# Should The City of San Diego create a Citizens Task Force or Charter Amendment Commission to begin the process of adopting INSTANT RUNOFF VOTING (IRV) in City elections?

by

Edward Teyssier, Esq.
Chair, San Diego Libertarian Party

## 1. How the IRV system works

Instant Runoff Voting (IRV) is a voting method which is superior to either of San Diego's two present methods of voting which are properly called Plurality Voting and Top-Two Runoff voting. Footnote 1. With IRV the voters vote by ranking their choice of candidates, e.g., First choice, second choice, third choice, etc. If no candidate receives a majority of first choice votes then the candidate with the least number of votes is eliminated and his ballots transferred to the candidate indicated by the second choice on those ballots and the ballots re-counted. The process of elimination and re-counting continues until one candidate receives a majority of the votes. The process is similar to having a whole series of run-off elections, eliminating one candidate per run-off election, but because the voters have already indicated on their ballots their second, third, etc. choices all the run-off elections can happen at once. Hence, the name *Instant* Runoff Voting.

## 2. The pros and cons of IRV (Footnote 2).

Pro:

- Save the time and expense of a runoff election [In City of San Diego the typical City cost of a mayoral runoff is estimated to be over $1 million.]
- Less need for strategic voting (i.e., having to vote for the "lessor of two evils" or not voting for a write-in because "write-ins never win").
- IRV system encourages more positive campaigns, to win 2nd- and 3rd-choice votes. (See "New Runoff System in San Francisco Has the Rival Candidates Cooperating", New York Times, 9/30/2004, p.A16. [enclosed]).
- Reduces cost of running for office. [The losing candidate for a recent city council seat estimated that IRV would have saved him

$500,000 in campaign expenses, not to mention the additional months, consumed by the runoff campaign.]
- Lets more voters evaluate the whole field of candidates. (Eliminates the threat of "spoilers" and even allows inclusion of "write-in" candidates.) Footnote 3.

Con:
- Voters need to learn IRV system. (Perhaps as a goal of a Citizens Task Force on IRV or as part of an IRV referendum?)
- Candidates need to learn how IRV system affects their campaigning. ("Attack" ads will likely be unsuccessful.)
- County Registrar of Voters needs to implement IRV. (Present contract with DieBold supposedly includes IRV compatibility.)
- Current runoff system narrows field so voters can focus on two Finalists. (Less choice for the voters means more predicable outcomes for important races. Alternatively, electorate has consistently shown preference for more choices and more control over their democracy.)

3. The initial and ongoing costs of an IRV system

Initial costs are primarily for upgrading the election equipment. Also, a voter education program is also important to a successful IRV election.

ES&S charged San Francisco $1.6M to upgrade their equipment to handle IRV; that included $685K for hardware upgrades, $398K for software development, $215 for QA and testing, $100K for certification, $100K for poll-worker training and voter education, and $127K for taxes.

Diebold estimates that it will cost $961K (down from $2M) to upgrade Alameda County's equipment to handle IRV. (However, these costs might be already part of San Diego's present contract with Diebold. See Footnote 4.)

Santa Clara County wrote support for IRV into their contract with Sequoia; no hardware upgrades are expected and the software to be developed is essentially already paid for.

Ongoing costs should be no different than for a traditional election. Depending upon the system, there might be a slightly higher usage of optical-scan ballot space, which could at worst result in needing an additional ballot card (offset of course by never needing a runoff election). Voter education can ramp down with subsequent elections.

4. Some examples of recent elections where IRV has been used

San Francisco November 2004 was the most recent. There will also be San Francisco November 2005. Cambridge, Massachusetts, uses a relative of IRV (Proportional Representation or "PR") for their elections (November 2003 was most recent); voters rank the candidates but the counting is slightly different as they fill all nine seats at once. After San Francisco, the most recent true IRV election was Ann Arbor Michigan in 1975.

For the results from the November 2004 San Francisco election see, "Evaluation of San Francisco's First Ranked Choice Election", by FairVote - The Center for Voting and Democracy (www.FairVote.org), January, 2005, attached hereto.

5. Timeline for implementation

This depends greatly on the political will of the jurisdiction, and the degree of cooperation from the County's elections department. San Francisco amended their charter in March of 2002 to call for IRV by November of 2003. The October 2003 recall prevented that, so their first election was in November 2004. But some observers feel that the Elections Department could have started sooner and acted quicker than they did.

Berkeley amended its charter to allow for IRV in March, 2004. They would like to start using it in November 2006, but it has taken a change in regime at the Alameda County RoV's office to get implementation off the ground.

Oakland, also in Alameda County, amended their charter in November 2000 to allow the use of IRV in special elections to fill vacancies. Until recently, implementing IRV hasn't been a priority for the council, and a special election was held this year without it. However, eight of the nine candidates, including the ultimate winner, supported IRV, and now the desire exists for it to be used in an expected special election in 2007.

San Leandro also amended their charter in November 2000 to allow for IRV, but the political will to implement that decision was lacking until recently. They are also dependent upon Alameda County to implement it for them.

Santa Clara County amended its charter to allow for IRV in November of 1998, but did not have the equipment necessary for IRV until November 2003. They did not start the process of implementing IRV until after the November 2004 election, and will most likely have it ready by November 2008, if not November 2006.

So, assuming the political will of the jurisdiction exists, the existing equipment is IRV-capable, and the County elections official is cooperative, it would probably take two to four years to implement IRV once a charter amendment calling for its use is adopted.

6. Goals and objectives for a "Citizen's Task Force" or "Charter Review Commission" regarding the Implementation of IRV the City of San Diego elections:

a. Will the County Registrar of Voters (ROV) insure their voting equipment works with IRV?

This might require a legal determination of the County's contract with Diebold regarding electronic voting equipment and determining if Diebold equipment will achieve re-certification by California's Secretary of State. A plain reading of the contract leads one to believe that IRV capability was to be included in the equipment as delivered. Clearly, that's what the County wanted and that's what it thought it was buying. Diebold, however, has been somewhat disingenuous when dealing with ROV's throughout the state concerning providing equipment with IRV capability. It might require a lawsuit to determine if the County's contract requires Diebold to provide IRV compatible equipment and at what cost.
Regardless of whether or not IRV is ever implemented in San Diego County what, exactly, did the County get, and what can the taxpayers expect to get, from Diebold?

b. What are the objections to IRV? How can those objections be settled?

Different groups, politicians, and politically active citizens have already expressed their support for IRV. Yet there will be opponents to any changes, especially changes to our voting system. Those opponents deserve their voice be heard as well. Perhaps those objections could be met by appropriate language in the proposed Charter Amendment.

c. Voter education must be part of any task force or charter amendment commission if IRV is to succeed.

As San Francisco's experience with IRV shows, voter education was required to inform the voters about the new system and to help insure a smooth election. Prior to the November 2004 election San Francisco had embarked on a voter education effort with the result that in an exit poll "87% of those San Franciscan polled understood ranked choice voting", and that 89% either preferred the new system or said it made "no difference" to them. ("Evaluation of San Francisco's First Ranked Choice Election", op. cit. p.5).

d. Determining the exact wording of an amendment to the City Charter to be placed before the voters.

As covered in 6 (b) above, the wording of the proposed amendment should be selected to promote broad based voter approval. Review of other IRV amendments in other jurisdictions should be review and considered. Some legal analysis and review will be required in order to reduce possibilities of lawsuits.

#####

Footnote 1: Plurality Voting – the winner is determined by whomever receives the most votes, even if that means the declared winner receives less than 50%. For example, in 2000, in a 6 way race, the mayor of Oceanside won with only 38% of the vote. That means 62% of the voters voted for someone else. With IRV, on the other hand, the winner is chosen by a majority at some level. The City of San Diego uses Plurality Voting in recall elections.

Top-Two Runoff – If no candidate receives a majority in the primary there is a separate runoff election between the top two candidates. This means both the candidates and the municipality must suffer the time and expense of a second election. In the 2004 race for San Diego's First District Council seat the expensive run-off would have been avoided by using IRV because IRV determines the winner by a majority in one election.

Footnote 2: This excerpted from a handout prepared by Steve Chessin, Chair of Californians for Electoral Reform (CfER) for the League of Women Voters of Santa Clara County.

Footnote 3: A "spoiler" is a candidate who, although they come in third place, acquires enough votes to, in the case of Plurality Voting, throw the election to a different candidate or, in the case of Top-Two Runoff, force a runoff election. An example of the former case is the 2000 election for U.S. President when (some have claimed) Ralph Nader drew enough voters away from Al Gore to get Geo. W. Bush elected. An example of the later case is the 2004 election for First District City Council when Kathryn Burton's 20.5% of the vote forced a runoff between Scott Peters (48.4%) and Phil Thalheimer (31.1%). In the former case is theorized that, had IRV been in use for selecting Florida's Electoral College votes, the second choice for Ralph Nader voters would have given either Al Gore or Geo. W. Bush a clear majority and the Supreme Court involvement in the selection of the President would have been avoided. In the later case, it is suggested here that had IRV been in use to select City Council races the voters for Ms. Burton would have selected either Peters or Thalheimer as their second choice and in sufficient numbers to make an expensive runoff unnecessary.

An example of a "write-in" candidate; In the November, 2004 mayoral election for the City of San Diego Councilmember Donna Frye's name was written in by a clear plurality of the voters (approximately 35%). Yet the courts ruled against Ms. Frye's plurality victory because of an election requirement that a bubble adjacent to her name was not also filled in for approximately 5,500 ballots. It is suggested here that had IRV been used in that election the voters, instead of the courts, would have selected a winner by the second choice on the ballots cast for the third place finisher.

Footnote 4: The following are excerpts from the San Diego County's RFP for voting equipment and which resulted into the contract for the voting equipment purchased from Diebold, and Diebold's corresponding responses (Integrated Voting System, Contract No. 46619):

4a. San Diego County RFP

ATTACHMENT A1 TO STATEMENT OF WORK RFP - REQUIREMENTS

0. Ballot Tabulation (Special Voting Options)

Requirement

The proposed system shall have the ability to cast ballots using all special options prescribed by the California Elections Code, including methods of selecting more than one candidate by casting a single vote (e.g., President and Vice President); other methods for handling cross-voting between parties in open, blanket or unitary primary elections; the

"modified" closed primary; and any other pattern of voting authorized by the Elections Code.

…..

55. Instant Runoff Voting (IRV)

Requirement

System shall have the potential to support Instant Runoff Voting, proportional voting or similar voting methods. If the voting system currently cannot support these methods, and this becomes a need for the County, the system shall be adapted to do so.

4b. Response by Diebold

30. Ballot Tabulation (Special Voting Options)

a. Will you meet this requirement? Y v N____

RESPONSE: The AccuVote system, including both touch screens and optical scan ballots allow for all special voting options: blanket primary voting, closed primary voting, a combination of the two (the "modified primary"), write-in voting, and recall voting. These options are created in our GEMS software and have been used successfully in over 13 jurisdictions in California since 1995.

The AccuVote-TS is also capable of recording votes in an "Instant Runoff Vote" election. When voters touch the screen, their votes are recorded in order. For example, a vote for the voter's first choice is recorded with a "1," and a vote for their second choice is recorded with a "2," etc. Images of the ballots are exported to a program that performs the distribution of votes in accordance with the IRV rules set up by the jurisdiction. The AccuVote system is the ONLY system actively used for electronic tabulation of preferential votes in the United States today. It has been used in the City of Cambridge, MA for preferential voting on paper ballots since 1995 for odd-year council races. The AccuVote optical scan ballot is the only voting system that is capable of

placing voting ovals in 32 columns on the ballots, as opposed to three or four columns on other optical scan ballots. A sample of a Proportional Representation ballot is included in the Appendices booklet under "Sample OS-Ballots".

5. Instant Runoff Voting (IRV)

a. Will you meet this requirement? Y v N___

RESPONSE: Yes. DESI is the only vendor to accomplish IR voting using an electronic system. IR Voting must be implemented both on the DRE and the optical scan components of the total voting system. While most vendors will be able to implement IR on a touch screen DRE unit, DESI is the only vendor today, who has implemented IR/Proportional voting on an optical scan ballot. Diebold is also the only vendor certified in California that has actually run an IR election, and has been doing so since 1995 in Cambridge, MA. Diebold Election Systems will provide IR voting, based on the specific algorithms for counting supplied by San Diego County. Presently, the Diebold optical scan ballot provides the most flexibility for IR voting of absentee optical scan ballots, due to the read head technology used in the AccuVote-OS. An example of a Cambridge IR ballot has been included with this proposal. The AccuVote-TS unit has this capability today. This has been demonstrated; although none of the DESI touch screen counties presently using the AccuVote-TS have implemented IR voting.

#####

Appendix:

1. **New York Times, "New Runoff System in San Francisco Has the Rival Candidates Cooperating"**, By Dean E. Murphy, September 30, 2004, at: http://www.sfrcv.org/articles/nytimes093004.htm

2. **Evaluation of San Francisco's First Ranked Choice Election**, By FairVote -- The Center for Voting and Democracy (www.FairVote.org), January, 2005, at: http://www.sfrcv.org/sfeval.html

# New York Times

**New Runoff System in San Francisco Has the Rival Candidates Cooperating**
By Dean E. Murphy, September 30, 2004

SAN FRANCISCO, Sept. 29 - Eugene C. Wong is running for an office that typically does not draw the national spotlight. Yet Mr. Wong and the 64 others seeking seats on the County Board of Supervisors here are being closely watched by advocates for election reform around the country.

In Mr. Wong's case, the reason was evident on Wednesday, at one of his first big fund-raisers in the third district, an ethnically mixed area that straddles North Beach and Chinatown. The evening was unconventional, to say the least, with Mr. Wong sharing top billing with two principal rivals in the race, Sal Busalacchi and Brian Murphy O'Flynn.

"We are going to have more joint fund-raisers," Mr. Wong said. "I am not opposed to saying that if I don't win, then I hope one of these other guys wins."

The cooperation is in response to a new election system, instant-runoff voting. The system, which voters approved in 2002 and is having its first run, is viewed by critics of winner-take-all elections as the start of a long-overdue overhaul of the way Americans choose elected officials.

Under this system, voters can choose three candidates for each office, ranking them in order of preference. If no candidate wins more than 50 percent of the first-choice votes, the lowest-placing finishers are eliminated, and the second and, if necessary, third choices on those ballots are counted until someone garners a majority.

The system removes the need for a separate runoff election, saving money and, if the recent past is a guide, increasing the number of voters who have a say in choosing the winner. Under the old system, turnout usually dropped significantly in runoffs.

"People are hungry for change," said Lani Guinier, a professor of law at Harvard who has written about alternative election systems and is among those closely watching the San Francisco example.

"There is a simmering dissatisfaction with not only what happened in Florida in 2000," Professor Guinier said, "but with some of the responses that the election officials, Congress and others have implemented, and a sense that if the voters and citizens want to participate in our democracy, the voters and citizens have to take the initiative."

Critics of instant runoffs fear it is too difficult to pull off, for voters and election officials, and that it could reduce turnout among some minorities, especially those who speak English poorly and are new to voting. Some critics have also questioned whether it might violate the principle of "one man, one vote" that the Supreme Court established in 1964.

Even some supporters of the system acknowledge that its logistics can be daunting. It took San Francisco more than two years to use the system, a process that included making changes to its optical-scan voting machines that required the approval of the secretary of state. The changes were too late for the elections last year for mayor and district attorney.

Because of the complicated counting, experts expect that just first-choice results will be available on election night, leading some critics to complain that the "instant" is being taken out of instant-runoff voting.

"It will be a negative," said Lillian Sing, a former judge who is among six candidates challenging Supervisor Jake McGoldrick in District 1, in the Richmond area. "We are just beginning to get language minorities to vote more, and now all of a sudden we have this complicated process. It is a distraction to talk about how people should vote."

San Francisco is the first major city in the country to try instant-runoff voting since the 1970's, when Ann Arbor, Mich., abandoned it after one election. Variations of the system exist in a few places, including Cambridge, Mass., where the City Council and school board are elected by proportional representation, which includes ranked-choice voting.

Until they were abolished by Mayor Michael R. Bloomberg, the community school boards in New York allowed voters to rank candidates. Student governments at dozens of colleges and universities also use versions of the system.

But San Francisco is the sole major jurisdiction to incorporate what advocates of instant-runoff voting consider three essential components for its success, ranked-choice ballots, a single election and the requirement that each winner receive a majority of the votes cast.

"San Francisco is being seen as a very good test," said Robert Richie, executive director of the Center for Voting and Democracy, an organization in Takoma Park, Md., that advocates changes in election laws.

The center, founded by a former independent presidential candidate, John B. Anderson, was a leading force behind the 2002 ballot measure here.

Mr. Richie and other supporters of a broader push for instant runoffs see past San Francisco to places like Florida. If Florida had the system for the 2000 election, proponents say, there is little doubt that Al Gore would have won the state instead of George W. Bush. Most of the people who voted for Ralph Nader, the logic goes, would have listed a Democrat as their second choice.

"I am not going to hide the fact that if you look at it, there is analysis to show it could help the Democrats," said Thomas D. Bull, a Democratic state representative in Maine who sponsored a measure there in the spring to instruct the secretary of state to study instant runoffs.

A tally kept by the Center for Voting and Democracy shows that Maine is among 22 states that have explored the idea in recent years.

"There are also examples of where it might have helped the Republicans," Mr. Bull added. "If you look at the Libertarians and along that line, there are conservative third-party candidates siphoning off Republican votes."

Professor Guinier said the voting system favored outsiders, no matter their politics or party registration. That is also the belief of Jim Stearns, a Democratic consultant here who opposed the ballot measure because, he said, he feared that instant runoffs would hurt so-called progressive politicians who have become the insiders on the officially nonpartisan Board of Supervisors.

"The irony of a lot of progressive reforms is that the system becomes legally more complicated and electorally more complicated, meaning those candidates who can afford high-quality help are going to be benefited," said Mr. Stearns, who is now running the re-election campaigns of three incumbent supervisors.

An early effect has been to introduce a new civility among the candidates, something many San Franciscans have wholeheartedly embraced. Because the winner in each district might be determined by voters' second and third choices, candidates have quickly learned that it is best to be on friendly terms so as not to alienate their opponents' supporters.

"Even if you come in second among the first-choice votes, you still have a shot at winning, so long as you can reach out to be the No. 2 choice to the rest of the people," said Mr. Wong, an immigration lawyer.

In District 5, Supervisor Matt Gonzalez, a big backer of instant runoffs in 2002, is not seeking re-election, creating the biggest free-for-all of the season. Many of the 22 candidates vying for his post participate in a so-called Candidates Collaborative, meeting publicly every few weeks to discuss district problems. The setting is decidedly congenial.

One candidate, Michael O'Connor, a nightclub owner, said the consensus among most candidates was that opting out of the collaborative would be political suicide in the new get-along environment. Last month, Mr. O'Connor also held a joint fund-raiser with a rival, Robert Haaland.

"The way I see how it works," Mr. O'Connor said, "win or lose, you may as well get along with people."

# Evaluation of San Francisco's First Ranked Choice Election

By FairVote -- The Center for Voting and Democracy (www.FairVote.org)
January, 2005

On November 2, 2004, the City of San Francisco used ranked choice voting (RCV) to elect seven member of its Board of Supervisors. The City is scheduled to elect at least one city office with RCV every November. This evaluation of the City's first use of RCV reviews the measures of success for the election. We assess each measure of success based on data released by the Department of Elections. We also include results from an exit poll study conducted by San Francisco State University's Public Research Institute, as well as results from an exit poll conducted by Chinese American Voter Education Committee (CAVEC). Finally, we include the results of aggregate precinct-level data analysis conducted by Professor Rich DeLeon, well-known San Francisco political scientist.

**Executive Summary:**
In aggregate, multiple sources of data and analysis show that San Francisco's first ranked choice voting election went remarkably smoothly. Quoting from the SFSU exit poll analysis, "The majority of voters appear to have made the transition to Ranked-Choice Voting with little problem...The overall finding on RCV is positive. Wide majorities of voters knew about Ranked-Choice Voting, understood it, and used it to rank their preferences. Further, most prefer it, with only about one in eight saying they prefer the former run-off system." This successful use of ranked choice voting cut across all racial and ethnic lines, with only slight discrepancies by race, but none of them rising to the level of disenfranchisement. The SFSU results are reinforced by the results of an exit poll released by the Chinese American Voter Education Committee (CAVEC), which showed that only a small numbers of voters found the new system difficult to use, and in every racial group a majority of voters indicated the system was easy for them, with Chinese-language speakers having a bit more difficulty.

At a pre-election news conference, the Center for Voting and Democracy established measurements for assessing the level of success for ranked choice voting. We can now demonstrate that, according to those measurements, this election demonstrated a high level of success. On the flip side, we can also examine what the skeptics and opponents of ranked choice voting had predicted for the first election. The skeptics and opponents had predicted chaos and confused, angry voters; that voters would be so confused and angry it would drive down voter turnout; that the Department of Elections would screw up the election; that it would take weeks to know the winners; that minorities would be disadvantaged; that there would be long lines caused by confused voters; that the sky would fall, the Earth would open, and an earthquake would swallow us all. Needless to say, none of these came to pass.

**Part I.**

- Evaluation of Measures of Success
- In-depth Analysis of Effective Votes, Voter Turnout and Voter Rankings in RCV

**Evaluation of Measures of Success**

1. **No more December runoff elections.**
   San Francisco now has its December's back. There was no December runoff election in San Francisco for the first time since 1998, and voters did not have to trudge out to the polls in the middle of the holiday season. The Department of Elections will run one fewer election per year, providing more time to prepare for the next election. This will help the Department run better elections.

2. **Quick and timely results.**
   Three out of seven of the supervisorial winners were known on election night. The other four winners were known within 72 hours after the polls had closed. If not for a brief delay in reporting results caused by a minor programming error by the City's vendor, all winners would have been known within 24 hours after the polls had closed. With that error fixed, the winners in future elections should be known within 24 hours, except for races that are extremely close.

3. **Significant tax savings.**
   The City saved approximately $1.2 million by not having to administer runoff elections for four supervisorial districts (According to figures released by the Elections Commission in 2003, citywide runoff elections in San Francisco cost taxpayers at least $3 million to administer. Administering runoff elections in any one of the 11 supervisorial district races costs a prorated amount. Taxpayers also saved the costs of public financing for supervisor races, which provides up to $17,000 in public funds to candidates in runoff elections, a savings of up to $34,000 per supervisor runoff as well as the administrative costs of running the program).

   The City incurred one-time implementation costs of $1.6 million for upgrading the voting equipment. There also were expenses of $800,000 for community education and outreach. Avoiding future runoff elections will quickly repay the one-time costs of implementing RCV, leading to substantial ongoing savings to San Francisco taxpayers.

4. **Winners received significantly higher percentage of total votes cast than winners in December runoffs; more voters had a say in who their supervisor is.**
   With the "instant" runoff, winners received significantly more votes and overall support than winners in December runoffs (and especially more than winners in conventional plurality voting elections). By getting the election over in November, during a presidential election year, more votes were cast in the decisive election and winners received more votes both in real terms and as a percent of the vote than the old "delayed" runoff system. And that means more voters had a say in who their supervisor is.

In contrast, for the previous non-RCV supervisor elections in a presidential election year (2000), relatively high voter turnout elections in November were followed by runoffs with sharply lower voter turnout. The average decline in voter turnout from November to December was 42.3% in 2000. Winning candidates received a majority of the low turnout December electorate in those two runoff elections, but when compared to the total voters who participated in that supervisorial election in November, winning candidates in December received a low of 28% and a high of 45% of the November turnout, with most races in the lower end of this range. But winners in the 2004 RCV races received anywhere from 48.7% to 37.6% of all votes cast in their respective races. In addition, in the RCV races, there were far fewer "exhausted ballots" than in the 2000 non-RCV races (for this comparison, we have counted voters who do not return and participate in the 2000 December runoff as exhausted). See the tables below.

**Supervisor Races requiring an "instant runoff", November 2004**

| District/winner | Total valid RCV votes | Votes in final round | Winner's votes | Runoff percent | Percent of all votes | Exhausted ballots | % Effective ballots |
|---|---|---|---|---|---|---|---|
| D1 McGoldrick | 28,787 | 25,940 | 14,011 | 54.0% | 48.7% | 2847 (9.9%) | 90.1% |
| D5 Mirkarimi | 35,109 | 26,111 | 13,211 | 50.6% | 37.6% | 8998 (25.6%) | 74.4% |
| D7 Elsbernd | 31,639 | 24,325 | 13,834 | 56.9% | 43.7% | 7314 (23.1%) | 76.9% |
| D11 Sandoval | 23,176 | 18,307 | 10,679 | 58.3% | 46.1% | 4869 (21.0%) | 79% |

**Board of Supervisors races, 2000**

| District | November election (total votes) | December runoff total votes | Winner's votes (in Dec. runoff) | Percent (winner's votes compared to November votes) | "Exhausted" ballots (non-return voters) |
|---|---|---|---|---|---|
| District 1 | 24,211 | 14,373 | 7,486 | 30.9% | 9838 (40.6%) |
| District 2 | 27,070 | No runoff | No runoff | No runoff | |
| District 3 | 21,066 | 12,414 | 7,202 | 34.2% | 8652 (41.1%) |
| District 4 | 24,617 | 14,782 | 8,453 | 34.3% | 9835 (40.0%) |
| District 5 | 30,125 | 15,887 | 10,384 | 34.5% | 14,238 (47.3%) |
| District 6 | 18,738 | 10,470 | 8,472 | 45.2% | 8268 (44.1%) |
| District 7 | 30,229 | 18,627 | 9,333 | 30.9% | 11,602 (38.4%) |
| District 8 | 34,178 | 18,444 | 9,578 | 28.0% | 15,734 (46.0%) |
| District 9 | 20,972 | No runoff | No runoff | No runoff | |
| District 10 | 19,764 | 10,649 | 5,887 | 29.8% | 9115 (46.1%) |
| District 11 | 21,409 | 13,708 | 8,345 | 39.0% | 7701 (36.0%) |

Thus in the 2004 RCV elections, all winning candidates in the "instant runoffs" had larger vote totals and percentages than winners in 2000 in December's "delayed runoff." Winning candidates ultimately won a greater share of the valid ballots (that is, of the original turnout) than most of the winning candidates in the December 2000 runoffs. In any runoff system, the winning candidate must win a majority of valid ballots cast in the final round of counting between the top candidates (e.g., the "continuing ballots") rather than a majority of total ballots that might have been cast for the race.

Moreover, support for winners was significantly higher if determined by the number of people who ranked the winner with at least one of their three rankings. For example, even though District Five had 22 candidates, winner Ross Mirkarimi was ranked by 47% of voters. Every other winner drew at least one ranking from at least 53% of voters (these numbers are not shown on the charts above).

- Winning candidates in 2000 received between 5,887 and 10,384 votes. Winning candidates in 2004 received between 10,679 and 14,011, and were ranked on 12,200 to 16,900 ballots.

**Valid votes, undervotes/drop-off and overvotes in Nov 2, 2004 RCV Supervisor Races**

The two tables below show several important things: 1) the Department of Elections incorrectly reports the numbers of exhausted ballots because they lump into this figure the number of undervotes (that is 'drop-off' voters who don't rank any candidates in supervisorial races) and overvotes (voters who rank more than one candidate for their first ranking, spoiling their ballot) See Appendix One; 2) the number of undervotes/drop-off is generally LESS in RCV elections compared to other non-RCV San Francisco elections; and 3) the number of overvotes in RCV races is quite a bit higher than non-RCV races, but still the numbers are so small as to be insignificant for most elections. A high of 1.1% means 11 out of 1000 voters spoiled their ballots in a RCV race, while the low of 0.1% in non-RCV races means 1 out of 1000 voters spoiled their ballots – a difference of 10 voters/ballots.

**Table 1. Valid votes, overvotes and undervotes (also known as DROP-OFF) in RCV races**

*Source: Final official results from the SF Dept of Elections (www.sfgov.org/elections)*

| District | Total Voters | Overvotes + | Undervotes/dropoff = | Invalid ballots | Total valid ballots |
|---|---|---|---|---|---|
| 1 | 30,721 | 156 (0.5%) | 1,778 (5.8%) | 1934 | 27,787 |
| 2 | 39,462 | 95 (0.3%) | 4,879 (12.4%) | 4974 | 34,488 |
| 3 | 28,317 | 74 (0.3%) | 2,338 (8.3%) | 2412 | 25,905 |
| 5 | 39,255 | 394 (1.1%) | 3,752 (9.6%) | 4146 | 35,109 |
| 7 | 34,905 | 236 (0.7%) | 3,030 (8.7%) | 3266 | 31,639 |
| 9 | 26,275 | 172 (0.7%) | 1,235 (4.7%) | 1407 | 24,868 |

| | | | | | |
|---|---|---|---|---|---|
| 11 | 24,902 | 219 (0.9%) | 1,507 (6.1%) | 1726 | 23,176 |

**(Total voters – Invalid ballots = valid ballots)**
**Overvote means a voter selected more than two candidates for their first ranking.**
**Undervote/drop-off means voter ranked nothing on their ballot**

**Table 2. Undervotes/dropoff and overvotes in non-RCV races**
*Based on official data released Nov 5, 2004. The report lacks about 80,000 absentee and provisional ballots that had not yet been counted.*

| Race | Voters | Undervotes/ Drop-off | Overvotes | % Overvote | Total valid ballots | |
|---|---|---|---|---|---|---|
| President | 283,462 | 0.9% | 312 | 0.1% | 280,581 | |
| US Senate | 283,462 | 7.0% | 273 | 0.1% | 263,229 | |
| US Rep - 8 | 229,483 | 7.5% | 169 | 0.1% | 212,047 | |
| US Rep - 12 | 53,979 | 11.4% | 29 | 0.1% | 47,776 | |
| State Sen - 3 | 160,873 | 13.0% | 99 | 0.1% | 139,826 | |
| State Ass - 12 | 122,445 | 15.9% | 94 | 0.1% | 102,910 | |
| State Ass - 13 | 161,017 | 12.0% | 86 | 0.1% | 141,551 | |

*Overvote means a voter selected more than two candidates for the same office.*
*Undervote/drop-off means voter selected no candidate for that race.*

**Effective use of rankings**
We looked at the extent to which supporters of losing candidates made effective use of of their #2 and #3 rankings. Of course if voters support one of the final two candidates with a #1 choice, it doesn't matter whether or not they rank candidates second and third: their vote will count for their #1 choice in all rounds. But if their #1 choice is one of the less popular candidates who gets eliminated before the final two, then it can be important whether the voter used a #2 and #3 choice to support one of the contenders.

**Analysis of District 1 results** (This table is based on data from 11/9)

| Candidate | 1st Round Votes | Average # of Rankings | Effective Votes | Effective Percent |
|---|---|---|---|---|
| McGoldrick | 11,290 | 2.41 | 11,290 | 100.0% |
| Sing | 8,647 | 2.57 | 8,647 | 100.0% |
| Tuchow | 2,767 | 2.70 | 2,011 | 72.7% |
| Tsai | 1,529 | 2.58 | 1,011 | 66.1% |
| Heller | 1,947 | 2.61 | 1,116 | 57.3% |
| Dawydiak | 1,343 | 2.65 | 801 | 59.6% |
| Overall | 27,650 | 2.53 | 24,937 | 90.2% |

What this shows for the hotly contested District 1 race is that most voters made good use of their rankings. Voters on average cast 2.53 rankings. The number of rankings cast by voters did not vary appreciably among supporters of different candidates, ranging from a

low of 2.41 for McGoldrick to a high of 2.69 for Tuchow. Supporters of Asian candidate Lillian Sing ranked an average of 2.56 candidates, showing her supporters made good use of their rankings. Supporters of Asian candidate Rose Tsai ranked an average of 2.58 candidates, her supporters also making good use of their rankings.

These results give a sense of the effectiveness of the City's voter education, poll worker training, and "error notification" on the Optech Eagles. Did voters effectively use the ranked choice system? Did they rank three candidates? It would appear that in the District One race the answer generally is YES. These are important indicators that point the direction for improvement and for ongoing education about ranked choice voting in San Francisco.

**Part II. Summary of Exit Poll analysis.**
An exit poll about voter's attitudes regarding ranked choice voting was prepared by the Public Research Institute at San Francisco State University. This exit poll was commissioned by the City and County of San Francisco and paid for by the City and County and SFSU College of Behavioral and Social Sciences. The exit poll was conducted to gauge the ease or difficulty with which voters expressed their preferences on the new form of ballot. The survey, which was translated into several different languages, included a sample of 2,847 voters from city supervisor districts 1, 2, 3, 5, 7, 9 and 11. Among various findings, the exit poll found that:

- 87% of those San Franciscans polled understood ranked choice voting.
- 61% preferred the new system, and only 13% said they preferred the old runoff system (27% said it made "no difference" to them)

The report concludes that "The majority of voters appear to have made the transition to Ranked-Choice Voting with little problem...The overall finding on RCV is positive. Wide majorities of voters knew about Ranked-Choice voting, understood it, and used it to rank their preferences. Further, most prefer it, with only about one in eight saying they prefer the former run-off system."

Overall, 52 percent of those surveyed said they understood ranked-choice voting "perfectly well"; 35 percent said they understood it "fairly well," an impressive total of 87 percent who had a decent level of understanding. About 11 percent said they "did not understand it entirely," and another 3 percent said they "did not understand it at all." Results indicate that only 13% of Asians and 15% of Chinese speakers reported a lack of understanding of RCV, compared to 12% of whites and 23% of Spanish speakers. 70% of those who spoke English or Chinese as a first language knew ahead of time they would be using RCV, more than those whose first language was Spanish (22%). Nearly the same percentage of Asians and whites ranked three candidates, 58% to 62%, both higher than Hispanics (53%) and African Americans (49%). Voters with lower levels of education and income, as well as language minorities, reported less understanding, but even within those categories and demographics the differences were not large.

**From the Executive Summary**

- Over two-thirds (69%) of voters surveyed knew that they would be asked to rank their choices for the Board of Supervisors, while almost one-third (31%) were unaware prior to coming to the polls.

- Prior knowledge appears to have lessened the potential for language-based difficulty in using the RCV ballot.

- A majority (59%) of voters surveyed reported ranking three candidates; 14% reported ranking two, and 23% reported ranking only one candidate.

- Two-thirds (66%) of those who knew of RCV prior to coming to the polls ranked three candidates versus 47% of those who were unaware of the new development.

- Sixty-three percent of those who understood RCV at least "fairly well" ranked three candidates, while only 36% of those who did not understand it entirely or at all ranked three candidates.

A majority of respondents (61%) preferred the new system; 13% said they preferred the runoff system, and 27% said it made "no difference" to them.

The entire study can be viewed at http://pri.sfsu.edu/reports.html. Note that this is a preliminary release of results, SFSU expects to release even more results in early February 2005.

**CAVEC Exit Poll**

The Chinese American Voter Education Committee (CAVEC) also conducted an exit poll survey of 2,108 San Francisco voters. Their poll mostly confirmed the results of the SFSU poll. Those respondents expressing an opinion about the system overwhelmingly expressed support for it. Large majorities found that the system was not difficult to use, and that cut across all racial lines (with Chinese-language minorities having more difficulty than other Asians).

Despite the first RCV election taking place in a year with high voter turnout where most media attention was focused on the presidential race, only 18% of voters found the new system difficult to use. In every racial group a majority of voters indicated the system was easy for them.

- Overall, 67% of voters found it easy to use, compared to only 18% who found it difficult. (The rest did not express an opinion.)

- 74% of Latinos found it easy to use, only 14% found it difficult.

- 71% of whites found it easy to use, only 13% found it difficult.

- 59% of Asians found it easy to use, 27% found it difficult.

- 57% of blacks found it easy to use, 35% found it difficult.

- 49% of Chinese-speakers found it easy, 39% found it difficult.

Obviously there is more work to do in terms of education and outreach, but these numbers are generally positive.

**Part III. Precinct data analysis by Professor Richard DeLeon**

San Francisco State University professor Richard DeLeon has been analyzing aggregate precinct data from the ranked choice voting elections, particularly with an eye for impact on minorities. Professor DeLeon sorted all the precincts by racial demographics according to the most recent Census data, and focused on two districts (Districts 1 and 11) where there were Asian candidates, significant number of Asian voters, and multiple rounds of counting to determine a winner. He used multiple regression analysis to study nine hypotheses/scenarios (such as a higher proportion of exhausted ballots, a lower number of rankings used in voting, a greater percentage of "bullet voting" i.e., ranking only one candidate, a lower proportion of "effective ballots" i.e., votes cast that help to place one or both of the final two candidates into the final round) that, if were true, would suggest Asian voters in those districts had more difficulties with the system than whites or other racial groups. Professor DeLeon concluded: "Nine hypotheses with clear predictions were tested in each district, adding up to 18 opportunities for the available empirical evidence to reveal patterns of data at least consistent with, if not proof of, the arguments advanced by some critics that SF's new RCV system systematically disadvantages the city's Asian voters vis-à-vis voters in other racial/ethnic groups. Based on the evidence presented here, the score is zero for 18." In other words, there is absolutely no proof from this precinct data that Asian voters had more difficulties with ranked choice voting than other racial groups, including whites.

**Other findings by Prof. DeLeon:**

- Of the 203,009 voters who cast a ballot in the Supervisor races, 83.7% included the winning candidate or runner-up in their first, second, or third choice votes.

- Of the 203,009 voters who cast a ballot in the BOS election, 63.3% included the winning candidate in their first, second, or third choice votes.

- Of the 72,826 voters who cast a ballot in the Supervisor races and ranked some other candidate than the winner or runner-up as first choice, 54.5% included the winning candidate or runner-up in their first, second, or third choice votes.

More analysis will be forthcoming from various sources in the coming weeks and months. Having complete voting data for seven different Supervisor districts is a terrific advantage. In effect, San Francisco conducted 7 semi-independent RCV natural "experiments," with significant variation across the 7 districts in socio-demographic and racial/ethnic composition, local political culture and ideology, and electoral conditions (number of candidates varying from 4 to 22, some incumbents running, some not, etc.). Any findings/generalizations that hold up across those wide-ranging socio-demographic and political contexts must be considered especially robust. Where generalizations can't

be made, the data provide insight into the conditional relationships that might be operating.

**Conclusion.**

Multiple data sources and analytical methods show that San Francisco's first ranked choice voting election went remarkably smoothly. Voters ranked their candidates, and winners in all seven races were declared within 72 hours after the polls closed (in three races winners were declared on election night), winning candidates won with more votes both in real terms and percent terms, and there were more effective votes, than the winners in the December 2000 runoff election. The results and margins of victory have been recognized by nearly all observers as legitimate and substantial, even as San Francisco gets its Decembers back and saves millions in taxes. Also, several of the races were marked by less mudsling and more coalition-building and issue-based campaigning than in previous San Francisco elections, because with ranked choice voting candidates have incentive to build coalitions rather than attacking opponents as a successful winning strategy, since winners may need to attract the second or third rankings from the supporters of other candidates. In fact, a New York Times profile of the RCV races was headlined "New Runoff System in San Francisco has the Rival Candidates Cooperating."

Certainly this does not mean there was not some confusion among some voters on election day, or room for improvement. Unsurprisingly, the very first election using ranked choice voting in San Francisco leaves room for refinement. Credible studies and analyses will be helpful in pinpointing where future education efforts should be directed.

Nevertheless, by any objective measurement, the first RCV election in San Francisco was a success. San Francisco voters, poll workers, and especially the Department of Elections and its vendor Elections System and Software, deserve a big congratulations.