



Charter Review Committee

City of Arts & Innovation

TO: CHARTER REVIEW COMMITTEE MEMBERS **DATE: JULY 8, 2019**
FROM: CITY CLERK **WARDS: ALL**
**SUBJECT: REGULAR MUNICIPAL ELECTION DATES; RUNOFF ELECTIONS;
NOMINATION OF MEMBERS OF THE CITY COUNCIL; INSTANT RUNOFF
VOTING; AND MAYOR AND CITY COUNCIL VACANCIES**

ISSUES:

Amend the Charter to reaffirm that nomination of City Council candidates shall be by voters in the respective Ward; amend Charter to comply with State law setting election dates to coincide with statewide primary and general elections; and receive information on instant runoff voting and options for filling vacancies in the offices of Mayor and City Council.

RECOMMENDATIONS:

That the Charter Review Committee:

1. Recommend that the City Council place proposed amendments on the November 3, 2020, ballot to:
 - a. Amend Charter Section 400(b) to clarify that members of the City Council are nominated and elected from voters of the Ward;
 - b. Amend Charter Section 500 to provide that elections for Members of the City Council be held on the same day as statewide primary and general elections beginning in 2022;
 - c. Amend Charter Section 500 to provide that elections of the Mayor be held on the same day as statewide elections; and
 - d. Amend Charter Section 400(c) through (h) to provide for City Council Wards 2, 4, and 6, runoff election, if needed, on November 2, 2021, and delete obsolete sections (f) through (h); and
2. Determine recommendations, if any, regarding instant runoff voting and filling of vacancies in the office of Mayor or Councilmember.

BACKGROUND:

Nomination of Member of the City Council
Section 400(b) of the Charter reads, in part:

(b) The members of the City Council shall be elected by wards by the registered voters of the respective wards only.

This section has always been read and implemented to provide that nomination of candidates be by registered voters of the respective ward only. To qualify for the ballot, candidates must obtain at least twenty signatures of registered voters in the ward. The following language change would reaffirm the intent and historical implementation of this section:

(b) The members of the City Council shall be nominated and elected by wards by the registered voters of the respective wards only.

Election Dates – Members of the City Council - Mayor

On September 1, 2015, the Governor signed into law SB 415, known as the California Voter Participation Act (Act). The Act requires that unless voter turnout is within 25% of average statewide election turnout, local elections shall be consolidated with statewide elections. Application of the Act to Charter cities was affirmed by an Attorney General Opinion in July of 2017. As shown in the attached voter turnout analysis chart in Exhibit A, the City of Riverside does not meet the voter turnout threshold and, as a result, is subject to the Act.

To comply with the Act, the City Council took two actions as shown in the chart labeled Exhibit B:

- On November 7, 2017, the City Council adopted Ordinance No. 7396 providing that “Beginning in 2022, general municipal elections for the election of members of the City Council and for other purposes as the City Council may prescribe shall be held in the City on the same day as the statewide election, consistent with the primary and general election dates set by the State.” City Council elections will remain in odd-numbered years for 2019 and 2021 with five-year terms to accomplish the transition to even-numbered years.
- Charter Section 500 provides that the election of Mayor shall be held on the first Tuesday following the first Monday in June of United States Presidential election years. The State legislature moved the statewide primary to March beginning in 2020. On June 18, 2019, the City Council adopted Ordinance No. 7471 moving the Mayor’s 2020 election from June to March.

In the future, the Legislature may, at its discretion, change primary election dates again. The below amendments to Charter Section 500 set the Mayor election date to coincide with the current and any future changes to primary and general election dates and sets City Council elections for statewide election dates in even-numbered years beginning in 2022.

Section 500. General Municipal Elections.

On June 8, 2021, an election for Councilmembers to represent Wards 2, 4 and 6 shall be held. Said term shall be for five (5) years with the term expiring with an election held in 2026. Beginning in 2026 and thereafter, the Councilmembers’ terms shall be for four (4) years.

Beginning in 2022, ~~G~~general municipal elections for the election of members of the City Council and for such other purposes as the City Council may prescribe shall be held in the City on the first Tuesday following the first Monday in June of each odd-numbered year same day as the statewide election, consistent with the primary election dates set by the State.

~~Beginning in 2012, g~~General municipal elections for the election of the Mayor shall be held on ~~the first Tuesday following the first Monday in June the same day as the statewide election,~~ consistent with the primary election date set by the State in United States Presidential election years.

Runoff Election Dates

Section 400(c) provides that runoff elections shall be held on the first Tuesday following the first Monday of November. A language change to reference consolidation of Mayor and City Council runoff elections with the “statewide general election” brings the Charter into compliance with State law and accommodates any future change in statewide general election dates. An exception is needed to allow the Wards 2, 4, and 6 runoff election of November 2, 2021, to occur in an odd-numbered year. All City Council elections thereafter are transitioning to even-numbered years. Current paragraphs (f), (g), and (h) are outdated and proposed for deletion.

Section 400. Enumerated; number, term and manner of election; wards.

~~(c) If in an election for a member of the City Council for any ward, or for the office of Mayor, no candidate receives a majority of the total votes cast for the office, the City Council shall immediately upon the determination of that fact, call a special election to be held on the first Tuesday following the first Monday of November of that same year~~ same day as the statewide election of that same year, consistent with the general election date set by the State. The two candidates receiving the highest number of votes for the office in the general municipal election shall be declared the candidates for the special election.

~~(d) Notwithstanding the paragraph above, if in the June 8, 2021, election for members of the City Council for Wards 2, 4, and 6, no candidate receives a majority of the total votes cast for the office, the City Council shall immediately upon the determination of that fact, call a special election to be held on November 2, 2021. The two candidates receiving the highest number of votes for the office in the June 8, 2021, election shall be declared the candidates for the special election.~~

~~(e) Officials elected at the general municipal election shall take office on the second Tuesday following completion of the canvass, but in no event later than the fifth Tuesday following the general municipal election. Officials elected at any other election shall take office on the second Tuesday following completion of the canvass, but in no event later than the fifth Tuesday following the election.~~

~~(f) The qualifications of candidates and electors and the procedure governing general municipal elections shall apply to any special election called pursuant to this section and the notice of election shall be published at least thirty days prior to the date of such special election.~~

~~(g) Notwithstanding the above, an election shall be held on June 5, 2007, for the purpose of electing members of the City Council from Wards 1, 3, 5, and 7 for terms expiring in June 2011, or until their successors are elected and seated.~~

~~(h) Notwithstanding the above, an election shall be held on June 2, 2009, for the purpose of electing members of the City Council from Wards 2, 4, and 6 for terms expiring June 2013, or until their successors are elected and seated.~~

~~(i) Notwithstanding the above, an election shall be held on November 3, 2009, for the purpose of electing the Mayor for a term expiring June 2012 or until their successor is elected and seated.~~

Instant Runoff Voting (Ranked Choice Voting)

As an alternative to runoff elections, Instant Runoff Voting (IRV) offers voters the opportunity to rank all candidates in order of preference. If no candidate receives a majority of all first priority votes cast for an office, the candidate receiving the least number of votes is removed from consideration. For those voters who chose the candidate with the least number of votes, their second preference is attributed. If no candidate still receives a majority of votes cast, the last candidate again is removed from consideration, the votes reattributed, and so on, until one candidate reaches a majority of votes cast.

IRV eliminates costs associated with runoff elections. However, implementation of a vote counting scenario different from all other jurisdictions in the County carries both financial consequences and potential delay in reporting of election results. The Registrar of Voters' current ballot counting equipment cannot accommodate IRV. However, the Registrar's current vote counting equipment has been decertified by the Secretary of State and replacement systems are being explored by the County. The Registrar is confident that a new system will be capable of ballot counting for IRV. There is no other jurisdiction in the County considering changing to IRV at this time. As such, the City of Riverside would be responsible for the full financial burden to program any new system to also handle IRV. Those costs are unknown at this time. Further, it's likely that on Election Day, Riverside ballots would be set aside and counted after all other ballots in the County, delaying results.

The 2004 and 2012 Charter Review Committees also discussed IRV. Supporters cited fewer elections potentially reducing election costs and that such a system better reflects the support of a majority of voters. Others expressed concern over voter confusion, potential new costs, and delayed election results. Both the 2004 and 2012 Committees declined to recommend a change from the runoff election system to IRV to the City Council.

In California, the cities of Berkeley, Oakland, San Francisco, and San Leandro have implemented IRV. Additional information can also be found at www.fairvote.org.

Mayor or City Council Vacancies

On April 8, 2019, the Charter Review Committee received the attached correspondence from The League of Women Voters (Exhibit C) urging an amendment to Charter Section 404 to provide that City Council vacancies be filled by special election when the term remaining exceeds one year. Currently, the Charter provides that vacancies shall be filled by appointment serving until the next general municipal election where an election shall be held to serve the remainder of the term. If the City Council fails to act upon the appointment, a special election is called to fill the seat. Below is the current language of Section 404.

Section 404. Vacancies.

A vacancy in an elective office, from whatever cause arising, except in the event of a successful recall, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term.

....

The City Council shall declare the existence of a vacancy. In the event it shall fail to fill a vacancy by appointment within sixty days after such office shall have been so declared vacant, it shall cause an election to be held forthwith to fill such vacancy.

FISCAL IMPACT:

The fiscal impacts of Instant Runoff Voting are not completely known at this time. Although there are cost savings associated with elimination of runoff elections, costs for ballot counting system implementation are unknown. Moving of election dates to coincide with statewide elections results in savings as election costs are shared with multiple jurisdictions. Conduct of a special election in lieu of appointment for vacancies on the City Council may incur additional costs if the unexpired term is less than two years.

Prepared by: Colleen J. Nicol, City Clerk
Approved as to form: Gary G. Geuss, City Attorney

Attachment: Voter Turnout Analysis
Election Date Changes
League of Women Voters Letter