

INSTANT RUN-OFF VOTING TEXT (VERSION 4,(6) 11-18-04)
(Spring proposed changes drafted by city attorney)
TEXT version (6) 11-18-03

CHARTER AMENDMENT ALLOWING CITY COUNCIL TO ESTABLISH A SYSTEM OF INSTANT RUN-OFF VOTING UNDER SPECIFIED CONDITIONS

The People of City of Berkeley hereby amend 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 run-off voting in lieu of run-off elections

For purposes of this Charter "instant run-off voting" shall refer to a voting system which, in a single election, determines the candidate supported by a majority of voters. Notwithstanding any section of this Charter to the contrary, upon a determination by the City Council of all of the following, that: a) the voting equipment and procedures are technically ready to handle instant run-off voting in municipal elections; b) instant run-off voting will not preclude the City from consolidating its municipal elections with the County; and ~~3c~~) instant runoff elections will not result in net additional City election costs, the Council may by ordinance establish a system of instant run-off voting for the offices of Mayor, City Council, and Auditor, in any manner permitted by the State of California Elections Code. Once the Council institutes a system of instant run-off voting, future elections shall be conducted as instant run-off voting elections, unless the Council finds that circumstances have changed such that one or more of the prior Council findings required by this section are no longer valid. In such case, the Council shall articulate the specific basis therefor in order to suspend an existing system of instant run-off voting. The fourteenth paragraph of Section 9 of Article V relating to the percentage threshold to trigger a run-off election shall have no application to a system of instant run-off voting. 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 run-off 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 voters.~~

* * *
Section 32

The People find that the passage of a charter amendment on the ballot at the March 2004 election to reduce the threshold for triggering run-off elections and to delay any such election to the February of the year following the general municipal election does not conflict with this amendment.

TITLE (VERSION 36, 11-108-03)
(Spring proposed changes drafted by City Attorney)

CHARTER AMENDMENT ALLOWING CITY COUNCIL TO ESTABLISH A SYSTEM OF INSTANT RUN-OFF VOTING UNDER SPECIFIED CONDITIONS

Shall the Charter of the City of Berkeley be amended to authorize the City Council to adopt an instant runoff election system upon finding that voting systems and equipment make it technically feasible, consolidation of City election with County elections will remain feasible and the City will not incur additional election costs?

Financial Implications: Savings, between \$100,000 to \$300,000 if separate runoff election avoided which may be offset by start up costs for instant run-off voting. ~~Substantial cost savings likely, amount uncertain.~~

CITY ATTORNEY'S ANALYSIS (VERSION 36, 11-180-03)
(Spring proposed changes drafted by City Attorney)

CHARTER AMENDMENT ALLOWING CITY COUNCIL TO ESTABLISH A SYSTEM OF INSTANT RUN-OFF VOTING UNDER SPECIFIED CONDITIONS

The proposed charter amendment would amend the City Charter to authorize the City Council to establish a system of instant run-off voting for the offices of Mayor, Auditor, and Councilmember. In such an instant run-off voting system a single election determines the candidate favored by a majority of the voters. Under current law this determination may have to be made in successive elections, namely a general municipal election followed by a run-off election if the candidate receiving the most votes fails to receive a specified percentage of the votes. (Under the current City Charter, the vote threshold to be declared an outright winner is 45% of the vote for the office. That threshold would be lowered to 40% if a different proposed charter amendment that is also on this ballot is adopted at this election.)- Under this proposed Charter amendment, before the Council may adopt a system of instant run-off voting it must make three findings: that: 1) voting equipment and procedures are technically capable of handling instant run-off voting; 2) that instant run-off voting will not preclude consolidation of

City elections with Alameda County; and 3) that there will be no increase in City election costs as a result of instant run-off voting. Once instituted, instant run-off voting may not be suspended unless the Council finds, based upon changed circumstances, that one or more of the findings originally required to establish instant run-off voting are no longer valid and the Council specifies the basis of such finding. The proposed Charter amendment also requires that instant run-off voting must be conducted in accordance with procedures established under the California Elections Code and that the City Clerk conduct voter education if a system of instant run-off voting is adopted.

Financial Implications: The savings from avoiding a run-off election ranges between \$100,000 for a run-off election in a Council district, to \$300,000 for a citywide run-off election for Mayor or Auditor. There may be substantial City cost saving from instant run-off voting in an amount that is uncertain because it is dependent on whether a run-off election would otherwise be required. These cost savings may be offset in part by some costs associated with establishing and running a system of instant run-off voting.