



MEMORANDUM

DATE: June 6, 2018

TO: Council President Myrtle Cole, Chair, Rules Committee

FROM: Councilmember Chris Cate 
Councilmember Mark Kersey 

SUBJECT: Request to Consider November-Only Election Ballot Measure

As a result of San Diego voters approving Measures K and L in 2016, the City of San Diego has drastically altered its local election process with regard to ballot measures and candidate elections. These reforms were advocated by a constituency that hoped to decrease the influence of money in local political races and increase voter participation through the elimination of an outright winner in municipal primary elections. However, these ballot measures will maintain a June primary election, thus ensuring a longer campaign season that will require continual financial support and solicitation. Furthermore, June primary voters will have the ability to decide the top two vote-getters, continuing the influence over November-only voters who are forced to decide between one of the two pre-determined candidates.

Additionally, the City Council recently had an opportunity to utilize the June election and place a non-controversial Charter amendment on the ballot related to our Independent Budget Analyst. Ultimately, the City Council decided to place this measure on the November ballot. As such, it is becoming increasingly apparent that the Council is exclusively utilizing the November election for voting on ballot measures, thereby rendering the June election pointless.

Therefore, we are advocating the City Council place a Charter amendment on the November 2018 ballot eliminating the primary election altogether, thus holding November-only elections moving forward, and providing an alternative voting process for future November candidate elections. All ballot measures, including referendums, initiatives, or measures placed on the ballot by a vote of the City Council, would only appear on the November General Election ballot.

Summarized below are two voting methods that other jurisdictions are currently utilizing, and that should be considered within the framework of November-only elections. The Committee should provide direction to the City Attorney to draft a Charter amendment reflecting the preference of the Committee, and forward same to the City Council for consideration.

Method 1: Ranked Choice Voting

Ranked Choice Voting (RCV), or instant run-off voting, provides voters with the opportunity to rank candidates in order of preference until one secures a majority after the conclusion of multiple voting rounds. This voting model would give San Diegans the ability to choose from a wider

selection of candidates in a single general election, thus increasing voter participation. The votes are tabulated through rounds of counting to determine which candidate has secured a majority vote. The first round counts the candidates listed as first preference for all ballots cast. If no candidate has acquired over 50 percent after the first round, subsequent rounds follow until a candidate secures a majority. Please see Attachment "A" for a flow chart of this process.

RCV In Comparative Jurisdictions

Many jurisdictions across the United States are moving toward RCV models. In November 2016, Maine became the first State in the Union to adopt RCV through a statewide ballot measure. This June, all state and federal primary elections in the state will utilize RCV. Though Maine is the first state to adopt RCV, municipalities across the United State have been utilizing this voting method for years.

San Francisco was the first California city to adopt RCV in 2002. Since 2004, the city has incorporated this model for all citywide elections, including for mayor, city attorney, and supervisor. In 2010, a legal challenge was filed against San Francisco's RCV model, however, the Ninth Circuit Court of Appeals upheld a lower federal court ruling, thus upholding this voting method.

In 2004, Berkeley, California followed in the steps of San Francisco and implemented RCV through a ballot measure that amended their city's charter. Since 2010, Berkeley's mayor, city council, and city auditor have been elected through this method. The ballot measure included the requirement to consolidate elections with other cities in Alameda County to reduce costs.

Finally, Minneapolis, Minnesota implemented an RCV system in 2006 to elect 22 city offices, including its mayor and city council. The first election utilizing RCV took place in 2009 after this new process was reconciled with the state's election law requirement regarding electronic voting systems. A challenge to the RCV system was heard by the Minnesota Supreme Court who upheld a lower court ruling, thus rejecting the dispute.

Method 2: Top Vote Getter

In San Diego County and across the country, municipalities utilize a plurality system of voting wherein all candidates who qualify appear on the ballot, with the candidate receiving the most votes winning the election. In the county, 16 cities utilize this election method, and in California, 36 of the top 50 cities by population utilize this method.

This method is the most straight forward and will allow voters to simply vote for the candidate of their choice. Whomever receives the most votes, wins the election.

We respectfully request these recommendations be docketed for consideration and discussion at the next Rules Committee meeting on June 13, 2018.

Ballot Count Flow Chart

