



Instant Runoff Voting for the City of San Jose:

"One Election, Not Two"

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Executive Summary

San Jose uses a two-round runoff system to elect its mayor and city council, with the first election in June and a runoff election in November if no candidate wins a majority of votes in June. Voter turnout in the June general election is about half that of the November election, with turnout disproportionately lower among traditionally disenfranchised communities. With most elections being decided in a low turnout June election, a small and unrepresentative segment of the community is having an oversized effect on the outcome of San Jose's elections.

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Two-round runoff elections also are expensive for both taxpayers and candidates. Taxpayers foot the bill for administering two elections, and candidates have to raise money for what are essentially two separate campaigns, thereby increasing the role that money plays in electing local candidates.

One way to address the undemocratic features of the current runoff system is to replace it with an election method known as Instant Runoff Voting. Instant Runoff Voting (IRV) is a voting method that allows voters to rank their first, second and third choices among candidates on the ballot, instead of voting for just one. IRV uses the voters' rankings to elect candidates with majority support in a single election. Some of the benefits of using IRV include:

- **More Citizen Participation.** IRV could be used to elect officeholders in a single November election when voter turnout is highest, meaning more voters—representing a greater diversity of the community—would participate in the election of their local officials;
- **Less Expensive for Taxpayers.** San Jose taxpayers would only have to pay to administer one election, instead of two.
- **Decreased Campaign Costs.** By eliminating a second election, IRV trims five months off the campaign season and reduces the cost of running for office;
- **Better Campaigns.** IRV encourages civility among candidates because it encourages them to reach out to the supporters of their opponents in an effort to gain their second-choice rankings.

IRV also could be used for special elections to fill vacancies for city council or mayor in one election instead of two, which would save taxpayers a considerable amount of money. In recent years, San Jose has spent over a million dollars for special runoff elections to fill city council vacancies.

The Problem

The city of San Jose currently uses a two-round runoff system to elect its mayor and city council. The initial election is held in June in conjunction with the state and federal primary, in what is known as a "consolidated election." Any candidate who wins a majority of the June vote is elected. If no candidate wins a majority, the two candidates with the most votes compete in a runoff at the November general election. Runoffs in San Jose have been a frequent occurrence, as the table below shows.

Runoff elections in San Jose since 2000:

- 2000 City Council Districts 2, 4, 6, 8
- 2002 City Council District 7
- 2004 City Council District 10
- 2005 Special Election, City Council District 7
- 2006 Mayoral election and City Council District 3
- 2007 Special Election, City Council District 4
- 2008 City Council Districts 2, 8

The current two round runoff method, while seemingly simple and familiar, actually results in a number of negative and undemocratic consequences, such as:

Low voter turnout. Voter turnout in San Jose for primary elections (usually conducted in June) from 2002-2008 averaged 36 percent of registered voters. During this same time frame, voter turnout for the November election was 64 percent of registered voters, nearly twice as high. Although relatively few voters participate in the primary election, nevertheless it is when the vast majority (73 percent) of San Jose's city council races have been decided. The June election's low voter turnout means that a very small percentage of the population is all too often responsible for electing San Jose's local officials. When no candidate wins majority support in June and two candidates advance to the November election, it is this same small percentage of voters who are narrowing the field for the greater number of voters who participate in the November general election.

Furthermore, there is consensus among local political scientists and community leaders that voter turnout in June is not only lower than in November, but is even proportionally lower among traditionally disenfranchised communities, including people of color, youth and the poor. This means that an unrepresentative segment of the community has been having a disproportionate impact on the outcome of San Jose's elections.

Expensive elections. San Jose pays Santa Clara County to administer elections on a per race, and per election, basis. The more races that are held at each election, and the more elections that are held in any given year, the more San Jose has to pay. Based on information supplied by the City Clerk's office, it appears that the minimum cost of a stand alone election is approximately \$500,000. Runoff elections in each district of the city, when held in conjunction with other elections, cost a minimum of \$25,000.

The cost of the March 3, 2009 special election in District 7, prompted by an attempt to recall a city council member, was \$500,000. Had the recall been successful, that would have required one-and probably two-additional special elections to fill the vacancy, each costing \$500,000. More elections and more runoffs result in higher election costs at taxpayer expense.

Lack of competition. Over half of the current city council members were elected in races that were vastly noncompetitive. In the June 3, 2008 election, two of the five city council races featured incumbents who ran unopposed. A third incumbent won re-election by a 78% margin of victory. In the June 6, 2006, election, two of the five council races had incumbents that ran unopposed; a third race was won by a 44% margin of victory. Fewer voters tend to participate in elections when races are either uncontested or the outcome is so predictable. With so little competition, candidates can avoid discussion about the important issues of the day and voters often feel like voting itself is a waste of time.

Undermining campaign finance reform. Candidates raise and spend vast amounts of money for their runoff campaigns. Fundraising has escalated in recent years and, typically in runoff elections, there is an increase in independent expenditures.

Excessively negative campaigns. The current two round runoff system encourages negative campaigning. With just two candidates in the head-to-head runoff, candidates often resort to mud slinging as a way to drive voters away from their sole opponent. Candidates attack opponents rather than debate ideas and policy. Not surprisingly, some

of San Jose's runoff elections have been particularly notable for their negative, one-on-one campaigns.

Environmental costs. Runoff elections waste more than just time and money—millions of pieces of paper are used in runoff elections for voter information pamphlets mailed to hundreds of thousands of voters and for sample ballots available at hundreds of polling sites. A blizzard of multiple campaign mailers sent out by candidates or organizations waste an untold amount more, contributing to an excessively large "carbon footprint."

Special elections. Filling city council vacancies required two special elections in 2005 and two in 2007. In both years, no candidate won a majority vote in the first special election making a runoff necessary. Special elections can be costly. The San Jose city clerk has estimated that the cost of the March 2009 special election in District 7 was \$500,000. Therefore, since 2005, it would appear that San Jose has spent well over a million dollars to administer special election runoffs to fill city council vacancies.

The Solution: Instant Runoff Voting

If San Jose replaced its current two round runoff system with a single November election using Instant Runoff Voting, the city would most likely see a number of benefits including significant taxpayer savings and increased voter turnout in the final decisive election, ensuring that more people have a say in the election of their local representatives. Other benefits would include more positive campaigns, better support for the goals of campaign finance reform, and a smaller carbon footprint as less paper is consumed by campaign literature and voter guides.

How IRV Works

Instead of voting for just one candidate, voters indicate their first, second and third choices among candidates on the ballot. If a candidate wins a majority of first choice rankings, that candidate is elected. If no candidate receives an initial majority of first choice rankings, the candidate with the fewest first choice rankings is eliminated from the race and that candidate's supporters have their votes count for their second choice. All ballots are recounted, and if any candidate has a majority that candidate is elected. If no candidate has a majority, the process repeats until a candidate emerges with a majority of popular support.

Advantages of Using IRV - "One Election, Not Two"

Saving tax dollars. Using IRV in a single November election would eliminate separate runoff elections for San Jose city councilors and for the mayor. Because San Jose pays Santa Clara County to administer elections on a per contest and per election basis, IRV has the potential to save San Jose millions of tax dollars over time by eliminating the number of contests held during each election cycle and, in the case of special elections, eliminating entire elections altogether. For example, the use of IRV would have eliminated the need for special election runoffs in 2005 and 2007.

The savings from eliminating special elections and runoff elections would vary, depending on whether they were in a district or citywide, and whether or not other races or issues were on the ballot. In 2000, San Jose had four runoff elections for city council seats; since 2004, San Jose has held a runoff or special election every year. Had the unnecessary elections been eliminated, San Jose could have saved several million dollars over the past decade.

More voter participation. Another benefit of using instant runoff voting is that it is more democratic: more voters—and a greater diversity of voters—have a say in who their elected officials will be. Relatively few voters participate in the June election when, under the current two-round runoff system, many candidates are elected or the field of candidates is narrowed down to the leading two contenders. IRV would shift the critical election to the November ballot where voter turnout is generally twice as high and also tends to involve a broader diversity of voters. Switching to IRV would mean wider and more meaningful participation in the democratic process for a broader segment of San Jose voters.

That has proven to be the case in San Francisco, which has been using IRV in November elections since 2004. By holding the decisive elections in November rather than in a low-turnout December runoff, San Francisco's voter participation has nearly doubled in some election years. Furthermore, according to one study on the 2005 election, voter turnout in many ethnic neighborhoods increased by 300 to 400 percent. San Jose could see similar, positive

results by holding its decisive elections in November rather than in low-turnout elections in June.

Better campaigns, less mudslinging. IRV discourages negative campaigns because candidates know they may need the second or third ranking from other candidates' supporters to win. The result is a major shift in traditional campaign strategy. Instead of mudslinging, candidates have an incentive to run civil, issues-based campaigns and find common ground with like-minded opponents in order to attract second and third rankings. In San Francisco's IRV elections, some of the most contested races have seen candidates endorsing opponents, sharing slate mailers and co-sponsoring fundraisers. A *New York Times* article about San Francisco's first experience with IRV had a headline which read: "*New Runoff System in San Francisco Has the Rival Candidates Cooperating.*" News reports from Burlington, Vermont's March 2009 IRV mayoral election, confirm this trend.

Shorter campaigns. Instant Runoff Voting will trim five months off the election season by electing officeholders in a single IRV election in November and eliminating the June election. San Jose's current lengthy campaign season discourages qualified people from seeking public office because of the potential of their having to run two separate campaigns: one campaign for the first election in June and (if no candidate wins an outright majority of votes) a second campaign for the November runoff.

Better support for campaign finance reform. IRV eliminates the need for a second election which in turn reduces the need to raise money to run a second campaign. With IRV, candidates for public office would only need to seek campaign contributions and recruit and mobilize volunteers once per election cycle, instead of twice.

No spoiler candidates or wasted votes. With San Jose's current two-round runoff system, voters might find themselves facing a crowded field of candidates in the first election, which could result in "spoiler" candidacies and split votes among like-minded constituencies. IRV, on the other hand, eliminates the spoiler dynamic and assures voters that if their favorite candidate doesn't win, their votes will count for their second choice.

Implementing IRV in San Jose and Santa Clara County

Using IRV in San Jose would require amending Article XVI, Section 16 of the city charter. Per California law, such an amendment would need to be approved by voters and could be placed on the ballot by a vote of the city council.

San Jose's elections are administered by Santa Clara County. The vote tabulating machines used by Santa Clara County are the same models as those used in San Francisco, which has successfully conducted a number of IRV elections after its equipment was modified by the vendor to accommodate ranked ballots. Software and hardware upgrades of Santa Clara County's current vote tabulators would be needed for the county to conduct IRV elections on the city's behalf.

In 1998, Santa Clara County voters approved Measure F, a charter amendment allowing the use of IRV for county elections "when such technology is available to the County." The technology, as evidenced by its use in San Francisco, is now available. Since county voters already approved an IRV charter amendment, IRV could be used for county elections upon a majority vote of the Board of Supervisors. Furthermore, the county's vendor for voting equipment, Sequoia Voting Systems, has already indicated their ability and willingness to modify Santa Clara County's equipment and make it ready for IRV elections. Although new software will be needed for the county's vote tabulators, those costs are already written into the county's contract with Sequoia Voting Systems. The contract between Sequoia Voting Systems and the County expressly contemplates the eventual usage of IRV. Section 28 of the contract is titled "Instant Runoff Voting" and says:

Following direction and certification from the California Secretary of State, Sequoia must provide the (*sic*) all necessary computer software for instant runoff election capability within a reasonable time to be agreed by the parties. If instant runoff voting is authorized in the State of California and required by County, Sequoia must develop and certify an upgrade within a reasonable time to be agreed by the parties.

Section 17.6 of the contract says that: "The annual license and maintenance fee (*paid by the county*) includes upgrades to the software furnished by Sequoia under this Agreement at no additional cost."

Therefore, the cost to modify the voting equipment should be minimal.

Voter education cost. Whenever a change is made to the electoral method that affects what voters must do in the voter's booth, community education is highly recommended. The goal of the education and outreach should be to inform voters what their new task is, that is, ranking their ballots, 1, 2, 3, rather than selecting a single candidate.

Most jurisdictions have spent about fifty cents per registered voter in order to educate the public about a switch to IRV. Voter education campaigns for IRV elections have been conducted in five different cities in the United States, with costs ranging from \$0.25 per registered voter to \$1.70 per registered voter in San Francisco for its first IRV election in 2004. Since that initial IRV election however, San Francisco has spent only about \$0.50 per registered voter for voter education for all of its subsequent IRV elections. Although San Francisco spent considerably more for its first IRV election in 2004, some parts of the voter education program were an inefficient use of resources. After 2004, San Francisco was able to reduce its community education costs and still run effective IRV elections. Proven and effective methods of educating the public about IRV include: poll worker training, public service announcements, an interactive web site, and mailing information to all voters. A good ballot design is also a critical component of successfully implementing IRV.

San Jose had 346,227 registered voters as of March 12, 2008. Spending \$0.50 per registered voter would translate to an approximate cost of \$175,000 for voter education. However, if the county, or other cities within the county, decided to use IRV some of the costs for voter education could be shared.

Additional printing and mailing costs. Depending on the type of election and the design of the ballot, using IRV might result in the need for an extra ballot. Each additional ballot costs approximately \$0.50. The critical question is whether or not the method of counting ballots requires a separate IRV ballot. A number of jurisdictions have figured out how to include both IRV and non-IRV races on the same ballot, thereby avoiding this increased cost. If an extra ballot were necessary, this could also result in increased mailing costs for ballots that are mailed to absentee voters.

State and federal certification of IRV voting equipment. Santa Clara County uses the same vote tabulating equipment used by San Francisco, which already uses IRV. If the county adopted the same IRV procedures used by San Francisco, as Oakland has done, that would expedite the certification process since those procedures already have been tested and approved at state and federal levels.

Where IRV is used

IRV is used in San Francisco and has been approved by Oakland and Berkeley, which will use IRV for the first time in 2010. San Leandro has also approved IRV and may use it in 2010. The Los Angeles City Council recently created a task force to study IRV and, on March 31, the L.A. County Board of Supervisors unanimously agreed to investigate its use as well, especially for special elections as a cost-savings measure. Long Beach and Pasadena are also actively considering IRV.

Besides San Francisco, IRV is currently being used in Burlington, Vermont; Takoma Park, Maryland; Aspen, Colorado; in a number of cities in North Carolina; for overseas voters from Arkansas, Illinois and Louisiana; and has been used for decades in Ireland and Australia, and more recently to elect the mayor of London (United Kingdom). Cambridge, Massachusetts has been using a form of IRV to elect its city council since the 1940s.

Support for IRV

Measure F, the 1998 IRV charter amendment for Santa Clara County, was adopted with the support of the Silicon Valley Chamber of Commerce, the South Bay Labor Council, and the Democratic Party as well as other organizations and many community leaders. IRV is also supported by the League of Women Voters, Californians for Electoral Reform, Common Cause and the New America Foundation, among other organizations. In April, the Santa Clara County Democratic Party adopted a resolution urging the San Jose City Council "to place a charter amendment before city voters that replaces San Jose's unnecessary and expensive two round runoff elections with instant runoff voting."

Conclusion

IRV is a more democratic method of voting that increases voter turnout and diversity, saves money by eliminating unnecessary elections, and improves the quality of campaigns. IRV is also more compatible with the goals of campaign finance reform and would conserve resources by using much less paper on campaign literature and voter guides. Using IRV in San Jose would require voter approval of a charter amendment, voting equipment upgrades and voter education. The initial investment that is required to implement IRV would be more than offset by the savings produced by eliminating unnecessary elections.

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