

# San José Charter Review Commission

## Recommendation Memo Template

*Drafted April 19th, 2021; Revised July 2nd, 2021*

### **Instructions**

1. Complete sections 1-3 below.
2. Rename document. Replace everything after the "-" in the document name with the proposal name.
  - a. Example: "SJ CRC Recommendations Memo - **Ranked Choice Voting**"
3. When ready, email to the Commission Secretary ([CharterReview@sanJoseca.gov](mailto:CharterReview@sanJoseca.gov)) for posting to the appropriate subcommittee or full Commission. Final deadline for submitting subcommittee recommendations is 12 noon on the following dates:
  - a. Friday, July 26 for Voting & Elections Subcommittee
  - b. Friday, August 23rd for Governance Structure Subcommittee
  - c. Friday, September 3rd for Policing & Municipal Law, Accountability & Inclusion Subcommittee

### **1) Proposal Name**

<b>Proposal Name:</b>	<i>Ranked Choice Voting</i>
<b>Submitted by:</b>	<i>Elections and Voting Subcommittee – Commissioner Huy Tran as lead</i>
<b>Date submitted:</b>	<i>July 23, 2021</i>

### **3) Proposal Details**

<b>1) What problem(s) are you trying to address?</b>	Increasing the diverse representation of the communities in San José by reducing barriers to running for office and providing voters the option to vote for the candidates that best reflect their values. This recommendation does this by reducing the costs of
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<p><i>Before suggesting a solution, it is important to be clear about the problem you aim to solve.</i></p>	<p>running for office by consolidating the elections process, and by allowing voters to rank multiple candidates instead of choosing only one.</p>
<p><b>2) How has this problem possibly benefited or burdened people, especially BIPOC, low-income, undocumented and immigrant, those experiencing houselessness, etc.?</b></p> <p><i>Is there data that speaks to the impact of this problem? What does the disaggregated data tell us?</i></p>	<p>RCV is gaining in popularity around the nation, including four cities here in the Bay Area. RCV has two main benefits: (1) allows voters to select candidates who best reflect their values, and (2) reduces the costs running for office by consolidating the primary and general.</p> <p>Allowing voters to rank candidates gives them the ability to choose the candidate that best reflects their values. Further, it does not limit voters to pick the candidates who have the best chance of winning (i.e. lesser of two evils). The most recent data shows that representation of women – women of color in particular – increased in the Bay Area cities where RCV was adopted. Data from early 20<sup>th</sup> century also showed that representation of people of color increased in New York City and several Ohio cities where proportional RCV was used.</p> <p>Additionally, one of the obstacles of running for San José city-wide office is the pure cost, in money and in time. The primary system means that candidates have to be ready to run in two separate elections, each taking months of commitment and campaign expenditures that can easily exceed \$100,000 for each election. This type of commitment is very unrealistic for those who have family and job commitments, but reflect the more common experiences of the residents of San José.</p> <p>Data also establishes that RCV improves on the civility of elections and promotes issue-oriented campaigns because candidates will work to become the second or third choice for voters. Improving the civility and promoting more issue-oriented campaigns provides more incentives for women and people of color to participate as candidates by allowing campaigns to focus on</p>

	<p>policy ideas rather than attacking people.</p>
<p><b>3) What change are you proposing?</b> <i>Describe the revision to <a href="#">San José's Charter</a> that you are proposing. Include relevant Charter section numbers.</i></p>	<p>Amending Section 1600(a) as follows:</p> <p><del>“REGULAR MUNICIPAL ELECTIONS. A Regular Municipal Election is either a regularly scheduled Primary or Run-off Municipal Election, which shall be held on the same date the State of California holds its Statewide General Election. Such elections shall be held every two years, with the election for Mayor and for the odd numbered Council Districts being every four (4) years beginning with 1994, and the election for the even numbered Council Districts being every four (4) years beginning in 1996. Each member’s term shall commence on the first day of January next following, and end on the last day of December in the fourth calendar year succeeding, the date of the member’s election. A regularly scheduled Primary Election shall be held on the same date that the State of California holds its Direct Primary Election. A Run-off Municipal Election shall be held on the same date the State of California holds its Statewide General Election.”</del></p> <p>Replacing Section 1600(d) as follows:</p> <p>“RANKED CHOICE VOTING: Election to any office for the City of San José shall be done through Ranked Choice Voting, where voters rank all available candidates in order of preference. Each vote shall be counted towards the candidate with the highest preference, unless that candidate has not the minimum threshold of votes cast or is the candidate with the least votes. The City Council shall set the threshold that candidates must meet to have votes counted towards them.</p> <p>A. Where a candidate has not met the threshold to have their votes counted, or where a candidate is the one with the</p>

	<p>least votes, the votes for that candidate shall be reapportioned to each voter’s next preferred candidate. This reapportionment shall continue until a candidate has received the majority of votes cast.</p> <p>B. Where a voter undervotes, meaning that the voter does not rank the number of candidates that the voter is entitled to, that vote shall not count against the totality of votes cast if all of their preferred candidates fail to meet the minimum threshold or are eliminated. Voters may rank all of the candidates who have made the ballot for any elected seat in the City of San José.”</p>
<p><b>4) Is this change feasible?</b> <i>Think through the revision you are proposing. Is it legally possible? Is it practical? If there are questions you cannot answer, list them here.</i></p>	<p>This change is feasible. It has been done in cities around the United States and the Bay Area, including Oakland, Berkeley, San Leandro, San Francisco, and most recently Albany.</p>
<p><b>5) Who might benefit from or be burdened by this change?</b> <i>Is there data that speaks to the potential impact of this change? What are the potential unintended consequences of this change?</i></p>	<p>As stated above, current and historical data shows that representation of women and people of color increases under RCV systems.</p> <p>Opponents have argued that RCV is confusing, and a new system that requires participants to understand the new mechanics of voting would have a negative impact on older and/or limited English proficiency speakers. However, a study of 1000 2020 RCV Democratic voters showed that: (1) 80% had no difficulty ranking candidates; (2) though older voters were more concerned about voting incorrectly, they were more likely to vote correctly than younger voters, and (3) only 12% undervoted, and available data suggests that this was intentional rather than by mistake.</p> <p>Additionally, transitioning to new systems will always require investments in education and outreach to minimize any of the</p>

	<p>challenges in switching to a new system. The ultimate question should be whether the change is worth the transition.</p>
<p><b>6) What are the arguments against this proposal?</b> <i>Summarize the arguments you expect or data you have found in opposition to this recommendation.</i></p>	<p>Opponents to RCV believe that it increases that chance that a non-monotonic winner may result.</p> <p>Example: 2009 Burlington, Vermont mayoral race. In this race, the candidate who ultimately won did not receive the most votes in the first or second round of ballot allocation. Opponents argue that this this is not a desirable result because voters in both rounds of counting preferred other candidates. However, each voter only voted once, and the final result is still an expression of the will of the voters. The ultimate winner received the most votes. Having a lower rank among voter preferences does not indicate that any other candidate was entitled to the seat.</p>
<p><b>7) Must this be a Charter revision?</b> <i>Can this problem be addressed without changing the charter (e.g., Council action, cultural change)? If not, should this be a policy recommendation to be included in the Commission's report?</i></p>	<p>Yes. The process defining the primary/general election system is currently outlined in the Charter under Section 1600, and must be amended to allow for RCV to occur.</p>

**8) Are there other examples of this change?**

*If you have found other examples of this change, please share them and any outcomes that have been observed.*

Oakland, San Francisco, Berkeley, San Leandro, and now Alameda have adopted Ranked Choice Voting. Studies showing their outcomes are listed in the Citations Section.

**3) Proposal Research & Citations**

List below the results of any research conducted to inform this memo.

**List of citations**

*All data must be cited so that Commissioners who are not part of the Subcommittee in question may locate the source of information as needed.*

1. Tolbert, Caroline J. and Daria Kuzentsova. "Editor's Introduction: The Promise and Peril of Ranked Choice Voting." Politics and Governance, Open Access Journal, Volume 9, Issue 2 (2021).
2. Kropf, Martha. "Using Campaign Communications to Analyze Civility in Ranked Choice Voting Elections." Politics and Governance, Open Access Journal, Volume 9, Issue 2 (2021).
3. Coll, Joseph A. "Demographic Disparities Using Ranked Choice Voting? Ranking Difficulty, Under-Voting, and the 2020 Democratic Primary." Politics and Governance, Open Access Journal, Volume 9, Issue 2 (2021).
4. Juelich, Courtney L. and Joseph A. Coll. "Ranked Choice Voting and Youth Voter Turnout: The Roles of Campaign Civility and Candidate Contact." Politics and Governance, Open Access Journal, Volume 9, Issue 2 (2021).
5. Terrell, Cynthia Richie *et al.* "Election Reform and Women's Representation: Ranked Choice Voting in the U.S.." Politics and Governance, Open Access Journal, Volume 9, Issue 2 (2021).
6. Santucci, Jack. "Variants of Ranked Choice Voting from a Strategic Perspective." Politics and Governance, Open Access Journal, Volume 9, Issue 2 (2021).
7. Richie, Rob *et al.* "Lessons from the Use of Ranked Choice

	<p>Voting in American Presidential Primaries.” Politics and Governance, Open Access Journal, Volume 9, Issue 2 (2021).</p> <p>8. Chessin, Steve. “Non-Monotonicity Explained.” June 17, 2009.</p> <p>9. 2009 Burlington mayoral election. Wikipedia. Accessed July 13, 2021.</p> <p>10. Donovan, Todd, and Kellen Gracey. “Self-Reported Understanding of Ranked-Choice Voting.” Social Science Quarterly, April 2019.</p>
<p><b>Any speakers who presented to the subcommittee must be listed.</b></p> <p><i>Include name, title, affiliations, etc., along with a brief summary of the information presented by them.</i></p>	<p>None.</p>
<p><b>Relevant Links</b></p> <p><i>Provide links or locations of the information in this research as much as possible, otherwise provide attachments.</i></p>	<ol style="list-style-type: none"> <li>1. Politics and Governance, Open Access Journal, Volume 9, Issue 2 (2021). <a href="https://www.cogitatiopress.com/politicsandgovernance/issue/view/251">https://www.cogitatiopress.com/politicsandgovernance/issue/view/251</a></li> <li>2. 2009 Burlington mayoral election. Wikipedia. Accessed July 13, 2021. <a href="https://en.wikipedia.org/wiki/2009_Burlington_mayoral_election">https://en.wikipedia.org/wiki/2009_Burlington_mayoral_election</a></li> <li>3. “Self-Reported Understanding of Ranked-Choice Voting.” <a href="https://www.researchgate.net/publication/332608727_Self-Reported_Understanding_of_Ranked-Choice_Voting">https://www.researchgate.net/publication/332608727_Self-Reported_Understanding_of_Ranked-Choice_Voting</a></li> </ol>