

INSTANT RUNOFF VOTING
CITY ATTORNEY REVISED CHARTER AMENDMENT LANGUAGE
OCTOBER 14, 2003

3

The People of City of Berkeley hereby amend of the Charter of the City of Berkeley as follows:

Section 1. Article III, Section 5 shall be amended to add subsection (12) to read as follows

(12) Use of instant runoff voting in lieu of run-off election

a) For purposes of this Charter “instant runoff voting” shall refer to a voting system which, in a single election, determines the candidate supported by a majority of voters, by allowing voters to rank candidates in order of choice through the utilization of a preferential or ranked ballot as further described in this paragraph. Under instant runoff voting, if a candidate receives a majority of the first choices, that candidate shall be declared elected. If no candidate receives a majority, the candidate who received the fewest first choices shall be eliminated and each vote cast for the eliminated candidate shall be counted for the voter’s next-ranked candidate who has not been eliminated. The process of eliminating the candidate with the fewest votes and re-tallying vote totals shall continue until there are two candidates remaining. At that point, the candidate with the most votes shall be declared elected. All candidates with less than 1% of the total number of first choices may be eliminated in a single step.

b) Notwithstanding any section of this Charter to the contrary, upon certification by the City Clerk that the voting equipment and procedures are technically ready to handle instant run off voting in municipal elections, the Mayor, City Council and Auditor shall be elected using instant runoff voting to the extent and in the manner permissible under the Elections Code. The City Clerk shall conduct voter and community education to familiarize voters with instant runoff voting.

Section 2 The fourteenth paragraph of section 9 of Article V shall be amended to read as follows:

Section 9. Election.

* * *

The candidate receiving the highest number of votes for the offices, respectively, of Mayor, Auditor and Councilmembers of the City shall be elected to such offices, provided that such candidate receives at least 45% of the votes cast for each such office. In the event that no candidate for Mayor, Auditor and Councilmember for one or more Council offices receives at least 45% of the votes cast for that office, then there shall be a run-off election between the two candidates receiving the most votes, which run-off election shall be held four weeks after the initial election. No other issues shall appear on the ballot of any run-off election. If the election is conducted as an instant runoff election pursuant to Article III section 12 of this charter, for any such election, the number of votes necessary to elect the Mayor, Auditor and Councilmembers shall be a majority of the votes cast and not 45% of such votes