

# THE JUSTICE WORKSHOP

## CHOICE VOTING -- PROPOSED AMENDMENT TO SAN DIEGO CITY CHARTER

February 1, 2025, DRAFT

New language is indicated by **bold type**. Explanatory notes and examples are in blue. These notes and examples will not be part of the charter amendment. They are merely an aid to readers. The blue language will be deleted from the proposed amendment prior to submission to the City.

This charter amendment is for the benefit of all San Diegans. We welcome community members to share their thoughts, questions, and ideas about it so we can make sure the final version works best for San Diego. That's why this amendment is still a draft.

I. Section 4 of Article II is amended to read as follows:

Section 4: Districts Established

For the purpose of electing **nine members** of the Council, the City shall be divided into nine Council districts as nearly equal in population as practicable. The boundaries of such districts shall be subject to alteration and change under the provisions of this Charter. Six additional at-large members shall be elected to the Council as specified in section 5.1 of this Article. . . . [The ellipses denotes that the section contains additional language that will remain the same but has not been included in draft because it is not relevant to a review of this amendment.]

Explanation:

Starting in 2030, there will be six more members added to the City Council, making a total of 15 members. These six new members will not represent specific districts like the other nine members. Instead, everyone in the city will choose the six members using a voting method called "Choice Voting," where voters rank their preferences for candidates. All six of these citywide representatives will be elected at the same time.

II. Section 5.1 of Article II is amended to read as follows:

Section 5.1: Redistricting Commission

**The City Council shall consist of nine members elected by district, with one Councilmember representing each district. Beginning in 2030, an additional six members, known as at-large members, shall be elected to the City Council by the City as a whole.**

**Explanation:**

The City Council currently has nine members, each elected by voters in a specific district. Starting in 2030, six more members will be added to the Council, bringing the total number to 15 members. These additional members, called “at-large members,” will not represent individual districts. Instead, they will be elected by all voters across the entire city.

III. Section 7 of Article II is amended to read as follows:

Section 7: Elective Officers Residency Requirement

An elective officer of the City shall be a resident and elector of the City.

In addition, every Councilmember **elected by district** shall be an actual resident and elector of the district from which the Councilmember seeks election. The office of a Councilmember **elected by district** shall be vacated if he or she moves from the district from which the Councilmember was elected. Redistricting that occurs during a **District** Councilmember’s term shall not operate to create a vacancy. The Council shall establish by ordinance minimum length of residency requirements for candidacy to elective office, whether by appointment or election.

**Example:**

Maria is elected as a Councilmember to represent District 3. To qualify, she must live in District 3 and be registered to vote there. If Maria moves out of District 3 during her term, she will lose her seat on the Council. If, however, the city changes the district boundaries (redistricting) while Maria is still in office, she can continue serving her term even if her home ends up in a different district.

#### IV. Section 10 of Article II is amended to read as follows:

##### Section 10: Elections

Elective officers of the City shall be nominated and elected by all of the electors of the City except that City Council members **elected by district** shall be nominated and elected by the electors of the district for which elective office they are a candidate.

Commencing with the year 1996, the municipal primary elections to the office of Council member for Districts 1, 3, 5, and 7 shall be held on same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year. Commencing with the year 2012, the election to the office of Council member for District 9 shall be held on the same date as the election to the office of Council member for Districts 1, 3, 5, and 7.

Commencing with the year 1998, the municipal primary elections to the offices of Council member for Districts 2, 4, 6, and 8 shall be held on same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year.

Commencing with the next municipal primary and general elections following the redistricting occurring after the 2010 national decennial census, and every four years thereafter, the municipal primary and general elections to the office of Council District 9 shall be held. Commencing with the year 1984, the elections to the offices of Mayor and City Attorney shall be held every four (4) years. The municipal primary election for the offices of Mayor and City Attorney shall be held on the same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year. All other municipal elections which may be held under this Charter shall be known as special municipal elections.

**The City shall not hold primary elections. All elective officers of the City shall be elected at the general municipal election.**

**In the year 2030, a general municipal election for all six at-large Councilmembers shall be held. The six at-large Councilmembers elected in 2030 will serve a two (2) year term. Commencing with the year 2032, the general municipal election for all six at-large Councilmembers shall be held every four (4) years.** The general municipal election for this office shall be held on the same date as the California State general election for that year. **The election for all six at-large Councilmembers must be take place on the same day.**

**Councilmembers elected by district shall be elected using the single winner form of Choice Voting as specified in Article XVII. Councilmembers elected**

**at-large shall be elected using the multi-winner form of Choice Voting as specified in Article XVII. All other elected officers shall be elected using the single-winner form of Choice Voting as specified in Article XVII.**

After the result of an election for any office is declared, or when an appointment is made, the Election official, under his or her hand and official seal, shall issue a certificate therefor, and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the Election official.

**Explanation:**

Once voters approve this amendment, the city will stop holding primary elections. Instead, voters will elect all city officials during the general municipal election.

- Voters will choose District Council members using a voting method called “single-seat Choice Voting,” where they rank candidates, and the person who reaches the election threshold the wins.
- Voters will elect citywide (at-large) Councilmembers using “multi-winner Choice Voting,” where they rank candidates, and 6 winners are selected for appointment to the City Council.
- Voters will also elect other city officials, like the Mayor or other positions, using “single-winner Choice Voting.”

**V. Section 4 of Article III is amended to read as follows:**

**Section 15: Quorum**

A majority of the members elected to **and currently serving on** the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. Except as otherwise provided herein the affirmative vote of a **simple** majority of the members **currently serving on** the Council shall be necessary to adopt any ordinance, resolution, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or in which his own personal interests are involved.

Examples:

#### Example 1

In this example, there are 15 city council seats, and all 15 are currently filled.

**Quorum:** To conduct business, a majority of the members currently serving on the council must be present. Since all 15 seats are filled, a majority is 8 members. Therefore, at least 8 Councilmembers must be present for the council to have a quorum and conduct business.

**Adopting Decisions:** To adopt an ordinance, resolution, order, or vote (other than matters related to adjournment or compelling attendance), a majority of the members currently serving must vote affirmatively. Since there are 15 members currently serving, a majority is 8 affirmative votes. Therefore, at least 8 votes are needed to adopt such decisions.

#### Example 2

In this example, there are 15 city council seats, but two seats are vacant, meaning only 13 members are currently serving.

**Quorum:** To conduct business, a majority of the members currently serving on the Council must be present. Since there are 13 members currently serving, a majority is 7 members. Therefore, at least 7 Councilmembers must be present for the Council to have a quorum and conduct business.

**Adopting Decisions:** To adopt an ordinance, resolution, order, or vote (other than matters related to adjournment or compelling attendance), a majority of the members currently serving must vote affirmatively. Since there are 13 members currently serving, a majority is 7 affirmative votes. Therefore, at least 7 votes are needed to adopt such decisions.

## VI. Section 23 of Article III is amended to read as follows:

### Section 23: Initiative, Referendum and Recall

The right to recall municipal officers and the powers of the initiative and referendum are hereby reserved to the people of the City. Ordinances may be initiated; and referendum may be exercised on any ordinance passed by the Council except an ordinance which by the provisions of this Charter takes effect immediately upon its passage; and any elective officer may be recalled from office. The Council shall include in the election code ordinance required to be adopted by Section 8, Article II, of this charter, an expeditious and complete procedure for the exercise by the people of the initiative, referendum and recall, including forms of petitions; provided that the number of signatures necessary on

petitions for the initiation of an ordinance for the consideration of the Council shall be three percent of the registered voters of the City at the last general City election; that for the direct submission of a measure to the people it shall require a petition signed by ten per cent of the registered voters of the City at the last general City election; that for a referendum upon an ordinance passed by the Council it shall require a petition signed by five per cent of the registered voters of the City at the last general election; and that for the recall of an elected officer who is elected by all of the electors of the City, **including an at-large Councilmember**, it shall require a petition signed by fifteen per cent of the registered voters of the City at the last general City election; and that for the recall of a Councilmember **elected by district** other than the Mayor it shall require a petition signed by fifteen percent of the registered voters of the Councilmanic District at the last general City election. **The recall of at-large Councilmembers requires a minimum of 75% voter approval.**

Initiative measures and referendum measures that qualify for the ballot after the people's petition process, and in compliance with provisions of this Charter and the City's Election Code Ordinance, shall be submitted to the electorate at a Municipal Special Election consolidated with the next City-wide Municipal General Election ballot on which the measures legally can be placed, or at a City-wide Municipal Special Election held prior to that general election.

Submission of such measures to a general election ballot shall be considered to meet the Charter requirement of an expeditious procedure for the people's exercise of their constitutionally reserved powers of initiative and referendum.

All other municipal ballot measures may be submitted to the electorate at a Municipal Special Election that may be consolidated with the next City-wide Municipal General Election, or at any City-wide special election held for that purpose.

Charter amendment measures and the timing of their submission to the electorate are governed by California law.

#### Example:

An at-large (citywide) Councilmember named Alex is facing a recall election. For Alex to be removed from office, at least 75 out of every 100 voters across the entire city must vote in favor of the recall. If less than 75% vote "yes," Alex will stay in office.

VII. Section 66 of Article VI is amended to read as follows:

Section 66: Board of Education

The government of the San Diego Unified School District shall be vested in a Board of

Education, composed of five members who shall be elected by the registered voters of the individual Board of Education District for which they are a candidate. Board of Education elections will be held at the regular Municipal General Elections, at the same time as the election of Council members, **using the single-seat form of Choice Voting as specified in Article XVII.** Each candidate for the Board of Education shall have been a registered voter of the San Diego Unified School District and an actual resident of the election district from which the candidate seeks to be nominated elected for thirty (30) days immediately preceding the filing of a nomination petition. The members shall serve for a term of four years from and after 10 a.m. the first Monday after the first day of December next succeeding this election and until their successors are elected and qualified, except as herein provided.

Notwithstanding any other provision of this Charter, and commencing in 2020, no person shall serve more than three four-year terms as a member of the Board of Education. Board members who hold the office as of the date of the Municipal General Election in 2020 shall not have prior or current terms counted for purposes of applying this term limit provision.

Article XVI of this Charter shall govern: (1) when a vacancy in the office of member of the Board of Education shall be deemed to occur, and (2) when a member of the Board of Education shall be removed for cause. Vacancies for the office of member of the Board of Education shall be filled as provided in this Charter section.

Any vacancy occurring on the Board shall be filled from the election district in which the vacancy occurs, by appointment by the remaining Board members; but in the event that the remaining members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause to be held a general election as set forth in this section to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

For the purpose of electing members of the Board of Education, the San Diego Unified School District shall be divided into five (5) districts as nearly equal in registered voter population as practicable. For the first regular election held under this section, as amended, the boundaries of such election districts shall be established by the Board of Education as such Board existed on the effective date of the amendment to this section. Thereafter, the boundaries of such election districts shall be subject to alteration and change under the provisions of this section. The Board of Education, by resolution, may change and alter the boundaries of the election districts and in the resolution may describe the new boundaries by reference to a map on file in the office of the Election official; a metes and bounds description of the new boundaries need not be contained in the resolution.

## Example:

The San Diego Unified School District has five districts. One of them, District A, needs to elect a new Board of Education member. Three candidates—Emma, Jose, and Priya—are running for the seat.

On election day, voters in District A rank the candidates in order of preference (e.g., 1st choice, 2nd choice, 3rd choice). Under the single-winner Choice Voting system, if no candidate gets a majority of 1st-choice votes, the candidate with the fewest votes is eliminated, and their votes are transferred to the remaining candidates based on voters' next preferences. This process continues until one candidate has a majority.

Emma wins the majority of votes, so she becomes the new representative for District A.

## VIII. Section 270 of Article XV is amended as follows:

### Section 270: The Council

- (a) The Council shall be composed of nine Councilmembers elected by district **and six at-large members**. The Council shall be the legislative body of the City.
- (b) Each councilmember shall have the right to vote upon all questions before the Council.
- (c) No resolution, ordinance, or other action of the Council shall be passed or become effective without receiving the affirmative vote of **a simple majority of the currently serving** members of the Council, unless a greater number is otherwise required by the Charter or other superseding law. All substantive actions of the Council shall be passed by adoption of an ordinance or resolution.

### Examples:

(a) The City Council has 15 members: 9 are elected by specific districts, and 6 are elected by the entire city. The Council makes the city's laws and decisions.

(b) Every councilmember, no matter whether they are elected by specific district or by the entire city, gets to vote on all issues the Council discusses.

(c) The number of votes needed to approve an item will depend on whether all 15 seats of the City Council are filled. Here are two scenarios illustrating subsection (c) of Section 270.



Scenario 1: All 15 seats of the City Council are filled. In this case, all 15 Council seats are occupied, and the Council is fully constituted. A simple majority would require at least 8 affirmative votes.

Scenario 2: Only 13 seats of the City Council are filled because 2 seats are vacant. Here, two seats are vacant, so the Council currently has 13 serving members. A simple majority would now require at least 7 affirmative votes.

## IX. Section 285 of Article XV is amended as follows:

### Section 285: Enactment Over Veto

The Council shall reconsider any resolution or ordinance vetoed by the Mayor. If at least **a simple majority plus one of the currently serving** members of the Council vote in favor of passage after reconsideration, that resolution or ordinance shall become effective notwithstanding the Mayor's veto. If more than **a simple majority plus one** vote is required by this Charter or other superseding law to pass any resolution or ordinance, such larger vote shall be required to override the Mayor's veto. If a vetoed resolution or ordinance does not receive sufficient votes to override the Mayor's veto within thirty calendar days of such veto, that resolution or ordinance shall be deemed disapproved and have no legal effect.

#### Examples:

##### Example 1

The City Council, which has 15 members, passes an ordinance to build a new park. The vote is 10 in favor and 5 against. The Mayor, however, vetoes the ordinance, preventing it from becoming law.

The Council decides to reconsider the ordinance. To override the Mayor's veto, at least 9 of the 15 Councilmembers must vote again in favor of the ordinance. During the reconsideration vote, 10 members vote in favor (the same as before). Since this meets the required 9 votes, the ordinance becomes law despite the Mayor's veto.

If the Charter or another law requires more than a simple majority (for example a two-thirds majority), the Council would need to meet that higher threshold to override the veto. In this case, the ordinance already had 10 votes by Councilmembers, so it would meet the two-thirds majority requirement and still succeed, if Councilmembers voted the same way during the reconsideration vote.

## Example 2

The City Council, which has 15 seats but currently only 13 members serving due to 2 vacancies, passes an ordinance to build a new park. The vote is 10 in favor and 3 against. The Mayor, however, vetoes the ordinance, preventing it from becoming law.

The Council decides to reconsider the ordinance. To override the Mayor's veto, at least 8 of the 13 currently serving Councilmembers (a simple majority plus one) must vote again in favor of the ordinance. During the reconsideration vote, 10 members vote in favor (the same as before). Since this exceeds the required 8 votes, the ordinance becomes law despite the Mayor's veto.

If the Charter or another law requires more than a simple majority (for example a two-thirds majority), the Council would need to meet that higher threshold to override the veto. In this case, the ordinance already had 10 votes by Councilmembers, so it would meet the two-thirds majority requirement and still succeed, if Councilmembers voted the same way during the reconsideration vote.

## Section 295: When Resolutions and Ordinances Take Effect; Emergency Measures

(a) In the case of a resolution or ordinance for which the Mayor has veto power:

(1) The date of approval by the Mayor pursuant to section 280(c) shall be deemed the date of its final passage.

(2) If the time for approval or veto by the Mayor has expired and no action has been taken by the Mayor, the date of expiration of that time shall be deemed the date of its final passage.

(3) If a resolution or ordinance is adopted by Council overriding the Mayor's veto, then the date of Council's override vote shall be deemed the date of final passage.

(b) In the case of a resolution or ordinance for which the Mayor has no veto power, the date of passage by the Council shall be deemed the date of its final passage.

(c) Resolutions shall become effective immediately upon their final passage, unless otherwise stated therein.

(d) Ordinances making the annual tax levy, the annual appropriation ordinances, ordinances calling or relating to elections, and emergency measures, shall take effect at the time indicated therein. All other ordinances passed by the Council shall take effect at the time indicated therein, but not less than thirty calendar days from the date of their final passage. Ordinances adopted by vote of the electors shall take effect at the time indicated therein or the date the final canvass is issued by the County Registrar of Voters, whichever occurs later.

(e) An emergency measure is an ordinance to provide for the immediate preservation of the public peace, property, health, or safety, in which the emergency claimed is set forth and defined in the preamble thereto. The affirmative vote of **a simple majority of the currently serving** members elected to the Council shall be required to pass any ordinance as an emergency measure. No measure making or amending a grant, renewal, or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the Council except as defined in this section, and it is the intention of this Charter that the courts shall strictly construe compliance with such definition.

#### Explanation:

The only change in this section is that the required number of Council votes to pass certain actions, such as overriding a Mayor's veto or passing an emergency ordinance, has been updated to a simple majority of the currently serving Councilmembers instead of the set number previously listed in the charter. Everything else remains the same.

XI. Section 300 of Article XVI is amended to read as follows:

#### Section 300: Vacancy in Elective Office

For purposes of this section, elective office includes the offices of Mayor, Council members **elected either by district or at-large**, City Attorney, and members of the Board of Education of the San Diego Unified School District. A vacancy in elective office occurs when any of the following events occur during the term:

(a) The death of the elective officer. (b) For the Mayor, City Attorney, or a **Councilmember elected at-large**, the elective official ceases to be a resident and elector of the City. (c) For a Council member **elected by district**, the Councilmember moves from the district that the Councilmember was elected to represent. Redistricting shall not cause a vacancy in the office of a Councilmember elected by district. (d) For a member of the Board of Education of the San Diego Unified School District, the Board member ceases to be a resident and elector of the sub-district within the school district that the member was elected to represent. Redistricting shall not cause a vacancy in the office of a member of the Board of Education. (e) An adjudication by a court of competent jurisdiction declaring that the elective officer is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the elective officer will not be able to perform the duties of his or her office for the remainder of his or her term. (f) The resignation of an elective officer, effective on the date specified in the written letter of resignation or, if there is no date specified in the letter, upon the date of receipt of the letter by the Election official, in the case of the Mayor, City Attorney, or a Councilmember elected either by district or at-large, or, upon the date of receipt of the letter by the Board Action Officer of the San Diego Unified School District, in the case of a member of the Board of Education. (g) For a Councilmember only, unexcused absences from eight consecutive meetings or fifty

percent of any scheduled meetings as provided by section 12 of this Charter. (h) An elective officer's conduct requiring forfeiture of office, upon conviction or finding of civil liability by a court of competent jurisdiction, as provided by this Charter. An elective officer shall be deemed to have been convicted or found liable when trial court judgment is entered. For purposes of this section, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding. (i) An elective officer's conviction of a felony. An elective officer shall be deemed to have been convicted when trial court judgment is entered. For purposes of this section, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.

(j) The elective officer's removal from office. An elective officer may be removed only by recall or removal proceedings as provided by this Charter.

#### Explanation:

The only change in this section is that it now includes and distinguishes between district Councilmembers and at-large Councilmembers. It specifies that:

- For at-large Councilmembers, the office becomes vacant if they stop being a resident and voter of the city.
- For district Councilmembers, the office becomes vacant if they move out of the district they were elected to represent. However, redistricting (changing district boundaries) will not cause a vacancy.

## XII. Section 302 of Article XVI is amended to read as follows:

### Section 302: Succession to Elective Office

(a) If a vacancy in the office of Mayor, City Attorney, or **Councilmember elected by district** occurs because of a successful recall or removal election, the Council shall adopt procedures to fill the vacancy. A vacancy in the office of member of the Board of Education of the San Diego Unified School District shall be filled as provided in Charter section 66. The School Board may adopt additional procedures for the conduct of the election that are consistent with this Charter, as may be necessary.

(b) If a vacancy occurs in the office of Mayor, City Attorney, or a **Councilmember elected by district** for any reason other than a successful recall or removal election, the following procedures shall apply:

- (1) If the vacancy occurs with one year or less remaining in the term, the Council

shall appoint a person to fill the vacant office within 30 days of the office being vacated. Any person appointed by the Council to fill a vacant office shall not be eligible to run for that office for the next succeeding term; or,

(2) If the vacancy occurs with more than one year remaining in the term, the Council shall call a special election to be held within ninety days of the vacancy, unless there is a municipal or statewide election scheduled to be held within 180 days of the vacancy. If there is a municipal or statewide election scheduled to be held within 180 days of the vacancy, the Council may consolidate the special election with that election.

**(3) The single-seat form of Choice Voting, as specified in Article XVII, shall be used to fill a vacancy in the office of the Mayor, City Attorney, or a Councilmember elected by district.**

(4) The person appointed or elected to fill a vacancy in elective office shall serve in that elective office for the remainder of the unexpired term.

**(c) If a vacancy occurs in the office of a Councilmember elected at-large, the office shall remain vacant until filled at the next general election for at-large Councilmembers.**

#### Examples:

- **Vacancy in the Office of Mayor:** If the Mayor is removed from office through a recall election, the City Council will establish a process to either appoint a new Mayor or hold an election to fill the position. The person selected will serve as Mayor for the remainder of the term.

- **Vacancy in the Office of City Attorney:** If the City Attorney resigns during their term, the Council will adopt procedures to fill the vacancy, ensuring continuity in the office. The replacement will serve until the end of the unexpired term.

- **District Councilmember Vacancy:** If a district Councilmember moves out of their district, creating a vacancy, the Council will decide how to fill it—either by appointing someone or holding a special election. The new Councilmember will serve the rest of the term.

- **At-Large Councilmember Vacancy:** If an at-large Councilmember leaves office, their seat will remain vacant until the next general election, when voters citywide will elect a new Councilmember.

- **Board of Education Vacancy:** If a member of the Board of Education steps down, the vacancy will be filled according to the rules in Charter section 66. For example, if a special election is required, the School Board may establish additional procedures to ensure it aligns with the Charter.

XIII. Article XVII is added to the charter as follows:

**Article XVII Choice Voting.**

**Section 400. Choice Voting Method.**

**Choice Voting is a method that allows voters to rank candidates for elected office in order of preference. Elections conducted by Choice Voting shall be used for single-seat and multi-seat elections. Elections conducted by Choice Voting are tabulated in rounds, as specified in this Article.**

Examples:

- **Single-Seat Election:** In a mayoral election, voters rank their candidates in order of preference: 1st choice, 2nd choice, and so on. If no candidate gets more than 50% of the 1st-choice votes, the candidate with the fewest votes is eliminated. The votes for the eliminated candidate are transferred to the remaining candidates based on voters' next choices. This process continues in rounds until one candidate has a majority and is declared the winner.
- **Multi-Seat Election:** In an at-large city council election, voters rank their candidates in order of preference. Because 6 councilmember seats are available (multiple seats), a threshold of votes needed to win is calculated based on the number of seats and votes counted. Candidates who reach the threshold are elected. Any extra votes they receive are transferred to other candidates based on voters' next choices. This process continues in rounds until all the seats are filled.

**Section 401. Definitions.**

**For purposes of this chapter, the following terms have the following meanings:**

**ACTIVE CANDIDATE — A candidate who has not yet been designated as elected or eliminated and is not a withdrawn candidate.**

Example:

In a City Council election using multi-seat Choice Voting, there are five candidates: Maria, Richard, Priya, Alex, and Emily. After the first round of counting, Maria is elected because she meets the vote threshold, and Alex is eliminated for having the fewest votes. Richard, Priya, and Emily are still in the running because they have not yet been elected or eliminated and have not withdrawn from the race. These three are considered "active candidates."

**CAST VOTE RECORD** — A report in a machine-readable, text-based format that can be retrieved, downloaded, indexed, sorted, and searched by commonly used internet search applications and commonly used open format software that lists all of the following for each ballot counted in the tabulation:

- a. The candidate indicated at each ranking.
- b. The precinct in which the ballot was cast.
- c. Whether the ballot was cast by mail.
- d. Any additional information the election official chooses to include.

Explanation:

After an election using Choice Voting, the Election official must publish a report online, called a Cast Voting Record (CVR). The report must be in a format that the public can access using tools like Excel or other common software. The report includes details for each counted ballot. This report allows anyone to sort, search, and analyze the data to understand voting patterns while ensuring transparency in the election process.

**ELECTION OFFICIAL** — The Election official of the City of San Diego, or his or her designee.

Explanation:

The Election official of San Diego, or someone they choose to act on their behalf.

**ELECTION THRESHOLD** — The number of votes sufficient for a candidate to be elected in a multi-seat contest, such that when all seats are filled there are not enough votes remaining to elect another candidate. The election threshold equals the total votes counted for candidates in the first round of tabulation, divided by the sum of one plus the number of seats to be filled, then adding one, disregarding any fractions. Expressed as a formula, the election threshold =  $[(\text{Total valid votes cast})/(\text{Seats to be elected}+1)] + 1$ , with any fraction disregarded.

Example:

In this example, the city is electing 6 at-large city council members, and there are 10,000 valid votes cast in total.

We'll calculate the election threshold step by step:

1. Start with the formula:

$$\text{Threshold} = (\text{Total votes} \div (\text{Seats} + 1)) + 1.$$

2. Plug in the numbers:

$$\text{Total votes} = 10,000, \text{ Seats} = 6.$$

$$\text{Threshold} = (10,000 \div (6 + 1)) + 1.$$

3. Do the math:

- First, add 1 to the number of seats:  $6 + 1 = 7$ .
- Then divide the total votes by that number:  $10,000 \div 7 = 1,428.57$ .
- Disregard the fraction: 1,428.
- Finally, add 1 vote:  $1,428 + 1 = 1,429$ .

4. Result: A candidate needs 1,429 votes to win one of the 6 city council seats.

So, in this election, if a candidate gets at least 1,429 votes, they will secure one of the 6 available seats on the city council.

**HIGHEST RANKED ACTIVE CANDIDATE — The active candidate on a voter’s ballot assigned to a higher ranking than any other active candidate.**

Example:

If a voter ranks Maria as their 1st choice, Richard as their 2nd choice, and Priya as their 3rd choice, and Maria is still an active candidate, Maria is considered the active candidate assigned the highest ranking on that voter’s ballot. If Maria is eliminated, Richard would then become the highest-ranked active candidate on that ballot.

**INACTIVE BALLOT — A ballot with a ranking marked for at least one candidate but that ceases in a round of tabulation to count for any candidate for the remainder of the tabulation of the election for that office.**

Example:

In a City Council election using Choice Voting, a voter marks their ballot with the following preferences:



Maria: 1<sup>st</sup> Choice

John: 2<sup>nd</sup> Choice

The voter does not rank any other candidates. During the vote counting process, Maria is eliminated in the second round, and the vote is transferred to John as the next-ranked candidate. In a later round, John is also eliminated. Since the voter did not rank any additional candidates, the ballot becomes inactive and no longer counts toward any candidate for the remainder of the election.

**MULTI-SEAT ELECTION — An election in which two or more candidates will be designated as elected in a single contest to fill multiple seats in the same publicly elected office. This may also be referred to as a multi-winner election.**

Example:

In a City Council election, there are 6 at-large seats to be filled. Ten candidates are running in the same election, and voters rank their preferences for the candidates. The election is conducted using Choice Voting, where the top 6 candidates who receive the necessary number of votes are declared elected. Since multiple candidates are elected in this single contest to fill 6 seats, it is considered a multi-seat election, also known as a multi-winner election.

**OVERVOTE — An instance in which a voter has ranked more than one candidate at the same ranking.**

Example:

A voter fills out their ballot for a Choice Voting election and marks Maria and Richard as their first choice. This is called an overvote because more than one candidate is given the same rank.

**RANKING — The number assigned to a candidate by a voter to express the voter's preference for that candidate. The number "1" is the highest ranking, followed by "2" and then "3" and so on.**

Example:

In a Choice Voting election, a voter assigns the number 1 to Maria, indicating she is their top choice. The voter assigns the number 2 to Richard, showing he is their second choice, and the number 3 to Priya, marking her as their third choice. These numbers

represent the voter's preferences, with 1 being the highest ranking.

**REPEATED RANKING – A voter has ranked the same candidate at multiple rankings.**

Example:

In a Choice Voting election, a voter ranks Maria as their 1st choice and 2nd choice on the ballot. This creates a repeated ranking because the same candidate, Maria, has been assigned more than one ranking.

**ROUND -- An instance of the sequence of voting tabulation described in Sections 405 and 406 of this Article for single-winner contests, and Section 407 of this Article for multi-winner contests.**

Example:

In a mayoral election (under Section 405 and 406):

- Round 1: All ballots are counted based on voters' 1st-choice selections. Maria receives 12,000 votes, John receives 10,000 votes, Priya receives 8,000 votes, and Alex receives 5,000 votes. Since no candidate has more than 50% of the votes, the candidate with the fewest votes, Alex, is eliminated. The votes for Alex are transferred to the next-ranked active candidates on the ballots where Alex was chosen as the voters' highest-ranked candidate.

- Round 2: After transferring Alex's votes, Maria now has 13,000 votes, John has 12,500 votes, and Priya has 9,500 votes. Again, no candidate has a majority, so Priya, the candidate with the fewest votes, is eliminated. Her votes are transferred to the next-ranked active candidates.

- Round 3: After transferring Priya's votes, Maria has 16,000 votes, and John has 14,500 votes. Maria now has the majority of votes and is declared the winner.

In this example, each sequence of vote counting and transfer of votes is called a round in the tabulation process.

**SEAT — An elected position occupied by one person, one or more of which form a publicly elected office.**

Explanation:

The City Council has 15 seats, with each seat representing an elected position held by one person. Nine of these seats are filled by Councilmembers elected from specific districts, and six are filled by at-large Councilmembers elected by voters citywide. Each seat is a distinct position within the overall City Council, which is the publicly elected office.

**SINGLE-SEAT ELECTION — An election in which only one candidate can be designated as elected in the contest. This may also be referred to as a single-winner election.**

Explanation:

A mayoral election is a single-seat election because only one person can be elected to the position of mayor. Voters rank the candidates in order of preference, and the election follows the Choice Voting process. The candidate who receives the majority of votes after all necessary rounds of tabulation is declared the winner, making this a single-winner election.

**SKIPPED RANKING — A voter has left a ranking unassigned but ranks a candidate at a subsequent ranking.**

Example:

In a Choice Voting election, a voter marks Maria as their 1st choice and John as their 3rd choice but leaves the 2nd choice blank. This creates a skipped ranking because the voter did not place a candidate in the 2nd-choice position before ranking John as their 3rd choice.

**SUMMARY REPORT — A report that lists all the following:**

- (a) The number of ballots counted.**
- (b) The votes received by each candidate in each round of the tabulation.**
- (c) In each round of tabulation, the cumulative number of all inactive ballots.**
- (d) Any additional information the Election official chooses to include.**

Example:

## Summary Report for a City Council election using Choice Voting

Candidates	Round 1	Round 2	Round 3
Maria	3500	3800	5200
John	2800	3100	4800
Priya	2200	2900	0
Alex	1500	0	0
Inactive Ballots	0	200	300

The total number of ballots counted in this election was 10,000. These ballots were used to determine the winners through a series of tabulation rounds.

In Round 1, the votes were distributed as follows: Maria received 3,500 votes, John received 2,800 votes, Priya received 2,200 votes, and Alex received 1,500 votes. Since Alex had the fewest votes, he was eliminated, and his votes were transferred to the next-ranked candidates on his voters' ballots.

In Round 2, after transferring Alex's votes, the totals were as follows: Maria received 3,800 votes, John received 3,100 votes, and Priya received 2,900 votes. No candidate reached the required number of votes to win, so Priya, who had the fewest votes, was eliminated. Her votes were then transferred.

In Round 3, after transferring Priya's votes, Maria reached the number of votes needed to win with 5,200 votes and was declared elected. John finished with 4,800 votes.

The cumulative number of inactive ballots increased throughout the tabulation process. In Round 1, there were no inactive ballots. In Round 2, 200 ballots became inactive because the voters did not rank any remaining candidates. By Round 3, the total number of inactive ballots had risen to 300.

This summary report provides a clear breakdown of the election results, showing the progression of votes, eliminated candidates, and additional relevant details.

**SURPLUS FRACTION** — The share by which a winning candidate's vote total in a given round exceeds the election threshold. To determine the surplus fraction, subtract the election threshold from the winning candidate's vote total, then divide that number by the winning candidate's vote total, truncated after four decimals. Expressed as a formula it is  $(V-T)/V$ , in which

**"V" is the elected candidate's vote total and "T" is the election threshold, rounded down to four decimal places.**

Example:

Let's use the same city council example where there are 6 at-large seats and 10,000 votes cast. We already calculated that the election threshold is 1,429 votes.

Now let's talk about the surplus fraction.

1. Candidate, Maria, gets 2,000 votes. She has more than the 1,429 votes needed to win a seat.

2. To find her surplus fraction, we use the formula:

$$\text{Surplus Fraction} = (V - T) \div V$$

- V is Maria's vote total: 2,000 votes.
- T is the election threshold: 1,429 votes.

3. Do the math:

- Subtract the threshold from Maria's votes:

$$2,000 - 1,429 = 571$$

- Divide that number by Maria's total votes:

$$571 \div 2,000 = 0.2855$$

4. Result: Maria's surplus fraction is 0.2855 (or about 28.55%).

What Does This Mean?

Maria got more votes than she needed to win. About 28.55% of each vote given to Maria is extra. In this voting system, that extra part of each vote is transferred to each voter's next favorite candidate. This way, the voters' other choices still count and help elect more people they like.

**TABULATION — A tabulation is the production of a round-by-round tally with all the ballots that have been received and processed by that moment in time according to the rules for that type of election (single-seat versus multi-seat). There can be many preliminary tabulations before the final official tabulation that occurs when all ballots (in-person, vote-by-mail, conditional, and provisional) have been processed.**

Example:

The city is electing its mayor using Choice Voting. Voters rank their preferred candidates in order (e.g., 1st choice, 2nd choice, etc.). There are four candidates: Candidate A, Candidate B, Candidate C, and Candidate D.

Preliminary Tabulation (Before all ballots are received and processed):

After the in-person and vote-by-mail ballots received by Election Day are processed, the first preliminary tabulation is conducted:

1. Round 1: All first-choice votes are counted:
  - Candidate A: 3,200 votes
  - Candidate B: 2,800 votes
  - Candidate C: 2,400 votes
  - Candidate D: 1,600 votes

Since no candidate has a majority (more than 50% of votes), Candidate D (the candidate with the fewest votes) is eliminated. Votes for Candidate D are redistributed to the voters' next-choice candidates.

2. Round 2: After redistributing Candidate D's votes:
  - Candidate A: 3,500 votes
  - Candidate B: 3,000 votes
  - Candidate C: 2,500 votes

Still, no candidate has a majority. Candidate C is eliminated, and their votes are redistributed.

3. Round 3: After redistributing Candidate C's votes:
  - Candidate A: 5,000 votes
  - Candidate B: 4,000 votes

Candidate A has a majority and is declared the preliminary winner. However, this result is unofficial since not all ballots (e.g., provisional or late-arriving vote-by-mail ballots) have been processed.

## Final Official Tabulation:

Once all remaining ballots (including provisional and late-arriving vote-by-mail ballots postmarked by Election Day) are processed, the final tabulation occurs. Additional ballots might slightly change the results of each round. For example:

1. Final Round 1: Updated counts after including all ballots:
  - Candidate A: 3,300 votes
  - Candidate B: 2,900 votes
  - Candidate C: 2,500 votes
  - Candidate D: 1,800 votes
2. The rounds proceed similarly, but the updated numbers reflect the complete count, confirming or altering the preliminary results.

This process ensures that every valid vote is accounted for and included in the final official tabulation.

**TABULATE THE RESULTS — To determine a round-by-round tally with all the ballots that have been received and processed by that moment in time according to the rules for that type of election (single-seat versus multi-seat).**

### Example:

In a city mayoral race, five candidates are running: Maria, James, Kelly, Alex, and Sam. The votes are counted round by round, following the rules for a single-seat election, to determine the winner.

#### Round 1: First-Choice Votes

In the first round, all the ballots are counted based on the voter's first-choice candidate. The results are:

- Sam: 30%
- Maria: 25%
- James: 20%
- Kelly: 15%

- Alex: 10%

No candidate has more than 50% of the votes, so no one wins in the first round. The candidate with the fewest votes, Alex, is eliminated.

#### Round 2: Transferring Alex's Votes

The ballots for Alex are checked for the next-choice candidates. Those votes are transferred to the remaining candidates based on the rankings on each ballot. After transferring Alex's votes, the new totals are:

- Sam: 32%
- Maria: 29%
- James: 23%
- Kelly: 16%

No candidate has more than 50% of the votes, so the candidate with the fewest votes, Kelly, is eliminated.

#### Round 3: Transferring Kelly's Votes

The ballots for Kelly are rechecked, and the votes are transferred to the remaining candidates based on voters' next-ranked choices. After transferring Kelly's votes, the totals are:

- Sam: 35%
- Maria: 37%
- James: 28%

No candidate has more than 50% of the votes, so the candidate with the fewest votes, James, is eliminated.

#### Round 4: Transferring James's Votes

Finally, James's ballots are checked, and the votes are transferred to Sam and Maria based on the next-choice preferences of voters. After transferring James's votes, the final totals are:

- Sam: 48%
- Maria: 52%

Winner: Maria wins the election because she has more than 50% of the votes in



the final round.

This round-by-round process of tabulating the results shows how a candidate who may lead early, like Sam, can ultimately lose as votes are transferred, reflecting the ranked preferences of voters. This ensures the winner represents the majority of voters.

**TRANSFER VALUE (or ACTIVE VALUE) — The proportion of a vote that a ballot will contribute to its highest- ranked active candidate. If a ballot contributes to the election of a candidate, it receives a new transfer value pursuant to subparagraph c of Section 407. At the beginning of the first round of tabulation for a multi-seat election, each ballot has a transfer value of one (1.0000).**

Explanation:

In a city council election where six members are being elected, voters rank their favorite candidates in order of preference. Each voter’s ballot is initially counted as one full vote (100%) for their top-choice candidate. This means their entire vote goes to the first candidate they marked on their ballot.

If the voter’s top-choice candidate gets more votes than they need to win (more than the election threshold), that candidate has a surplus—extra votes beyond what is required to win a seat. To make sure no part of the vote is wasted, only a portion of each voter’s vote is used to help the top-choice candidate reach the election threshold. The remaining portion of each vote is transferred to the voter’s next-choice candidate, allowing it to still count toward the election.

This remaining portion of the vote that is transferred is called the “transfer value.” The transfer value is calculated based on how much of the voter’s full vote is no longer needed for the first-choice candidate to win.

For example, suppose your first-choice candidate needs 1,000 votes to win and already has 1,200 votes. This means they have a surplus of 200 votes. To fairly distribute this surplus, the transfer value of each vote is calculated as follows:

- The candidate only needs 1,000 out of 1,200 votes, which means they need 83.3% of each vote.
- Therefore, 83.3% of your vote stays with your first-choice candidate to help them win, while the remaining 16.7% is transferred to your second-choice candidate.

This process ensures that your vote is used as fully as possible. Part of it helps elect your first choice, and the remaining part helps your next choice.

By transferring the unused portion of a vote, this system allows voters to have a greater say in electing multiple members of the city council, ensuring that winners represent a broader range of voters' preferences.

### **Section 402. Ballots with Skipped Rankings, Repeated Rankings, and Overvotes.**

**(a) If a ballot contains a skipped or repeated ranking, the vote shall continue to count for the ballot's highest-ranked active candidate upon encountering the skipped or repeated ranking.**

**(b) An overvote shall be treated in the same manner as a skipped ranking, unless state law requires otherwise.**

Examples:

Skipped or Repeated Ranking:

A voter fills out their ballot with the following preferences:

1. Maria
2. (Left blank)
3. John
4. Priya

In this case, the skipped 2nd ranking is ignored. During the tabulation process, if Maria is eliminated, the vote transfers to John as the next highest-ranked active candidate.

If the voter instead ranks Maria as both their 1st and 2nd choice and John as their 3rd choice, the repeated ranking is ignored. The vote is counted for Maria until she is eliminated, at which point it transfers to John.

Overvote:

A voter marks both Maria and John as their 1st choice, creating an overvote. This overvote is treated as required by state law in all elections.

### **Section 403. Assignment of Rankings to Candidates.**

**(a) The ballot shall allow voters to rank every candidate, as well as write-in**

**candidates, in each contest.**

**(b) The Election official must allow voters to rank no fewer than the number of seats to be elected plus four. If the voting equipment used by the Election official cannot accommodate that number of rankings on the ballot, the Election official may limit the number of candidates that a voter may rank to the maximum number allowed by the equipment.**

**(c) The number of rankings allowed in any given contest shall be uniform for all voters voting on that contest.**

Example:

In a mayoral election, voters rank their preferences among five candidates listed on the ballot. The ballot also provides space for voters to write in a candidate's name, if they choose. For example, a voter might rank their preferences as follows:

1. Maria
2. John
3. Priya
4. Carlos
5. David
6. A write-in candidate: Emily

If the city's voting machines can only handle three rankings, and thus all candidates running can't be ranked, the election official can limit voters to ranking only their top three choices. In that case, a voter could rank their choices like this:

1. Maria
2. John
3. Priya

This rule applies equally to all voters. Everyone voting in the mayoral race would be allowed to rank the same number of candidates, ensuring fairness in the election.

#### **Section 404. Ballot Instructions to Be Provided.**

**(a) Instructions provided to voters must be substantially as set out in subparagraph b. The election official, however, must modify the**

**instructions provided as necessary to accurately explain the ballot design and voting process. The instructions shall also be modified as necessary based on the voting equipment used.**

**(b) Rank the candidates in the order you like them best. For your favorite, fill in the oval in the first-choice column. For your second favorite, fill in the oval in the second-choice column, and so on. Rank as many or as few candidates as you would like. Ranking more candidates won't hurt the ones you like the most. Do not mark more than one oval for each candidate or column. If you do, your vote may not count. Example:**

Ballot Instructions for Choice Voting Election

1. Rank candidates in your order of choice. Your first choice is who you really want to win, your second choice is who you want to win if your first choice can't win, your third choice is who you want to win if neither of your first two choices can win, etc.
2. You may rank as many candidates as you like.
3. Do not give the same ranking (For Example, "1<sup>st</sup> Choice") to more than one candidate in the same race.
4. Remember, fill in one oval per column to show your favorite candidates in order. Make sure not to fill in more than one oval in any column.

Example of Proper Ballot Marking in a race for mayor:

SAN DIEGO MAYORAL RACE

CANDIDATES	1ST CHOICE	2ND CHOICE	3RD CHOICE	4TH CHOICE	5TH CHOICE
Candidate A	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate B	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate C	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate D	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Write-In Candidate <u>Candidate E</u>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

In this sample ballot for the San Diego Mayor's race, the voter's choices show their favorite candidates in this order:

First Choice: Candidate B

Second Choice: Candidate C  
Third Choice: Candidate A  
Fourth Choice: Candidate E  
Fifth Choice: Candidate D

Candidate B is who the voter really wants to win and become mayor, followed by Candidates C, A, E, and D. Under Choice Voting, if Candidate B doesn't get enough votes to become mayor, then the voter's vote would count for Candidate C. If Candidate C doesn't get enough votes to become mayor, then the voter's vote would count for Candidate A. This process continues down the list of preferences until a candidate wins the election.

### **Section 405. Counting of Votes.**

**If the number of candidates is equal to or less than the seats to be filled, each candidate is declared elected. The number of votes for each candidate is counted and tabulation is complete. Otherwise, tabulation proceeds in accord with Section 406 for a single-seat election or Section 407 for a multi-seat election.**

#### **Explanation:**

If the number of candidates running for an election is the same as or fewer than the number of seats available, all the candidates are elected. In this case, the votes for each candidate are counted, but no further steps are needed, and the process is complete.

If there are more candidates than seats, the election results are decided using specific rules. For elections with one seat (such as the mayor's office) the process follows the rules in Section 406, which might include multiple rounds of counting or eliminating candidates. For elections with multiple seats (such as at-large City Council seats), the process follows Section 407, which involves transferring votes and eliminating candidates until the correct number of winners is determined.

### **Section 406. Single-Seat Election Tabulation.**

**Vote tabulation for single-seat elections proceeds in rounds as follows:**

**(a) Each vote is counted for the highest-ranked active candidate on the voter's ballot. If there are only two active candidates, the candidate with the greatest number of votes is elected, and tabulation is complete. Otherwise, tabulation proceeds pursuant to subparagraph b of this section.**

**(b) The candidate with the fewest votes is eliminated, and votes for the eliminated candidate count for each voter's next-ranked active candidate. If two or more candidates are tied with the fewest number of votes, the candidate who will remain active shall be determined by lot. The result of any tie resolution must be recorded and reused in the event of a recount. A new round of tabulation starts again pursuant to subparagraph a of this Section.**

**(c) If a winner is determined when there are three or more active candidates (including the winner), additional rounds of counting must occur until there are only two candidates remaining.**

Example:

#### Mayoral Race with Five Candidates

In this mayoral election, there is one seat to be filled, and five candidates are running: Alice, Ben, Carla, David, and Evelyn. The vote counting follows the rules of Section 406 and proceeds in rounds.

#### Round 1: Counting Votes

Each ballot is counted for the candidate ranked highest on that ballot. The results are as follows:

- Alice: 3,000 votes
- Ben: 2,500 votes
- Carla: 2,000 votes
- David: 1,200 votes
- Evelyn: 800 votes

Since there are more than two candidates in the race, the candidate with the fewest votes, Evelyn (800 votes), is eliminated. The votes for Evelyn are then transferred to the next-choice candidate marked on each ballot where Evelyn was the voter's first choice

#### Round 2: Reassigning Votes

After Evelyn is eliminated, her votes are reassigned to the candidates marked as the next choice on the ballots that originally listed her as the first preference. The updated totals are:

- Alice: 3,100 votes

- Ben: 2,700 votes
- Carla: 2,200 votes
- David: 1,400 votes

David now has the fewest votes (1,400 votes) and is eliminated. The votes for David are reassigned to the next-ranked candidate on the ballots that originally listed him as the first preference.

### Round 3: Reassigning Votes Again

After David is eliminated, his votes are reassigned to the next-ranked candidates. The updated totals are:

- Alice: 3,400 votes
- Ben: 3,000 votes
- Carla: 2,500 votes

Carla now has the fewest votes (2,500 votes) and is eliminated. The votes for Carla are reassigned to the next-ranked candidate on those ballots.

### Round 4: Final Round

After Carla is eliminated, her votes are reassigned to the next-ranked candidates. The updated totals are:

- Alice: 4,200 votes
- Ben: 3,700 votes

At this point, only two candidates remain: Alice and Ben. The candidate with the most votes, Alice (4,200 votes), is declared the winner. The counting process is now complete.

Key points from this example:

1. In each round, votes are counted for the highest-ranked candidate on each voter's ballot.
2. The candidate with the fewest votes is eliminated, and the ballots that ranked that candidate first are reviewed to reassign those votes to the next highest-ranked candidates listed in those same ballots.
3. The process repeats until only two candidates remain, and the candidate with the most votes is elected.

## **Section 407. Multi-Seat Election Tabulation.**

**(a) This method of counting votes is used for multi-seat elections. The City Council race for at-large council members is a multi-seat race because all six council members are elected at once.**

**In this method of counting votes, a voter's choice can be divided into parts, so their vote can help elect more than one candidate. If a voter's top choice already has enough votes to win, a portion of their vote is transferred to the voter's next choice.**

**This system ensures that fewer votes are wasted and that winners represent more voters fairly. It gives voters more influence over the election outcome.**

**(b) The vote counting proceeds in rounds as follows:**

### **(1) Calculating the election threshold**

**(A) The "election threshold" is the number of votes a candidate needs to win a seat.**

**(B) The election threshold is calculated as defined in this Article.**

### **(2) Counting votes in each round**

**(A) In each round, votes are counted for the highest-ranked active candidate on each ballot.**

**(B) In the first round, each vote is counted as a whole vote. In subsequent rounds, each vote is counted at its transfer value, as defined in this Article.**

### **(3) Electing candidates and Transferring vote surpluses**

**(A) Whenever any candidate's vote total reaches the election threshold, that candidate shall immediately be declared elected.**

**(B) If a candidate receives more votes than the election threshold, they have a "surplus," which means they have more votes than needed to win. To make sure this surplus is not wasted, a portion of each vote for that candidate must be transferred to the voter's next-ranked active candidate.**

**(C) The portion of each vote that is transferred, called the "transfer value" is calculated according to the definition of "transfer value"**



**in this Article.**

**(D) Surpluses from all elected candidates shall be transferred in order, starting with the largest surplus, then the next largest, and so on, until all surpluses from that round have been transferred.**

**(E) Surplus transfers for a particular round of counting must be completed before the elimination of any candidates.**

**(4) Eliminating candidates with the fewest votes**

**(A) If no candidate meets the election threshold in a round, or if all seats are not filled after transferring all surpluses, the candidate with the fewest votes is eliminated.**

**(B) All votes for the eliminated candidate are transferred to each voter's next-ranked active candidate.**

**(5) Continuing the process**

**(A) The counting process repeats, following the steps in subsections b.2 through b.4 of this section, until the number of elected candidates equals the number of seats to be filled.**

**(B) If the number of elected and active candidates is less than or equal to the number of seats to be filled, the active candidates are declared elected, and the counting ends.**

**(C) Before finalizing the counting process, the votes of the last eliminated candidate must be transferred among the remaining elected candidates, up to their election threshold and any vote exceeding the election threshold must be counted for each ballot's next highest-ranked active candidate, according to the rules in this section. [Example:](#)**

[Example:](#)

[City Council Election for Six At-Large Seats](#)

[In this election, there are six at-large seats to fill on the city council, and eight candidates are running: Angela, Ben, Carla, David, Emma, Felix, Grace, and Hannah. A total of 12,000 valid votes are cast. The vote counting follows Section 407 and proceeds in rounds.](#)

[Step 1: Calculating the Number of Votes Each Candidate Needs to Win One Of The Six At-Large Seats on the City Council](#)

[To determine how many votes a candidate needs to win a seat \(also known as the "election threshold"\), we use the following formula:](#)

Threshold = (Total Votes / (Seats to Fill + 1)) + 1

Threshold = (12,000 / (6 + 1)) + 1 = 1,715

So, any candidate with 1,715 votes or more wins a seat.

### Step 2: Counting Votes in the First Round

Each ballot is used to determine which candidate the voter ranked the highest, and that candidate gets the vote. The initial vote totals are:

- Angela: 2,500 votes
- Ben: 2,100 votes
- Carla: 1,800 votes
- David: 1,600 votes
- Emma: 1,200 votes
- Felix: 1,000 votes
- Grace: 900 votes
- Hannah: 800 votes

Angela and Ben have more than 1,715 votes, so they win seats. However, since they received more votes than needed, their extra votes will be transferred to the next-ranked candidates on their voters' ballots.

### Step 3: Transferring Surplus Votes

To transfer Angela's and Ben's surplus votes, we calculate the surplus for each:

- Angela's surplus:  $2,500 - 1,715 = 785$  votes.
- Ben's surplus:  $2,100 - 1,715 = 385$  votes.

Each surplus vote is transferred to the next-ranked candidate on those ballots, but only a fraction of the vote is transferred. The fraction is calculated as:

Fraction to Transfer = Surplus / Total Votes for the Candidate

For Angela:

Fraction to Transfer =  $785 / 2,500 = 0.314$

For Ben:

Fraction to Transfer =  $385 / 2,100 = 0.183$

This means that 31.4% of each vote cast for Angela and 18.3% of each vote cast for Ben are transferred to the next-ranked candidates on those ballots. After redistribution, the updated totals are:

- Carla: 2,200 votes
- David: 1,900 votes
- Emma: 1,600 votes
- Felix: 1,400 votes
- Grace: 1,200 votes
- Hannah: 1,100 votes

Carla now has more than 1,715 votes and wins a seat. Carla's surplus votes will be transferred in the next round.

#### Step 4: Transferring Votes Again

After Carla is elected, her surplus votes ( $2,200 - 1,715 = 485$ ) are transferred to the next-ranked candidates on her voters' ballots. The new totals are:

- David: 2,000 votes
- Emma: 1,800 votes
- Felix: 1,500 votes
- Grace: 1,400 votes
- Hannah: 1,200 votes

David now has more than 1,715 votes and wins a seat. David's surplus votes will be transferred.

#### Step 5: Eliminating the Candidate with the Fewest Votes

If no other candidate meets the threshold after redistribution, the candidate with the fewest votes is eliminated. In this case, Hannah (1,200 votes) is eliminated. Her votes are transferred to the next-ranked candidates on her ballots.

This process of transferring surplus votes and eliminating the lowest-scoring candidates continues until all six seats are filled.

## Final Results

After all rounds of transfers and eliminations, the six candidates elected to the city council are Angela, Ben, Carla, David, Emma, and Felix. Grace and Hannah do not win seats.

### **Section 408. Vote Tabulation and Report Publication Timing and Posting.**

**(a) The Election official, in coordination with the San Diego County Registrar of Voters, shall do all of the following:**

**(1) Tabulate the results as soon as the Election official determines it is feasible after the close of the polls and publish the corresponding preliminary summary report, on the evening of the election.**

**(2) Tabulate the results for the last preliminary count of the ballots on election night and publish a corresponding preliminary summary report.**

**(3) Periodically release updated preliminary summary reports at regular intervals until the counting of ballots is complete.**

**(4) Tabulate the results and publish a corresponding preliminary cast vote record no later than when the counting of ballots is complete.**

**b. The Election official shall publish a summary report and cast vote record for the final tabulation of the official canvass in conjunction with the certified statement of the results.**

#### Explanation:

The Election official, working with the San Diego County Registrar of Voters, is responsible for counting votes and sharing election results with the public. After polls close on Election Day, the Clerk will count as many votes as possible and release a preliminary summary report that evening, showing the first results. Later that night, the Clerk will provide a final update for Election Day, reflecting all votes counted by that time. After Election Day, the Clerk will continue to count remaining ballots, such as late-arriving vote-by-mail and provisional ballots and will release regular updates until all votes are counted. Once the counting is complete, the Clerk will publish a preliminary cast vote record, showing detailed vote distributions.

When the final vote count is complete and certified, the Election official will release a final summary report and an updated cast vote record. These final documents will be published along with the official certification of the election results, ensuring that the public has access to the verified and complete outcomes. This process provides transparency and keeps voters and candidates informed throughout the vote-counting

process.

### **Section 409. Posting of Links to Reports.**

**The Election official shall promptly post links to reports pursuant to Section 408 on the internet website of the Election official's office.**

#### **Explanation:**

The Election official is responsible for quickly making election-related reports, as outlined in Section 408, available online for public access. The Clerk must provide links to these reports on the official website of the Election official's office. By doing this promptly, the City ensures transparency and keeps voters, candidates, and the public informed about the election process and results in a timely manner. This could include preliminary vote counts, updates, and final certified results, all easily accessible through the Clerk's website.

XVIII. Article XVIII is added to the charter as follows:

### **Article XVIII Voter Education.**

#### **Section 500. Education Planning and Execution.**

**The City Council shall, by ordinance, implement and fund a voter education and outreach campaign that shall begin no later than 120 days before each election conducted pursuant to this amendment, until the conclusion of the second general election conducted by Choice Voting. The campaign conducted pursuant to this Amendment shall include public meetings and public service announcements through different media, including ethnic media and media serving additional supported lingual communities, if available, to familiarize voters with Choice Voting.**

#### **Explanation:**

This section mandates the City Council to establish, through an ordinance, a comprehensive voter education and outreach program for elections conducted using the Choice Voting system. The purpose of this program is to ensure that voters understand how the Choice Voting process works. The program must begin at least 120 days before each election and continue until the conclusion of the second general election conducted with Choice Voting.

The program requires multiple components to effectively reach and educate the city's diverse population, including public meetings and public service announcements (PSAs) across various media platforms. Special emphasis is placed on using ethnic media and other linguistic resources to engage communities that speak languages other than English, if those resources are available.

**THIS AMENDMENT SHALL TAKE EFFECT ON JANUARY 1, 2030.**