



The County of Santa Clara California

Report 113007

Receive report from the Registrar of Voters relating to implementation of Ranked-Choice Voting for all elected County offices.

Information

Department:

Registrar of Voters

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Report

Links



Amend 113858 : Receive report from the Registrar of Voters relating to implementation of Ranked-Choice Voting for all elected County offices.

Minor changes to the original file.

Body

FISCAL IMPLICATIONS

There are no fiscal implications associated with receiving the report. If in the future the Board chooses to move forward with Ranked-Choice Voting when it has legislative authority to do so, the Registrar of Voters would need to request funding in future fiscal years for estimated one-time implementation costs of \$600,000 and estimated ongoing costs of \$1.4 million. These estimates are based on current labor costs and vendor agreements and therefore would have to be recalculated for future election cycles. The cost estimates may increase for future fiscal years.

REASONS FOR RECOMMENDATION

Executive Summary

On January 20, 2022, the Finance, Government and Operations Committee (FGOC) received a report from the Citizens Advisory Commission on Elections (CACE) requesting the Board to consider implementing Ranked-Choice Voting (RCV) for all elected County offices with elections beginning in the November 2024 general election. The Committee requested that Administration report back to FGOC relating to an implementation timeline, feasibility, and projected costs.

Under state law, the County does not currently have the authority to conduct elections by RCV. The California jurisdictions currently using RCV are charter cities, which are afforded broader election-related authority under the law. Therefore, if the Board wishes to pursue RCV, it could first advocate for a change in state law. The County charter does currently contain language permitting the use of RCV in County elections; however, should the Board choose to implement RCV following a change in state law, the Board would need to authorize its use, and ROV

recommends passing a more detailed ordinance in order to give more specific direction to Administration.

This report summarizes the administrative and logistical steps, as well as estimated costs, that would be necessary to implement RCV for County offices if Administration were to receive Board direction following a legislative grant of authority to conduct RCV elections. While some of the information presented may also be applicable to other jurisdictions considering RCV within Santa Clara County, the focus of this report is specifically tailored to the Board's consideration of RCV for County offices, and therefore, not all costs and administrative considerations would be exactly the same for cities or other local jurisdictions.

To ensure a successful RCV implementation, the ROV recommends a comprehensive voter and public education campaign to explain to voters, candidates, and other stakeholders what RCV is, how to correctly mark an RCV ballot, and how votes are tallied under RCV. In addition to voter education, the ROV would need to make significant changes to its election administration processes due to the additional space that RCV contests require on the ballot. This would potentially add an extra card to the ballot length and, therefore, additional volume of ballot cards that must be processed and tallied. At the same time, because RCV allows multiple selections marked per contest on each ballot, those contests require extra staff time for adjudication, manual tallying, and audits. Therefore, RCV implementation will entail one-time estimated costs of approximately \$600,000 and estimated ongoing costs of approximately \$1.4 million per general election.

The ROV recommends that the Board give at least a year and a half of preparation time for a successful RCV implementation, and a few extra months are recommended for implementation in a Presidential election year with an earlier March primary. By way of example only (because the County cannot currently implement RCV), if the Board were to move forward with RCV for County offices beginning with the November 2024 general election, the ROV would recommend making the decision by March 2023 to allow sufficient time for preparation and public education to ensure a successful implementation.

What is Ranked-Choice Voting?

RCV is a system for electing candidates for office by majority vote, meaning the winning candidate must receive more than half of the votes cast for that office, as opposed to a plurality vote where the winning candidate only needs to receive the highest number of votes compared to each other individual candidate. Currently for elected County offices, such as the Board of Supervisors, Assessor, District Attorney, and Sheriff, if no single candidate wins with a majority of votes in the primary election, the top two candidates will compete in a runoff election to ensure a single winner with a majority of votes. Under RCV, a winner by majority vote would be determined in a single election without ever needing to conduct a separate runoff election.

In an RCV election, each voter will be able to rank the candidates within a single contest in order of preference, from first choice to last choice, instead of marking only one vote for a single candidate. See Figure 1, below.

Figure 1. Sample Ranked-Choice Contest with Votes Marked (Correct)

	1 st	2 nd	3 rd	4 th	5 th
Candidate A	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Candidate B	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate C	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate D	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate E	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

To correctly mark their ballots, voters should mark only one choice in each column and only mark each individual candidate once—in other words only one mark per each row and only one mark per each column. They should not mark the same candidate in two different ranks (columns), nor should they pick two different candidates for the same rank. See Figure 2, below. Voters may choose not to mark a selection for all available rankings (in other words, they may leave a column blank).

Figure 2. Sample Ranked-Choice Contest with Votes Marked (Incorrect)

	1 st	2 nd	3 rd	4 th	5 th
Candidate A	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input 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 type="radio"/>
Candidate E	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Results for RCV contests are tallied by rounds of elimination until a single candidate has reached a majority of votes. If a voter leaves a ranking/column blank, the voter's correctly marked choices will be tallied but if all marked choices are eliminated as candidates during the final tally, the remaining blank choices will be regarded as an undervote (commonly referred to as “exhausted” in the context of RCV). See Figure 2, above.

In the first round of elimination, the 1st choice votes are tallied for each candidate. If a single candidate has received a majority of the votes cast (over 50%), then that candidate is declared the winner and no further rounds are needed. However, if no candidate has a majority of votes, then the last place candidate is eliminated and tallying proceeds to the second round.

In the second round, all the voters who selected the last place candidate as their 1st choice have their votes moved to their 2nd choice. If still no candidate has a majority, the new last place candidate is eliminated, and their votes are distributed to the voter's next choice. If a voter's 1st and 2nd choices have both been eliminated, their ballot will now be tallied for their 3rd choice, and so on. This process continues with one candidate being eliminated each round until a single candidate ends up with a majority of the votes. See Figure 3, below.

Figure 3. Sample Ranked-Choice Contest Vote Tallies by Round

	Round 1	Round 2	Round 3	Round 4
Candidate A	30%	34% (30% +4%)	39% (34% +5%)	49% (39% +10%)
Candidate B	25%	28% (25% +3%)	35% (28% +7%)	51% (35% +16%)
Candidate C	20%	22% (20% +2%)	26% (22% +4%)	--
Candidate D	15%	16% (15% +1%)	--	--
Candidate E	10%	--	--	--

This manner of tallying votes can result in a situation where the candidate who received the most 1st choice votes does not end up being the eventual winner. For example, if Candidate B and Candidate C both have similar political views to each other and Candidate A has opposing views, Candidates B and C may split their potential supporters for 1st choice votes, making it appear that Candidate A is winning in the first round. However, once Candidate C is eliminated, if their voters were much more likely to select Candidate B as their 2nd choice, Candidate B can end up with more votes than Candidate A in subsequent rounds.

Proponents of RCV frequently argue that RCV ensures that the candidate with the broadest support will win and eliminates the potential “spoiler effect” of similar candidates splitting the vote of potential supporters. Similarly, they argue that RCV voters feel more empowered to vote for their actual preferred candidate rather than feeling compelled to vote strategically for a candidate they prefer less but perceive to have a better chance of winning (i.e., the “lesser evil”). Further, they argue that RCV empowers a more diverse electorate by ensuring that County offices are always voted in the general election, which traditionally has higher voter

turnout, rather than potentially being decided in a lower-turnout primary election. Proponents of RCV also argue that RCV reduces the financial burden of running for office by eliminating the need to campaign during both a primary and general election. Finally, they argue that RCV disincentivizes negative campaigning, at least against other like-minded candidates, as candidates would be reluctant to alienate or offend potential 2nd or 3rd choice voters by attacking their 1st choice candidate.

Opponents of RCV, on the other hand, argue that RCV ballots and rules are more complicated and difficult for voters to understand, potentially resulting in errors when marking the ballot, increasing overvoting and undervoting (marking too many or too few selections, respectively). Opponents also argue that holding a runoff election allows voters to better focus and vet the final two candidates and make a more informed decision because their attention is not divided between all the candidates running in the potentially crowded field of a primary election. Finally, opponents have argued that, if enough voters fail to mark all their available choices, it is possible to end up with a winner who has the majority of remaining votes but not a majority of voters. For example, if 10,000 voters marked a 1st choice selection in a contest, but 2,000 failed to mark a 2nd or 3rd choice, then therefore, after several rounds of tallying, they would be counted as undervotes because all their marked candidates were eliminated. A candidate could then win with 4,001 votes, which would be a majority of the remaining 8,000 voters but not of the initial 10,000 voters.

The ROV makes no recommendation for or against RCV from the standpoint of public policy but instead has focused the scope for the current report on the logistical implementation and administration of RCV elections.

Is Ranked Choice Voting Possible for County elections?

Under state law, the County does not currently have the authority to conduct elections by RCV. The California jurisdictions currently using RCV are cities, which are afforded greater flexibility under the law. There are California counties who implement RCV, but they do so on behalf of charter cities and not for county elections. Therefore, if the Board wished to pursue RCV, it could first advocate for a change in state law. Importantly, even if the County is granted authority to implement RCV, state law currently requires that “an election to select county officers shall be held with the statewide primary at which candidates for Governor are nominated.” Elec. Code § 1300; Gov’t. Code §§ 24200, 24203. Only if a candidate does not receive a majority of the votes in that election held during the statewide primary is a November run-off election held. Therefore, in order to eliminate County offices from the primary election (which as discussed above, is generally considered a benefit of RCV), state law would also have to be changed to allow for consolidation of County elections entirely into November general elections.

If state law authority for RCV is granted, the Charter gives the Board the authority to implement RCV, if the Board chooses to do so. At the November 3, 1998 general election, voters approved Measure F, which added Section 208 to the Charter of the County of Santa Clara. Section 208 reads, “Nothing in this Charter shall preclude the Board of Supervisors from authorizing an instant run-off voting system for the November general election, which eliminates the need for

run-off elections, when such technology is available to the County.” “Instant run-off voting” is an alternative name for RCV.

At the time of Measure F’s passage, the County did not yet have the technological capability to conduct RCV elections; however, the County’s current voting system now does have that capability. When the County issued a request for proposals (RFP) for a new voting system in April 2018, it included a requirement that the system be capable of conducting RCV elections. On August 13, 2019, the County executed an agreement with Dominion Voting Systems for the Democracy Suite system. The agreement includes the option for the County to add an additional RCV module at a cost of \$87,587.50 annually. The current agreement term is through August 2027. The Dominion Democracy Suite system is currently being used to conduct RCV elections in other jurisdictions, including municipal elections in San Francisco and Alameda counties.

In addition to the Charter language, if state law authority is granted and the Board wishes to implement RCV, it would be necessary to authorize RCV by ordinance as well. A detailed ordinance, like those passed in other jurisdictions that have implemented RCV, such as the City and County of San Francisco, would also be helpful to Administration, in that it would provide more specific direction. This would also allow the County to specify how common ballot marking errors, such as skipping ranks or marking two candidates for the same rank, should be adjudicated and tallied.

The ROV has researched the steps needed to implement and conduct RCV elections and has prepared the following sample RCV implementation timeline. *This research and the timelines below assume that the state law has been changed such that Countywide offices no longer have to occur at the same time as the statewide primary and use of RCV is available to charter counties.* Although state law does not currently allow the County to use RCV for County offices, this timeline assumes a target implementation in the November 2024 general election, which was requested by FGOC. The same relative timeframes would work if implementation were shifted to a future election cycle, such as the 2026 or 2028 cycles with the exception that the 2026 primary is scheduled to be held in June instead of March.

From a technological and administrative standpoint, ROV believes that it would be possible to implement RCV about a year and half after a Board action approving an RCV election. This would provide a sufficient implementation timeline for the ROV to make preparations, consult community partners, and conduct a comprehensive campaign to educate voters and other stakeholders about the upcoming changes. A later decision would truncate the implementation timeline, and a significantly reduced timeline could decrease the chances for a successful implementation.

Table 1. Sample RCV Implementation Timeline Overview (for example purposes only)

Milestone	Target Date
Board Ordinance to Authorize RCV Elections for County Offices	March 2023
Initial Planning and Stakeholder Engagement, including development of educational campaign and election administration procedures	April – December 2023

Limited Voter & Candidate Education re: March Primary Election (focused on why there are no County offices on the ballot & previewing RCV)	December 2023 – March 2024
First Primary Election without County Elective Offices	March 2024
Comprehensive Voter & Public Education Campaign, including multilingual, multimedia, digital, and in-person components	May – November 2024
November Election Candidate Nominations	July – August 2024
Early Voting for November Election	October 2024
First RCV Election for County Elective Offices	November 2024
Certified Election Results for November Election	December 2024

County RCV Implementation Costs

The ROV would need to make a number of changes to its election administration processes in order to successfully implement RCV.

As discussed above, the County would need to exercise the option to add the RCV module to its voting system at a cost of about \$87,000 annually for license and support.

Additionally, RCV contests require more physical space on the ballot compared to a single-choice contest because they require extra columns for voting targets for each rank (1st choice, 2nd choice, etc.), along with extra space for RCV-specific instructions to voters. For cost estimation purposes, ROV assumed this additional space will add an extra card to the ballot. This will be particularly likely in elections that will include multiple County offices on the same ballot; i.e., when the countywide offices of Assessor, District Attorney, and Sheriff all appear on the ballot. However, even with a single Board office on the ballot, RCV still could result in an additional ballot card, depending on the number of other candidates and contests that will appear in a given election. Because this isn't known until after candidate filings close and ballots are created, for budgetary purposes it is recommended to assume the extra card.

This extra card will create additional costs in a variety of ways, including additional paper and printing costs for pre-printed ballots mailed to voters and additional blank ballot paper and printing supplies needed at vote centers for ballot-on-demand printing. There will also need to be an extra page added to the County Voter Information Guide (CVIG) to instruct voters how to mark the RCV contests. The ROV estimates that these additional printing costs will total approximately \$692,000 per general election.

The extra card will also result in additional staff time needed to create and proofread the ballot and CVIG pages at an estimated cost of \$54,000 per general election. The extra RCV contest and ballot cards will also increase the staff hours needed for ballot processing, tallying, adjudication, and audits due not just to the additional card but also to the additional vote selections that must be reviewed due to multiple choices being marked in a single contest. The estimated cost of this additional labor is \$312,000 per general election.

RCV will also require poll worker training classes to be extended to include additional hours devoted to information on RCV. This will require additional staff hours for both the temporary training staff who conduct the classes as well as the poll worker trainees who will be serving at vote centers. The estimated cost for these additional staff hours is \$560,000 per general election.

RCV implementation will also require approximately \$40,000 in one-time costs for the first election cycle to upgrade various ancillary election systems and software, such as the election results reporting online portal, to accommodate RCV as well as to purchase and install extra racking and storage to accommodate the additional ballot cards.

Finally, the ROV recommends conducting a comprehensive voter and public education campaign for at least the first election cycle implementing RCV. These costs would include \$400,000 for paid multilingual and multimedia advertising, \$70,000 for printed educational materials and other outreach supplies, and \$90,000 for temporary public communications staff to support the campaign. While the ROV would not consider these to be ongoing expenses needed for every subsequent election cycle, it would be recommended to repeat a similar campaign for the second RCV election cycle as well. Because of staggered County office terms, the second RCV election cycle may be many voters' first personal experience with an RCV election.

Table 2. Preliminary RCV Implementation Cost Estimate

<i>One-Time Implementation Costs</i>	
Labor—Public Communications Temporary Staff	\$90,000
Paid Advertising—Print, Digital, Multilingual	\$400,000
Voter Education & Outreach Supplies & Materials	\$70,000
Election Administration Software & Equipment Upgrades	\$40,000
<i>Subtotal—One-Time Costs</i>	<i>\$600,000</i>
<i>Ongoing Costs</i>	
Voting System RCV Module Annual License	\$87,000
Labor—Additional Ballot Layout Temporary Staff Hours	\$54,000
Labor—Extended Poll Worker Training, Trainer & Trainee Temporary Staff Hours	\$560,000
Labor—Additional Ballot Tallying, Adjudication, and Audits, Temporary Staff Hours	\$312,000
Additional Ballot & Voter Information Guide Printing & Paper Costs	\$692,000
<i>Subtotal—Ongoing Costs</i>	<i>\$1,405,000</i>

TOTAL YEAR ONE COST ESTIMATE	\$2,005,000
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The above cost estimates are based on current labor costs and contract pricing for the current fiscal year. Because implementation will not occur until an unknown future year, the cost estimates will need to be adjusted up.

Potential RCV Cost Savings

Some of the costs of implementing RCV may be partially offset by potential cost savings from avoiding runoff elections for County offices. These savings are modest, though, because the County still is responsible for conducting the primary and general elections even if the primary no longer contains County offices since the County still needs to cover the share of election costs associated with the state and federal offices. Therefore, any cost savings the County realizes would only be the incremental costs associated with removing individual contests from the primary ballot. This contrasts with a city who might completely be removed from participating in the primary if it moved to RCV, and therefore, would realize a much higher savings for not having to share in any election costs, such as the costs for operating vote centers.

The cost for putting a single supervisor contest on the ballot is approximately \$12,000. The cost for a single countywide office is approximately \$27,000. These costs consist largely of the additional time spent to prepare contest-specific materials to be placed on the ballot and in the County Voter Information Guide as well as the time needed to tally and adjudicate election results for an individual contest. There is no significant savings from print and paper costs, as the omission of contests from the primary ballot would not reliably result in fewer ballot cards, meaning it could not be relied upon as a savings for budgetary purposes.

Not every County office normally requires a runoff. For the June 2022 election, there were two supervisorial seats and three countywide offices on the ballot, but only one supervisorial seat and one countywide office advanced to a runoff in the November general. Therefore, had these elections been conducted under RCV, there would be no savings for the one supervisorial seat and two countywide offices where a winner obtained the majority of votes in the primary and therefore would have never required a runoff. The projected savings would be only for the two contests that appeared on the November ballot, \$12,000 for one supervisorial contest and \$27,000 for one countywide office, for a combined savings of \$39,000.

The savings would be reduced in years in which no countywide offices are on the ballot. For example, the March 2020 primary contained only three supervisorial contests but no countywide offices. Two of the supervisorial contests had a winner obtain a majority in the primary, so they did not require a runoff in the November 2020 general. Therefore, the projected savings would have only been \$12,000 for the one supervisorial contest that did require a runoff.

Table 3. Sample RCV Projected Cost Savings

	<i>Primary Election Contests</i>	<i>General Election Contests</i>	<i>Projected Cost Savings</i>

2022	2 supervisorial 3 countywide	1 supervisorial 1 countywide	\$12,000 <u>+ \$27,000</u> \$39,000
2020	3 supervisorial	1 supervisorial	\$12,000

Voter Education and Outreach Campaign

To ensure a successful implementation of RCV that protects the rights of every voter to have their vote counted, the ROV recommends a comprehensive public information campaign to begin well in advance of the first RCV election.

If the Board chooses to move forward with RCV, the ROV recommends that the decision be made at least a year and a half before the first RCV election to allow sufficient time to design and implement this campaign.

Projecting out from a hypothetical November general election, the ROV envisions that the initial planning and preparation for the campaign would take place from the prior April through December.

The first phase of the campaign would occur from about September through March of election year, concurrent with the March primary election. The focus of this phase of the campaign will be to generally raising the public's awareness of the forthcoming change to RCV and educating candidates and voters on why the County elected offices are not appearing on the March primary ballot. This would include general announcements in March election materials, press releases, and online information. This initial phase would be limited to general information about RCV and not include details about how RCV ballots are marked and tallied to avoid confusing voters as they prepare for the March election, which would not contain RCV contests.

After the March election is certified, the main voter and public education campaign would begin. The ROV would model its approach based on the successful Voter's Choice Act (VCA) implementation in 2020 and local Voters Rights Act (VRA) campaign in 2021, drawing on the strong partnerships with community organizations established during those previous efforts.

For this campaign, ROV would reach out to a growing network of strategic partners who have collaborated on recent campaigns, including the County's Citizens' Advisory Commission on Elections, Language Accessibility Advisory Committee (LAAC), Voting Accessibility Advisory Committee (VAAC), and Voter Education and Outreach Coalition (VEOC). Other past partners that ROV would engage in the RCV campaign include other County offices and public agencies such as the Santa Clara County Office of Education, Santa Clara County Library District, the County Office of Women's Policy, Office of LGBTQ Affairs, Reentry Services, Office of Supportive Housing, Social Services Agency, the fifteen cities, National Voter Registration Act partner agencies, and Emergency Ballot Delivery Program partner agencies, which include the local jails, senior housing, and assisted living facilities.

The campaign will consist of multimedia and multilingual content, including videos, interactive online demonstrations, social media, advertising in local print and broadcast media, local multilingual media, print and digital educational materials, in-person and virtual outreach

events, community presentations, and workshops. The ROV will package the educational materials developed for this campaign into print and online tool kits, similar to the VCA and VRA campaigns. The tool kits will be supplied to partner organizations for their own community outreach and education activities, and the kits will also be freely available for candidates, campaigns, political parties, community activists, and other interested parties to download and use.

Educational materials will be translated into the ROV's 14 targeted languages: English, Chinese, Spanish, Tagalog, Vietnamese, Hindi, Japanese, Khmer, Korean, Gujarati, Nepali, Punjabi, Tamal, and Telugu. Additionally, ROV will work with community partners to develop messaging that will better engage specific target communities, including limited English proficient communities, individuals with disabilities, youth, seniors, low-income, incarcerated and formerly incarcerated, and other communities that have historically faced challenges participating in elections.

CHILD IMPACT

The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

BACKGROUND

On January 20, 2022, the Finance, Government and Operations Committee (FGOC) received a report from the Citizens Advisory Commission on Elections (CACE) requesting the Board to consider implementing Ranked-Choice Voting (RCV) for all elected County offices with elections beginning in the November 2024. The Committee requested that Administration prepare an initial off-agenda report regarding the timeline for research as well as a subsequent follow-up report to FGOC relating to an implementation timeline, feasibility, and projected costs.

On March 4, 2022, Administration submitted the requested off-agenda report regarding RCV research and initial anticipated timelines.

CONSEQUENCES OF NEGATIVE ACTION

The Board would not receive the report.

STEPS FOLLOWING APPROVAL

The Clerk of the Board of Supervisors shall send notification to Shannon Bushey and Vanessa Hamm in the Office of the Registrar of Voters.

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