



2009 Sacramento Charter Review Committee

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Supplemental Report No. 2

Ranked Choice Voting/Ethics Commission

January 2010
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COMMITTEE REPORT

Pursuant to R2009-559, the Sacramento Charter Review Committee transmitted its Final Report on governance related issues to the City Council on November 3, 2009. The resolution also required the Committee issue two supplemental reports in December 2009 and January 2010.

Supplemental Report No. 1 focused on the responsibilities and income of the Mayor and Council Members and was presented to the City Council on December 3, 2009. As the Committee is expected to sunset by January 26, 2010, Supplemental Report No. 2 represents the Committee's final work and addresses ranked choice voting (also known as instant runoff voting) and ethics issues.

The Committee has received considerable informational material and expert testimony related to the issues of ranked choice voting and ethics. During the course of Committee discussions on these issues, and notwithstanding the significant amount of materials already reviewed by the Committee, it has become apparent these issues deserve additional study. Given the forthcoming sunset date of the Committee, it is not possible to conduct the thorough review of these issues in a way the City Council deserves. Each issue is complex and has the ability to be designed/implemented in a variety of ways.

Ranked Choice Voting

In a ranked choice voting system, voters indicate their favorite candidate as well as their runoff choices (e.g. a priority ranking). In a typical ranked choice system, if their favorite candidate is selected by a majority of first choice voters, the election is over. However, if the candidate receiving the most first choice votes has only a plurality of support, the lowest ranked candidate is eliminated and all voters who had supported that candidate have their second choice votes distributed and a second tally is taken. This process continues until there is a candidate receiving more than 50 percent support who is declared the winner. The system is designed to conduct only one election so no run-off election is necessary. Proponents of such a system suggest this saves money (by eliminating the need for a run-off election), reduces influence of special interests, and ensures a candidate is supported by a majority of voters.

The Committee has learned there are threshold questions related to software compatibility and state certification that must be resolved before it would be appropriate to consider transition to such a voting system. Moreover, additional dialogue and research is necessary to determine a voting methodology suitable for Sacramento, as well as necessary public education efforts to reduce voter confusion that could occur if such a system is implemented. The Committee believes there is merit in further studying the value of transitioning to such a system.

Ethics

With the issue of ethics, the Committee has learned other agencies' ethics programs consist of an ethics officer, an ethics commission, or both. An ethics officer is typically dedicated to prevention focused activities such as training and policy development. An ethics officer may also have investigative authority in cases of ethics complaints and an advisory role in the resolution of such complaints. In Austin, Texas, the City's Integrity [Ethics] Officer John Steiner refers to his program as a values based program where ethical issues can be evaluated via the City's ethics values (e.g. Is this

consistent with the city's values?) . The Committee believes there is merit in considering the creation of a formal ethics office for the City of Sacramento. However, determining the reporting requirements, authorities, and duties of such an office require additional research and discussion. Given the numerous issues that need to be considered and the limited time available, the Committee recommends the City Council create a task force to further study this issue.

As with consideration of a formal ethics office, the Committee believes the City Council should further study the potential merits of an ethics commission. As noted in the Institute for Local Government's December 2007 publication "Understanding the Role of Ethics Commissions", most ethics commissions tend to be compliance based and focus on ethics laws. The specific duties assigned to ethics commissions tend to fall into one or more of three categories:

- Overseeing and enforcing local ethics, election and campaign finance laws and/or codes;
- Providing advice to local officials on ethics and ethics laws; and
- Training local officials on ethics and ethics laws.

Key questions for further study of an independent, regulatory ethic commission include:

- What is the City's overall goal?
- What would the City want an ethics commission to do?
- How would commission members be selected?
- What powers would the commission have?
- What resources would be necessary to support the commission?
- What decision-making process should be used to determine whether a commission is right for the community?

While Committee members have great confidence in the staffs of the offices of the city clerk and city attorney, there is not currently a clear way for whistleblowers with inside information, (for example, about a campaign's finances or a conflict of interest) to act on that information. An ethics commission could also be the focus for such inquiries and have the authority to investigate and act on any irregularities.

Committee Recommendation

The Committee believes the issues of rank choice voting and ethics should be studied further by the City of Sacramento. Our recommendation to the City Council is to create two separate task forces to study each issue independently and develop specific recommendations on each issue. Given the time other agencies have needed to complete a comprehensive review of these issues, the Committee recommends the task forces be given a minimum of six months and as much as a year to complete their work.

Vote: | Yes – | No – | Abstain – | Absent – |