BACKGROUND

On February 6, 2006, with R-301223, the City Council acted to establish an Elections Task Force with the understanding that the specific agenda and timeline for the Task Force would be approved by the Rules Committee.

The specific structure of the Task Force was approved by Council, and will consist of the following:

The City Clerk will chair the Task Force, which will be staffed by the Mayor's Office, the City Attorney's Office, and the Office of the Independent Budget Analyst. Each Council-member and the Mayor have appointed an individual to sit on the task force, as follows:

Hon. Council President Scott Peters has appointed Faith Bautista;
Hon. Councilmember Kevin Faulconer has appointed Mel Shapiro ;
Hon. Councilmember Toni Atkins has appointed Kevin Davis;
Hon. Council President Pro Tem Tony Young has appointed Cassandra Clady;
Hon. Councilmember Brian Maienschein has appointed Charles G. Abdelnour;
Hon. Councilmember Donna Frye has appointed Charles R. Imes;
Hon. Councilmember Jim Madaffer has appointed John Kern;
Hon. Councilmember Ben Hueso has appointed Adrian Kwiatkowski; and
Hon. Mayor Jerry Sanders has appointed Craig Benedetto.

The Task Force will initially meet twice per month on a day and at a time set by the City Clerk once the agenda and timeline for the Task Force have been established by the Rules Committee. The first meeting is expected to be held in April 2006. All meetings will be publicly noticed.

DISCUSSION

The following topics have been identified as potential initial matters for the Task Force to study, subject to the approval of the Rules Committee:

1. Mail-Only Ballot

On May 5, 1981, the City of San Diego conducted by mail a special, referendary election on a proposed convention center. Voter turnout was 60.8%, with an estimated cost savings of 40% compared to the cost of a conventional election.

To date, that has been the City's only experience with a mail-ballot election, and much has changed in the intervening 25 years. For example, state law now enables any voter to request to be a Permanent Absentee Voter, and the San Diego County Registrar of Voters (ROV) reports that approximately 22% of the City's voters are currently registered as such. In the City of Oceanside's recent special election, more voters cast their ballots by mail than at a polling place. In the City of San Diego's recent run-off election in District 2, nearly half of the ballots cast were absentee ballots. The City's experience in 1981 indicated that a mail-only election could result in greater voter participation; however, its impact on more transient voters is unknown.

The Council could enact a mail-only ballot by ordinance. Input from the ROV would be vital.

Timeline:

Research – 4 weeks
Discussion and Report-Writing – 3 weeks
Docketing for Rules Committee – 1 week
TOTAL: 8 weeks

2. Instant Run-off Voting

There are various permutations of Instant Run-off Voting (IRV), which is a voting system that falls under the umbrella term "preferential voting." Other iterations include Proportional, Supplemental, and Ranked Choice Voting. In addition to discussing these variations with the Registrar of Voters, we would like to do some benchmarking with other jurisdictions that have implemented some form of IRV (Berkeley, San Francisco, San Leandro, Oakland, Santa Clara County) for their recommendations regarding the

timeframe for implementation, the process for educating the public, and other pertinent issues.

A Charter amendment would be needed prior to implementing any new IRV process, whether it was intended to replace regular elections or would be used solely in the case of special elections to fill a vacancy. The extent of the Charter amendment would depend on what Council ultimately elects to pursue, and the City Attorney's input would be critical. In addition to allowing for IRV, other potential Charter-change issues include but are not necessarily limited to the question of consolidation, and the timing of the IRV election (i.e., whether the election would be held in June, November, or some other month).

If IRV is approved, there would be a delay of several years before its implementation, because of hardware/software certification requirements.

The Ballot

If the City continues to consolidate its elections, IRV could probably not be accommodated on the regular ballot provided by the Registrar. The amount of space City races would require has the potential to triple. This could require a second ballot page, which would increase costs and difficulty for every jurisdiction on the ballot. We believe that the City of San Diego is currently the only local jurisdiction actively discussing IRV. Thus, we would pay all costs associated with changes to the ballot. Again, these ballot issues assume a consolidated election. Moving to a stand-alone election would resolve some of these ballot-related issues, but would create additional cost impacts.

Voter Education

With IRV, the City's race would look, and be, different from every other jurisdiction on the ballot. Even if we moved to stand-alone elections, intensive voter education would be required to insure that voters understand how to mark the multiple columns of bubbles. There would be significant cost and timing considerations regarding this necessary outreach.

Software & Hardware

The County's current software cannot support IRV. The County's RFP with Diebold calls ultimately for the capability, but even once the tabulation software is changed to accommodate IRV, the system must be tested by an independent testing authority, federally qualified, and recertified by the State of California.

The task force could research other vendors with whom the City could contract in place of the County, should we opt for stand-alone elections. San Francisco uses ES&S. Again, there would be issues of cost, feasibility and reliability.

Timeline:

Research – 8 weeks
Discussion and Report-Writing – 3 weeks
Docketing for Rules Committee – 1 week
TOTAL: 12 weeks

3. Alternative Election Services Providers

Currently, the City contracts for election services with the County of San Diego Registrar of Voters (ROV). The ROV's staffing, expertise and equipment have historically provided for an efficient, effective election process.

For the November 16, 2004, special election in District 4, the ROV was only able to provide limited services to the City because of the statewide general election held earlier in the month. Subsequently, the City contracted for certain services with a private vendor, and handled many election-related tasks in-house.

It would be practical to investigate the availability of other private vendors offering services similar to those of the ROV as alternatives, particularly should the City decide to pursue mail-only ballots or instant run-off voting.

Timeline:

Research – 6 weeks
Discussion and Report-Writing – 3 weeks
Docketing for Rules Committee – 1 week
TOTAL: 10 weeks

4. Voter Outreach

Recent attention has been given to voter turnout in a variety of jurisdictions. In the City, turnout varies fairly dramatically by type of election and by district. The task force could examine the issue of voter outreach to boost public participation in municipal elections.

Timeline:

Research – 4 weeks
Discussion and Report-Writing – 3 weeks
Docketing for Rules Committee – 1 week
TOTAL: 8 weeks

5. Ballot Tabulation

The task force's examination of and report out on the process used by the ROV to tabulate ballots in City elections would respond to concerns from various members of

the public as to the integrity of that process. It should be noted that the June 6, 2006, statewide primary election--with which the City is consolidating its primary election for Councilmembers in Districts 2, 4, 6, and 8--provides an excellent opportunity for task force members to view first-hand the ROV's tabulation process.

Timeline:

Research – 8 weeks
Discussion and Report-Writing – 3 weeks
Docketing for Rules Committee – 1 week
TOTAL: 12 weeks

6. Public Financing of Elections

Proponents of this concept claim that public financing of elections would improve the integrity of government officials by reducing the influence of special interests on elections, by enabling lawmakers to focus on their work rather than on fundraising, and by allowing all viable candidates the financial resources with which to communicate with voters. Opponents cite free-speech issues, and the cost to taxpayers at the expense of other programs.

At least six states currently have implemented some form of public financing in recent years. In 2005, voters in Portland, Oregon and Albuquerque, New Mexico approved full public financing for their city elections. In those cities, participating candidates now collect a certain number of small "qualifying contributions" to demonstrate community support, reject private donations, limit campaign spending, and agree to strict electioneering regulations. In return, the participants receive limited amounts of campaign dollars from a publicly financed fund. Candidates who do not wish to participate are able to raise and spend private money for their campaigns.

In mid-March, 2006, the Los Angeles Ethics Commission voted to recommend public financing to the City Council for possible inclusion on an upcoming ballot, despite a warning that the cost would be up to $9 million annually.

Public financing of City of San Diego elections is currently being pursued by a ballot measure committee, Neighborhoods for Clean Elections, which appears to be an offshoot of the local Alliance for Clean Elections. The committee appears to be finalizing their Charter amendment language, and a representative of the committee has indicated that they hope to put the Charter amendment on the ballot in 2008.

Timeline:

Research – 8 weeks
Discussion and Report-Writing – 3 weeks
Docketing for Rules Committee – 1 week
TOTAL: 12 weeks

7. Write-In Ballot Space

The ballot style currently used by the ROV always provides a space for voters to write in the name of a candidate whose name does not already appear on the ballot, even in those races where no one has qualified as a write-in candidate. Some voters may find this confusing, while others may use it to indicate their dissatisfaction with those candidates whose names do appear on the ballot. Recently, the question has arisen as to whether that space must appear on the ballot.

An additional, related area of interest lies in using the space to denote "None of the Above" (NOTA). In fact, this idea was presented to the voters of the State of California as Proposition 23 on March 7, 2000. The proposition, which failed 36.3% to 63.7%, would have provided that NOTA votes be tallied and listed in the official election results, but not counted for purposes of determining who wins the election. (It should be noted that alternative opinions exist about what should occur in the event that NOTA receives more votes than any of the qualified candidates.)

Further, certain differences exist between state and local law regarding the tabulation of election results; one such apparent difference relates to the matter of filling in the bubble beside a write-in candidate's name in order to complete the act of voting. When City elections are consolidated with statewide elections, the ROV follows state law in its canvass of votes. The inconsistency between City and state law could be eliminated with a change to the Municipal Code.

Timeline:
Research – 8 weeks
Discussion and Report-Writing – 3 weeks
Docketing for Rules Committee – 1 week
TOTAL: 12 weeks

CONCLUSION

With the passage of R-301223, the concept of an Elections Task Force was approved by the City Council; specific topics for study would be assigned by the Rules Committee. Once the agenda and timeline for the Task Force has been determined, the Task Force will present these items to the Rules Committee for feedback on and approval of all recommendations before presentation to the full Council.

Submitted by:

_____
Elizabeth Maland, City Clerk

cc: Michael Aguirre, City Attorney
Ronne Froman, Chief Operating Officer