



Date: September 12, 2017

To: Charter Review Committee

From: Interim City Attorney

Subject: Draft Ballot Language

On July 18, 2017, the City Council directed the City Attorney to draft ballot language to amend the City Charter in accordance with the Committee's recommendation to 1) Elect Council Members by two districts (e.g., District A and District B) with three (3) Council Members representing each district; 2) Elect three (3) Council Members at the same time per district alternating/staggering between gubernatorial and presidential election years; 3) Utilize Ranked Choice Voting by means of Single Transferrable Vote as soon as the Santa Clara County Registrar of Voters Office can support such a system and continue with the City's current voting method until the County can support the new voting method; and, 4) Transition to include: in 2018, elect two (2) Council Members to four year terms in District A; and in 2020, elect one (1) Council Member to a two year term in District A and three (3) Council Members to four year terms in District B.

Attached is the draft ballot language for the Committee to consider.

Following passage of the Charter Amendment, the City Council should amend Section 2.10.010 of the Santa Clara Municipal Code to read as follows:

2.10.010 Membership – Terms of office and election.

The City Council is the governing body of the City, whose members shall be elected from the City at large for a term of four years, at the times and in the manner as provided in Section 700 Sections 700.1 and 700.2 of the Charter.

Charter Amendment – Council Districts – Method of Election

1. Section 600 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 600 City elected officers.

No person shall be eligible to hold any elective office in the City including Mayor, City Council, Chief of the Police Department and City Clerk, unless he or she is a resident and a qualified registered elector of the City.

The elective officers of the City shall consist of a City Council composed of seven members, the Chief of the Police Department and the City Clerk. The members of the City Council, (which includes the office of the Mayor), the Chief of the Police Department and the City Clerk shall be elected from the City ~~at large~~ at the times and in the manner provided in this Charter. Except as otherwise herein provided, a person elected to an office for other than an unexpired term shall serve a term of four years and shall serve until a successor is elected and qualified. The term shall commence on the date the City Council certifies the canvass of the election returns submitted to it by the County Registrar of Voters.

The person receiving the most votes cast for a particular City office shall be declared duly elected. Ties shall be broken as provided from time to time by ordinance.

The office of Mayor shall be separately voted upon and is a separate office. The person elected at any election to the office designated "Mayor" shall be deemed elected, both as a Mayor and as a member of the Council. Although the Mayor is a Council member, his or her election does not change the number of Council members from seven.

No person shall be a candidate for both Mayor and a City Council seat at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. Except as otherwise provided elsewhere in this Charter, no incumbent member of the City Council while serving in such office with an unexpired term of more than six months shall be a candidate for any Council seat other than the one which he or she holds.

2. Section 700.1 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 700.1 Elections – City Council ~~Designation of seats.~~

Members of the City Council shall be elected from two districts to be known as District A and District B, with elections to be conducted as follows:

- (a) Each district shall be represented by three (3) Council Members.
- (b) In the election to be held in November 2018, the voters of District A shall nominate and elect two (2) Council Members for four year terms each.
- (c) In the election to be held in November 2020, the voters of District A shall nominate and elect one (1) Council Member for a two year term; and the voters of District B shall nominate and elect three (3) Council Members for four year terms each.
- (d) In the election to be held in November 2022, the voters of District A shall nominate and elect three (3) Council Members for four year terms each.
- (e) In each election held in or after November 2024, Council Members shall be elected for a four year term.
- (f) The method by which Districts are to be drawn and redrawn and the method of voting for City Council shall be enacted by ordinance of the City Council.

3. Section 700.2 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Section 700.2 Method of Elections – City Council.

- (a) For the purposes of this section: (1) a candidate shall be deemed “continuing” if the candidate has not been eliminated; (2) a ballot shall be deemed “continuing” if it is not exhausted; and, (3) a ballot shall be deemed “exhausted” and not counted in further stages of the tabulation if all of the choices have been eliminated or there are no more choices indicated on the ballot. If a ranked-choice ballot gives equal rank to two or more candidates, the ballot shall be declared exhausted when such multiple rankings are reached. If a voter casts a ranked-choice ballot but skips a rank, the voter’s vote shall be transferred to that voter’s next ranked choice.
- (b) Members of the City Council shall be elected using a ranked-choice, or “instant runoff” ballot. The ballot shall allow voters to rank a number of choices in order of preference equal to the total number of candidates for each office; provided, however, if the voting system, vote tabulation system or similar or related equipment used by the County Registrar of Voters cannot feasibly accommodate choices equal to the total number of candidates running for each office, then the Registrar of Voters may limit the number of choices a voter may rank to no fewer than three. The ballot shall in no way interfere with a voter’s ability to cast a vote for a write-in candidate.
- (c) If a candidate receives a majority of the first choices, that candidate shall be declared elected. If no candidate receives a majority, the candidate who received the fewest first choices shall be eliminated and each vote cast for that candidate shall be transferred to the next ranked candidate on that voter’s ballot. If, after this transfer of votes, any candidate has a majority of the votes from the continuing ballots, that candidate shall be declared elected.
- (d) If no candidate receives a majority of votes from the continuing ballots after a candidate has been eliminated and his or her votes have been transferred to the next-ranked candidate, the continuing candidate with the fewest votes from the continuing ballots shall be eliminated. All votes cast for that candidate shall be transferred to the next-ranked continuing candidate on each voter’s ballot. This process of eliminating candidates and transferring their votes to the next-ranked continuing candidates shall be repeated until a candidate receives a majority of the votes from the continuing ballots.
- (e) If the total number of votes of the two or more candidates credited with the lowest number of votes is less than the number of votes credited to the candidate with the next highest number of votes, those candidates with the lowest number of votes shall be eliminated simultaneously and their votes transferred to the next-ranked continuing candidate on each ballot in a single counting operation.
- (f) A tie between two or more candidates shall be resolved in accordance with State law.
- (g) The Department of Elections shall conduct a voter education campaign to familiarize voters with the ranked-choice, or “instant runoff” method of voting.

- (h) Any voting system, vote tabulation system, or similar or related equipment acquired by the City and County shall have the capability to accommodate this system of ranked-choice, or "instant runoff" balloting.
- (i) Ranked choice, or "instant runoff" balloting shall be used for the general municipal election in November 2020 and all subsequent elections. If the Registrar of Voters will not be ready to implement ranked-choice balloting in November 2018, then the City shall begin using ranked-choice, or "instant runoff" balloting at the November 2020 general municipal election. If ranked-choice, or "instant runoff" balloting is not used in the November 2018 election, and no candidate for City Council receives a majority of the votes cast at an election for such office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a runoff election held on the second Tuesday in December 2018.



Brian Doyle
Interim City Attorney