



## **Instant Runoff Voting in Charter Counties and Charter Cities**

“Instant Runoff Voting,” also known as “Ranked Voting,” is an election method in which a single election determines the candidate supported by the voters, eliminating the need for separate run-off elections. As defined in these guidelines, it is a method in which voters rank candidates for office in order of preference and ballots are counted in rounds that simulate a series of runoffs until either a single candidate among several attains a majority of votes or only two candidates remain and the one with the greatest number of votes is declared winner.

These guidelines are offered as a model that local jurisdictions may adopt, in whole or in part. They are not regulations and do not have the force of law. At present only charter cities and counties, by virtue of a charter provision approved by the voters, may adopt this method of voting.

These guidelines address only single-seat or single-winner contests. Ranked Voting may also be employed in elections to fill multiple positions. However, these guidelines are not intended to address multiple-seat elections.

### **Article 1. General Provisions**

#### **1. Definitions.**

For purposes of these guidelines, the following terms have the following meanings:

- (a) “Choice” means an indication on a ballot of a voter’s ranking of candidates for any single office.
- (b) “Continuing ballot” means a ballot that counts towards a continuing candidate.
- (c) “Continuing candidate” means a qualified candidate that has not been eliminated.
- (d) “Exhausted ballot” means a ballot on which all of a particular voter’s choices for an office have been eliminated or there are no more valid choices for that office indicated on that voter’s ballot.
- (e) “First choice” means the highest ranked candidate on a ballot in the first round of counting, after properly accounting for skipped rankings.
- (f) “Highest ranking” and “highest continuing ranking” mean the ranking with the lowest numerical value for a continuing candidate.
- (g) “Instant runoff voting” means an election method for a single-winner race in which voters rank the candidates for office in order of preference, and the ballots are counted in rounds that, if no candidate receives a majority of the votes cast in the first round, simulate a series of runoffs until either one of several candidates receives a majority of

the votes cast, or only two candidates remain, with the one having the greater number of votes being declared the winner.

(h) “Last place candidate” means a candidate who has received the fewest votes among the candidates who remain at the end of any round of counting.

(i) “Majority of votes” means more than 50 percent of the votes coming from continuing ballots.

(j) “Overvote” means a single rank (first, second, third, etc.) in which selection of more than one candidate is indicated on the ballot.

(k) “Qualified candidate” means any candidate listed on the ballot for this election or any write-in candidate qualified for participation in this election.

(l) “Ranking” means the number assigned to a candidate by the voter to express his or her preference for that candidate, with the highest ranking being the one with the lowest numerical value for a qualified candidate, i.e., a first choice ranking (1) indicates a greater preference for a candidate than a second choice ranking (2).

(m) “Round of counting” or “round” means a step in the counting process during which votes for all continuing candidates are tabulated for the purpose of determining whether a candidate has achieved a majority of the votes cast for a particular office, and, absent a majority, which candidate or candidates must be eliminated and which will continue to the next round.

(n) “Second choice” means the highest ranked continuing candidate on a ballot after that ballot’s first choice has been eliminated, after properly accounting for skipped rankings.

(o) “Single-winner race” means a contest in which one candidate is to be elected to a single office.

(p) “Skipped ranking” means a ranking that has been left blank or in which the name of an unqualified candidate has been written in.

(q) “Undervote” means a ballot with no rankings for any qualified candidates. An undervote is not the same as an exhausted ballot, as an exhausted ballot contained in at least one earlier round a ranking of a qualified candidate.

(r) “Vote” means a ballot choice that is counted toward the election of a qualified candidate. During each round of counting, each continuing ballot contains one vote. All first choices are votes and lower ranked choices are potential votes that may, in accordance with the requirements of these guidelines, be credited to, and become votes for a continuing candidate.

## **2. Applicability of Guidelines.**

(a) These guidelines apply only to a charter city, charter county or charter city and county that, in accordance with its charter, conducts single-winner races using instant runoff voting. For charter cities that request a county elections official to conduct the city’s municipal elections, an elected county elections official, or in the case of counties with an appointed elections official, the county board of supervisors, must first approve the use of instant runoff voting.

(b) A charter city, charter county or charter city and county may not conduct a local election using instant runoff voting unless that election is conducted on a voting system that is capable of conducting the election using instant runoff voting and has been

approved by the Secretary of State pursuant to Division 19 of the California Elections Code, or by another procedure that has been approved by the Secretary of State.

(c) Any city or county using instant runoff voting shall conduct a voter education and outreach campaign to familiarize voters with instant runoff voting in English and in every language in which a ballot is required to be made available pursuant to the Elections Code and the Federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1973aa-1).

### **3. Instant Runoff Voting Ballot.**

(a) The instant runoff voting ballot shall allow voters to rank as many choices as there are candidates. In the event that the voting system adopted by the county or city cannot accommodate a number of rankings on the ballot equal to the number of candidates, the elections official may limit the number of choices a voter may rank to the maximum number allowed by the equipment. This limit shall not be less than three.

(b) The ballot shall permit a voter to rank a qualified write-in candidate for each of the possible ranks (first, second, third, etc.). A mark for an unqualified write-in candidate shall not be considered a mark for a candidate.

### **4. Ballot Instructions.**

Instructions provided to voters shall be substantially as follows, but may be modified based on ballot design and voting equipment used:

“Vote by ranking candidates in your order of choice. You may rank as many or as few candidates as you choose. Select a different candidate for each ranking (first, second, third, etc.). Do not give more than one candidate the same ranking. Ranking lower choice candidates will not hurt your higher ranked candidates. Do not skip rankings. When a skipped ranking is encountered on a ballot during a round of counting, the vote for the qualified candidate selected in the next non-skipped ranking on the ballot will be counted immediately in that the current round.”

Sample ballots illustrating voting procedures shall be posted in or near the voting booth and shall be included in the instruction packet of vote by mail ballots.

## **Article 2. Vote Counting Procedures: Instant Runoff Voting Elections**

### **5. Counting Procedures.**

In instant runoff elections, votes shall be counted in the following manner.

(a) In the first round of counting, elections officials shall count the first choices marked on each ballot. If after the first or any succeeding round, there are only two candidates remaining, the candidate with the larger total is the winner. If there are more than two candidates, counting shall continue to the next round.

(b) In the second round of counting, the candidate with the smallest number of votes shall be eliminated and every ballot counting toward the eliminated candidate shall be counted for the next highest continuing candidate on that ballot. If there is a tie between

two candidates with the smallest number of votes, the tie shall be resolved by lot. If more than two candidates remain after the second round of counting, new rounds of counting shall be repeated until there are only two candidates remaining.

(c) In any round of counting, if the total number of votes of two or more candidates credited with the lowest number of votes is less than the number of votes credited to the candidate with the next highest number of votes, those candidates with the lowest number of votes shall be eliminated simultaneously and those ballots shall each be counted for the next-ranked continuing candidate on each ballot in a single counting operation.

(d) If there are only two candidates remaining, and those two candidates have the same number of votes from the continuing ballots, the tie shall be resolved by lot in accordance with Elections Code section 15651.

(e) In any round of counting, skipped rankings shall be accounted for pursuant to section 6(a), below.

(f) In the event the voting system cannot continue the count until only two candidates remain, the system may terminate the count whenever a candidate receives a majority of the votes from continuing ballots, at which point that candidate shall be declared the winner.

## **6. Undervotes, Skipped Rankings, Overvotes, and Exhausted Ballots.**

(a) In the first or any round, in the event that any ballot reaches a rank with a skipped ranking (no qualified candidate indicated), the vote for the qualified candidate selected in the next non-skipped rank on the ballot shall be counted immediately in that round.

(b) In the first or any round, in the event that any ballot reaches an overvote, that ballot shall not count as a vote for any candidate in that round or in subsequent rounds.

(c) After each round, any exhausted or overvoted ballots shall be eliminated from any subsequent rounds of counting.

## **Article 3. Post-election Procedures**

### **7. Canvass.**

An instant runoff voting election shall be canvassed in substantially the manner provided by law for a regular election for the office.

### **8. Reporting Results.**

All of the following reports shall be made available after each instant runoff voting election:

(a) The “summary report” for a race means a report that lists the candidate vote totals in each round, along with the cumulative numbers of undervotes, overvotes, and exhausted ballots in each round.

(b) The “ballot report” for a race means a report that lists, for each ballot, the candidate or candidates indicated at each ranking, the precinct of the ballot, and whether the ballot

was cast by mail. In the report, the ballots shall be listed in an order that does not permit the order in which they were cast in each precinct to be reconstructed.

(c) The “comprehensive report” for a race means a report that provides the information contained in the summary report by precinct. The report shall list, for each round, the number of ballots cast in each precinct that count as votes for each candidate in that round, that have been declared overvotes up to that point, that have been declared undervotes up to that point, and that have been declared exhausted up to that point.

(d) Preliminary versions of the summary report and ballot report shall be made available as soon as possible after the commencement of the official canvass of the vote in accordance with California Elections Code Section 15301 and prior to the 1 percent manual tally conducted pursuant to California Elections Code Section 15360.

(e) The final version of each report described in this section shall be made available by the closing of the official canvass as described in California Elections Code section 15301, and shall be included in the statement of the results described in California Elections Code section 15372.

(f) The summary report, ballot report, comprehensive report, and preliminary versions of the summary report and ballot report shall be made available to the public via the Internet and by other means. The ballot report and preliminary versions of the ballot report shall be made available in a plain text electronic format.

## **9. Determination of Elected Candidates.**

In accordance with California Elections Code section 15450 and the county or city charter of a county, city or city and county that conducts single-winner races using instant runoff voting, the winner of each single-member race subject to instant runoff voting as determined in Article 2 of these guidelines shall constitute the elected candidate for that race.

## **10. One-Percent Manual Tally.**

In each selected precinct, the manual one-percent tally shall be conducted as a stand-alone instant runoff voting election for that precinct, as follows.

(a) The elections official shall follow the ballot-counting procedures described in California Elections Code sections 15320 and 15321 with the following differences:

(1) After each round of manual counting of the randomly selected 1% of precincts, the number of votes counted towards each candidate, the number of exhausted ballots, the number of overvotes, and the number of undervotes shall be verified by comparison to the comprehensive report.

(2) After each round, the candidates to be eliminated shall be determined by the candidate totals in the comprehensive report for the entire election, rather than the totals for each precinct.

(b) The one-percent manual tally shall follow the procedures set forth in the California Elections Code and/or any regulations promulgated by the Secretary of State.