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REQUIRES RANKED-CHOICE VOTING SYSTEM FOR FEDERAL AND STATE ELECTIONS. RESTRUCTURES STATE SENATE TO MULTI-MEMBER DISTRICTS. INITIATIVE CONSTITUTIONAL AMENDMENT.

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The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

REQUIRES RANKED-CHOICE VOTING SYSTEM FOR FEDERAL AND STATE ELECTIONS. RESTRUCTURES STATE SENATE TO MULTI-MEMBER DISTRICTS. INITIATIVE CONSTITUTIONAL AMENDMENT. Allows voters to rank all candidates in order of preference in Congressional, State Officer, and Presidential elections. If voter's highest-ranked candidate is eliminated, then the vote (or a portion of it, in some instances) is transferred to the next continuing candidate, as specified. Repeats rounds of counting, elimination, and reallocation until winners are determined. Changes composition of state Senate from forty single-member districts to eight five-member districts. Changes petition procedures and requires ranked-choice voting for recall elections. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: **Increased state elections costs potentially totaling millions of dollars for every two-year election cycle. Increased local elections costs potentially totaling tens of millions of dollars for every two-year election cycle.** (19-0013.)

19 - 0013

August 19, 2019

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AUG 20 2019

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Initiative Coordinator
Office of the Attorney General
1300 I Street, 17th Floor
Sacramento, CA 95814

RE: Request for Title and Summary for Initiative Constitutional Amendment

Dear Initiative Coordinator,

Pursuant to Article II, Section 10(d) of the California Constitution, I submit the proposed attached initiative amendment to the California Constitution, entitled the "California Ranked-Choice Voting Act", and request the preparation of a circulating title and summary. Enclosed with this letter and the text of the proposed amendment are the affidavits required by sections 9001 and 9608 of the California Elections Code, along with a check for \$2000.0, as required by section 9001 of the California Elections Code.

Any inquiries or correspondence regarding this proposed measure may be sent to me at PO Box 661316, Arcadia CA 91006, or by phone (text preferable) at 626-734-5251.

Thank you for your time on this matter.

Sincerely,


Scott Mathog

[Deleted codified text is denoted in ~~strikeout~~. Added codified text is denoted by ***emboldened italics***]

SECTION 1. Title.

This measure shall be known and may be cited as the “California Ranked-Choice Voting Act”

SECTION 2. Findings and Declarations.

The people of the state of California hereby find and declare as follows:

(a) The existing Top-2 primary system used for congressional and state offices can inappropriately exclude from the general election a candidate from a group of candidates with broad mutual support among the primary electorate due to vote-splitting, leading to an improper lack of representation in the general election. This flaw in the Top-2 primary system places an onerous burden upon voters to strategically vote for only the strongest candidates regardless of their honest preferences, so as to avoid this potential scenario; it furthermore induces candidates to drop out of races out of fear of harming the odds of a like-minded candidate reaching the general election, thereby reducing the choices available to voters.

(b) The plurality voting method presently used in presidential elections and recall elections in this state similarly suffers from a vulnerability to vote-splitting, which can inappropriately elect a candidate who faces the broad opposition of a majority of voters. As with the Top-2, this flaw with plurality voting places a direct burden upon voters to strategically vote for only the strongest candidates regardless of their honest preferences, and discourages candidates from entering elections for fear of harming the odds of a like-minded candidate winning.

(c) Following the Supreme Court’s decision in *Reynolds v. Sims*, the California State Legislature has consisted of two houses, the Assembly and the Senate, based upon the same principle of representation: that of the election of representatives from single-member districts of roughly equal population. This has resulted in a system of redundant bicameralism, which emphasizes local representation and *only* local representation through single-member districts, often at the expense of broader regional or statewide interests. The traditional purpose of a bicameral legislature is for each house to embody a different ideal of representation, so that each house provides an effective and meaningful check upon the other. As it stands, the two houses of the California State Legislature do not fulfill this purpose.

(d) All of the previous grievances may be remedied by changing the methods of election used in California.

SECTION 3. Statement of Purpose.

The people of the state of California hereby declare the following purposes and intent in enacting this Act:

(a) To increase the choices available to voters and to reduce the necessity of strategic voting in elections through the adoption of ranked-choice voting.

(b) To restore meaningful bicameralism to the California State Legislature by altering the ideal of representation of the Senate to be that of proportional representation of regional interests by means of multi-winner ranked-choice voting in multimember Senatorial Districts.

(c) To better represent the full diversity of our state by means of proportional representation by ranked-choice voting in the Senate and introducing new recall and initiative election procedures to account for multimember districts.

SECTION 4. Section 5 of Article II, California Constitution is amended to read:

(a) A voter-nomination primary election shall be conducted to select the candidates for congressional and state elective offices in California. All voters may vote at a voter-nominated primary election for any candidate for congressional and state elective office without regard to the political party preference disclosed by the candidate or

the voter, provided that the voter is otherwise qualified to vote for candidates for the office in question. The candidates who are the top two vote-getters **final two continuing candidates of an exhaustive ranked-choice vote, plus those candidates who at any round of the aforementioned vote obtain more than 20% of the active vote**, at a voter-nominated primary election for a congressional or state elective office **except the Senate** shall, regardless of party preference, compete in the ensuing general election **which shall be conducted by ranked-choice voting**. **A voter-nominated primary election for the Senate shall be conducted by multi-seat ranked choice voting, to select ten candidates to compete in the ensuing general election. General elections for the Senate shall be conducted by multi-seat ranked choice voting.**

(b) Except as otherwise provided by Section 6, a candidate for a congressional or state elective office may have his or her political party preference, or lack of political party preference, indicated upon the ballot for the office in the manner provided by statute. A political party or party central committee shall not nominate a candidate for any congressional or state elective office at the voter-nominated primary. This subdivision shall not be interpreted to prohibit a political party or party central committee from endorsing, supporting, or opposing any candidate for a congressional or state elective office. A political party or party central committee shall not have the right to have its preferred candidate participate in the general election for a voter-nominated office other than a candidate who is one of the two highest vote-getters at the primary election **selected in a voter-nominated primary election**, as provided in subdivision (a).

(c) The Legislature shall provide for partisan elections for presidential candidates, and political party and party central committees, including an open presidential primary whereby the candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit of noncandidacy. **Primary elections for the presidency are to be conducted by exhaustive ranked-choice voting, and the general election for the presidency is to be conducted by ranked-choice voting.**

(d) A political party that participated in a primary election for a partisan office pursuant to subdivision (c) has the right to participate in the general election for that office and shall not be denied the ability to place on the general election ballot the candidate who received, at the primary election, the highest vote among that party's candidates.

SECTION 5. Section 5.1 of Article II, California Constitution is added to read:

(a) Any election conducted using any variant of ranked-choice voting shall use a ballot allowing voters to rank candidates in order of choice. Ballots for ranked-choice voting shall allow voters to rank all candidates in a given election. A voter may provide as many or as few rankings as desired.

(b) As used in this section, the following terms are defined as follows:

(1) "Batch elimination" means the simultaneous defeat of one or more continuing candidates because it is mathematically impossible for those candidates to receive enough votes to become designated as elected before being designated as defeated.

(2) "Continuing candidate" means a candidate who has not yet been designated as elected or defeated.

(3) "Election quota" means the number of votes sufficient for a candidate to be designated as elected. The election quota is defined to be equal to $((\text{Total valid votes cast})/(\text{Seats to be elected} + 1)) + 1$, with any fraction disregarded.

(4) "Elimination batch" means a group of one or more candidates who can be simultaneously defeated through batch elimination because it is mathematically impossible for those candidates to be designated as elected before being designated as defeated.

(5) "Highest-ranked continuing candidate" means the ranking on a voter's ballot with the lowest numerical value for a continuing candidate.

(6) "Inactive ballot" means a ballot on which all the candidates ranked on the ballot have been designated as elected or defeated, a ballot on which the highest-ranked candidate's ranking is an overvote, or there are two or more consecutive skipped rankings before the highest-ranked continuing candidate's ranking, making the ballot unable to be transferred to another continuing candidate. Any ballot which is not inactive shall be called an "active ballot".

(7) "Multi-seat election" means an election in which two or more candidates can be designated as elected in a single contest to fill multiple seats in the same publicly elected office. This may also be referred to as a multi-winner election. A multi-seat election consists of a single election for multiple offices, and is not equivalent to multiple elections for individual seats.

(8) "Overvote" means an instance in which a voter has ranked more than one candidate at the same ranking.

(9) "Ranking" means the number assigned to a candidate that establishes the order in which a ballot is transferred to that candidate. The ranking with the lowest numerical value indicates the voter's highest-ranked continuing candidate, with the rankings increasing in numerical value for the voter's lower-ranked continuing candidates.

(10) "Seat" means an elected position occupied by one person, one or more of which form a publicly elected office.

(11) "Single-seat election" means an election in which only one continuing candidate can be designated as elected in the contest. This may also be referred to as a single-winner election.

(12) "Skipped ranking" means a voter has left a ranking order unassigned but ranks a candidate at a subsequent ranking order.

(13) "Surplus" or "surplus fraction" means a number equal to the quotient of the difference between an elected candidate's vote total and the election quota divided by the candidate's vote total (that is, the surplus is defined to be equal to $(V-Q)/V$ where V is the elected candidate's vote total at the time they are designated as elected and Q is the election quota) rounded down to four decimal places and ignoring any remainder.

(14) "Transfer value" means the proportion of a vote that a ballot will contribute to its highest-ranked continuing candidate. Each ballot begins with a transfer value of 1. If a ballot contributes to the election of a candidate, it receives a new transfer value.

(c) (1) A ballot which does not contain a highest-ranked continuing candidate shall count as an inactive ballot.

(2) If a ballot contains a skipped ranking, the ballot shall be transferred to the highest-ranked continuing candidate unless the ballot contains two or more consecutive skipped rankings before its highest-ranked continuing candidate, in which case it shall count as an inactive ballot.

(3) A ballot whose highest-ranked continuing candidate's ranking is an overvote shall count as an inactive ballot.

(d) Provisions for batch elimination are as follows:

(1) A continuing candidate is in the elimination batch if the number of elected and continuing candidates with more votes than that candidate is greater than or equal to the number of seats to be filled, and it is mathematically impossible for that candidate to be elected for any of the following reasons:

(A) The candidate has fewer votes than any other continuing candidate.

(B) The candidate's current vote total plus the sum of current votes for continuing candidates with fewer votes would not be enough to equal or surpass the continuing candidate with the next highest current vote total.

(C) The candidate has a lower current vote total than a continuing candidate described in (B).

(2) If two or more candidates are tied with the fewest number of votes and cannot be defeated through batch elimination, the candidate to be defeated (that is, assigned to the elimination batch for the round) shall be determined by lot.

(e) The procedure for a single-seat election conducted by ranked choice-voting is as follows:

(1) Each ballot shall count as one vote for the highest-ranked continuing candidate on that ballot.

(2) The number of votes cast for each continuing candidate is counted. If there are two or fewer continuing candidates, the candidate with the most votes is declared the winner of the election. If any continuing candidate has a majority of active ballots, they are declared the winner of the election. If there are more than two continuing candidates and no winner has yet been declared, any continuing candidates in the elimination batch are designated as defeated. Votes for candidates who have been designated defeated are transferred to each ballot's next-ranked continuing candidate.

(3) Once candidate elimination and vote transfers are complete, a new round starts again pursuant to (2).

(f) The procedure for a single-seat election conducted by exhaustive ranked-choice voting is as follows:

(1) Each ballot shall count as one vote for the highest-ranked continuing candidate on that ballot.

(2) The number of votes cast for each continuing candidate is counted. If there are two or fewer continuing candidates, the candidate with the most votes is declared the winner of the election. If there are more than two

continuing candidates, then the candidate with the fewest votes is designated defeated. Votes for candidates who have been designated defeated are transferred to each ballot's next-ranked continuing candidate.

(3) Once candidate elimination and vote transfers are complete, a new round starts again pursuant to (2).

(g) The procedure for a multi-seat election conducted by ranked-choice voting is as follows:

(1) If, in the initial tabulation, the number of continuing candidates is less than or equal to the number of seats to be filled, then all continuing candidates are elected and tabulation is complete. Otherwise, tabulation proceeds with additional rounds as follows:

(A) Each ballot shall count, at its current transfer value, for the highest-ranked continuing candidate on that ballot. If the number of elected candidates is equal to the number of seats to be filled, then all continuing candidates are designated as defeated and tabulation is complete. If the sum of the number of elected candidates and the number of continuing candidates is equal to the number of seats to be filled, then all continuing candidates are designated as elected and tabulation is complete. Otherwise, tabulation proceeds pursuant to (B).

(B) If any continuing candidate has a number of votes greater than or equal to the election quota for the contest, that candidate shall be designated as elected. Each ballot counting for an elected candidate is assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the elected candidate, rounded down to four decimal places and ignoring any remainder. If each of two or more candidates has a number of votes greater than or equal to the election quota for the contest at the same time, the surpluses shall be distributed simultaneously. Each candidate elected under this paragraph is deemed to have a number of votes equal to the election quota in all future rounds and a new round begins pursuant to paragraph (A).

(C) If no candidate is elected pursuant to paragraph (B), then all candidates in the elimination batch for the round are defeated through batch elimination. Votes for defeated candidates shall be transferred to each ballot's next-ranked continuing candidate and a new round begins pursuant to paragraph (A).

SECTION 6. Section 13 of Article II, California Constitution is amended to read:

Recall is the power of the electors to remove an elective officer from a single-member district. Quota recall is the power of the electors to remove an elective officer from a multimember district. Initiative election is the power of the electors to call a special election for a district.

SECTION 7. Section 14 of Article II, California Constitution is amended to read:

(a) (1) Recall or quota recall of a state officer is initiated by delivering to the Secretary of State a petition alleging reason for recall. Sufficiency of reason is not reviewable. Proponents have 160 days to file signed petitions.

(2) An initiative election for a district is initiated by delivering to the Secretary of State a petition alleging reason for a special election. Sufficiency of reason is not reviewable. Proponents have 160 days to file signed petitions.

(b) A petition to recall a statewide officer must be signed by electors equal in number to 12 percent of the last vote for the office, with signatures from each of 5 counties equal in number to 1 percent of the last vote for the office in the county. Signatures to recall Senators, members of the Assembly, members of the Board of Equalization, and judges of courts of appeal and trial courts must equal in number 20 percent of the last vote for the office. Signatures for the quota recall of Senators must equal in number two-fifths of the election quota of the last vote for the office. Signatures for an initiative election for a district must equal in number 20 percent of the last vote in the district.

(c) The Secretary of State shall maintain a continuous count of the signatures certified to that office.

SECTION 8. Section 15 of Article II, California Constitution is amended to read:

(a) An election to determine whether to recall an officer and, if appropriate, to elect a successor shall be called by the Governor and held not less than 60 days nor more than 80 days from the date of certification of sufficient signatures.

(b) A recall election may be conducted within 180 days from the date of certification of sufficient signatures in order that the election may be consolidated with the next regularly scheduled election occurring wholly or partially within

the same jurisdiction in which the recall election is held, if the number of voters eligible to vote at that next regularly scheduled election equal at least 50 percent of all the voters eligible to vote at the recall election.

(c) If the majority vote on the question is to recall, the officer is removed and, if there is a candidate, the candidate who receives a plurality **selected by ranked-choice voting** is the successor. The officer may not be a candidate, nor shall there be any candidacy for an office filled pursuant to subdivision (d) of Section 16 of Article VI.

SECTION 9. Section 15.1 of Article II, California Constitution is added to read:

(a) An election to determine whether to quota recall an officer from a multimember district and, if appropriate, to elect a successor shall be called by the Governor and held not less than 60 days nor more than 80 days from the date of certification of sufficient signatures.

(b) A quota recall election may be conducted within 180 days from the date of certification of sufficient signatures in order that the election may be consolidated with the next regularly scheduled election occurring wholly or partially within the same jurisdiction in which the quota recall election is held, if the number of voters eligible to vote at that next regularly scheduled election equal at least 50 percent of all the voters eligible to vote at the quota recall election.

(c) For the purposes of a quota recall election, an election quota shall be defined to be equal to $((\text{Total valid votes cast})/(\text{Number of seats in the district} + 1)) + 1$, with any fraction disregarded.

(d) If less than an election quota of the vote is in favor of retaining the officer, the officer is removed and, if there is a candidate, the candidate selected by ranked-choice voting is the successor. The officer may not be a candidate.

SECTION 10. Section 15.2 of Article II, California Constitution is added to read:

(a) A special election encompassing all seats in the district shall be called by the Governor and held not less than 60 days nor more than 80 days from the date of certification of sufficient signatures for an initiative election. Current officers for the district may be candidates. Winners of the special election shall serve out the remainder of the term.

(b) A special election may be conducted within 180 days from the date of certification of sufficient signatures for an initiative election in order that the special election may be consolidated with the next regularly scheduled election occurring wholly or partially within the same jurisdiction in which the special election is held, if the number of voters eligible to vote at that next regularly scheduled election equal at least 50 percent of all the voters eligible to vote at the special election.

SECTION 11. Section 16 of Article II, California Constitution is amended to read:

The Legislature shall provide for circulation, filing, and certification of petitions, nomination of candidates, and the recall election *or quota recall election or special election invoked by the initiative election process.*

SECTION 12. Section 18 of Article II, California Constitution is amended to read:

A state officer who is not *removed by recall or quota recall* shall be reimbursed by the State for the officer's recall *or quota recall* election expenses legally and personally incurred. Another recall *or quota recall* may not be initiated against the officer until six months after the election. *The initiative election process may not be initiated again until six months after the last special election in the district invoked by the initiative election process.*

SECTION 13. Section 2 of Article IV, California Constitution is amended to read:

(a) (1) The Senate has a membership of 40 Senators elected for 4-year terms, 20 to begin every 2 years. ***In a general election, all seats of a Senatorial District shall be up for election.***

(2) The Assembly has a membership of 80 members elected for 2-year terms.

(3) The terms of a Senator or a Member of the Assembly shall commence on the first Monday in December next following her or his election.

(4) During her or his lifetime a person may serve no more than 12 years in the Senate, the Assembly, or both, in any combination of terms. This subdivision shall apply only to those Members of the Senate or the Assembly who are first elected to the Legislature after the effective date of this subdivision and who have not previously served in the Senate or Assembly. Members of the Senate or Assembly who were elected before the effective date of this subdivision may serve only the number of terms allowed at the time of the last election before the effective date of this subdivision.

(b) Election of members of the Assembly shall be on the first Tuesday after the first Monday in November of even-numbered years unless otherwise prescribed by the Legislature. Senators shall be elected at the same time and places as members of the Assembly.

(c) A person is ineligible to be a member of the Legislature unless the person is an elector and has been a resident of the legislative district for one year, and a citizen of the United States and a resident of California for 3 years, immediately preceding the election, and service of the full term of office to which the person is seeking to be elected would not exceed the maximum years of service permitted by subdivision (a) of this section.

(d) When a vacancy occurs in the Legislature the Governor immediately shall call an election to fill the vacancy. ***If multiple vacancies occur in a multimember district, they shall be filled simultaneously by an election via multi-seat ranked-choice voting for as many seats as there are vacancies.***

SECTION 14. Section 6 of Article IV, California Constitution is amended to read:

For the purpose of choosing members of the Legislature, the State shall be divided into ~~408~~ Senatorial and 80 Assembly districts to be called Senatorial and Assembly Districts. Each Senatorial district shall choose ~~one~~ ***five*** Senators and each Assembly district shall choose one member of the Assembly.

SECTION 15. Section 2 of Article XXI, California Constitution is amended to read:

(a) The Citizens Redistricting Commission shall be created no later than December 31 in 2010, and in each year ending in the number zero thereafter.

(b) The commission shall: (1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines; (2) draw district lines according to the redistricting criteria specified in this article; and (3) conduct themselves with integrity and fairness.

(c) (1) The selection process is designed to produce a commission that is independent from legislative influence and reasonably representative of this State's diversity.

(2) The commission shall consist of 14 members, as follows: five who are registered with the largest political party in California based on registration, five who are registered with the second largest political party in California based on registration, and four who are not registered with either of the two largest political parties in California based on registration.

(3) Each commission member shall be a voter who has been continuously registered in California with the same political party or unaffiliated with a political party and who has not changed political party affiliation for five or more years immediately preceding the date of his or her appointment. Each commission member shall have voted in two of the last three statewide general elections immediately preceding his or her application.

(4) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission.

(5) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action. The four final redistricting maps must be approved by at least nine affirmative votes which must

include at least three votes of members registered from each of the two largest political parties in California based on registration and three votes from members who are not registered with either of these two political parties.

(6) Each commission member shall apply this article in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process. A commission member shall be ineligible for a period of 10 years beginning from the date of appointment to hold elective public office at the federal, state, county, or city level in this State. A member of the commission shall be ineligible for a period of five years beginning from the date of appointment to hold appointive federal, state, or local public office, to serve as paid staff for, or as a paid consultant to, the Board of Equalization, the Congress, the Legislature, or any individual legislator, or to register as a federal, state or local lobbyist in this State.

(d) The commission shall establish *multimember districts for the Senate and* single-member districts for the Senate, Assembly, Congress, and State Board of Equalization pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the United States Constitution. Congressional districts shall achieve population equality as nearly as is practicable, and Senatorial, Assembly, and State Board of Equalization districts shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.

(2) Districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, county, city and county, local neighborhood, or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subdivisions. A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with the criteria above, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population.

(6) To the extent practicable, and where this does not conflict with the criteria above, each Senate district shall be comprised of ~~two~~ *ten* whole, complete, and adjacent Assembly districts, and each Board of Equalization district shall be comprised of ~~10~~ *two* whole, complete, and adjacent Senate districts.

(e) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

(f) Districts for the Congress, Senate, Assembly, and State Board of Equalization shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary.

(g) By August 15 in 2011, and in each year ending in the number one thereafter, the commission shall approve four final maps that separately set forth the district boundary lines for the congressional, Senatorial, Assembly, and State Board of Equalization districts. Upon approval, the commission shall certify the four final maps to the Secretary of State.

(h) The commission shall issue, with each of the four final maps, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria listed in subdivision (d) and shall include definitions of the terms and standards used in drawing each final map.

(i) Each certified final map shall be subject to referendum in the same manner that a statute is subject to referendum pursuant to Section 9 of Article II. The date of certification of a final map to the Secretary of State shall be deemed the enactment date for purposes of Section 9 of Article II.

(j) If the commission does not approve a final map by at least the requisite votes or if voters disapprove a certified final map in a referendum, the Secretary of State shall immediately petition the California Supreme Court for an order directing the appointment of special masters to adjust the boundary lines of that map in accordance with the redistricting criteria and requirements set forth in subdivisions (d), (e), and (f). Upon its approval of the masters' map, the court shall certify the resulting map to the Secretary of State, which map shall constitute the certified final map for the subject type of district.

SECTION 16. Effective Date.

Notwithstanding any other provision of the California Constitution, this Act shall take effect by the next statewide primary election following its approval by the voters.

SECTION 17. Liberal Construction.

This Act shall be liberally construed in order to effectuate its purposes.

SECTION 18. Severability.

If any provision of this measure, or any part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable.

SECTION 19. Conflicting Measures.

(a) In the event this measure and another measure or measures relating to the method of election to presidential, congressional, or state elective office, or recall of an officer holding a state elective office are approved by a majority of voters at the same election, the other measure(s) shall be deemed to be in conflict with this measure. If this measure receives a greater number of affirmative votes than any other such measure(s), this measure shall control in its entirety and the other measure(s) shall be rendered void and without any legal effect. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than the other measure or measures, this measure shall take effect to the extent permitted by law.

(b) If this initiative measure is approved by the voters but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and the conflicting measure is later held invalid, this measure shall be self-executing and given the full force of law.



October 9, 2019

Hon. Xavier Becerra
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

RECEIVED

OCT 09 2019

Attention: Ms. Anabel Renteria
Initiative Coordinator

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Attorney General Becerra:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional initiative regarding how Californians vote and the composition of the State Senate (A.G. File No. 19-0013).

BACKGROUND

State Elections. Proposition 14 (2010) established a top two open primary system in California for state elected offices, Members of the U.S. House of Representatives, and U.S. Senators. Under this system, elections for statewide office occur in two phases. During the first phase—the primary election—voters select their top choice candidate from any number of contenders, who all appear on a single combined ballot regardless of party affiliation. The two candidates who receive the most votes in the primary election, regardless of their party affiliation, advance to phase two: the general election. During the general election, voters choose between these two candidates to determine who will be elected to the office. (In contrast, the primary for U.S. President uses partisan ballots. Each political party establishes rules determining who may vote in its primary—for example, whether the election is closed to people who are not members of the party.)

Voting Methods. At the state level, voters cast ballots for one candidate for a specific state office. Under this method, candidates win by receiving the most votes cast. Some local governments in California—Berkeley, Oakland, San Francisco, and San Leandro—use an alternative voting method referred to as ranked-choice voting. Under ranked-choice voting, voters rank candidates from their first to last choice. For example, in Oakland, voters identify which candidates are their first, second, and third ranked choices. In the event that a voter's first choice is defeated, his or her second choice receives his or her vote. Under this model, a candidate may win the election even though he or she was not the first choice for a majority of voters.

Single- vs. Multimember Districts. An electoral district is a geographic boundary. The residents who live within an electoral district elect a person or multiple people to represent their

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interests in an elected governmental body. State-level electoral districts are single-member, meaning that one person is elected to represent the residents of the district. Some local governments are multimember districts. For example, a city council might not be divided into electoral districts. In this case, the residents of the entire city elect all members of the city council to represent their interests—effectively, the entire body consists of one multimember district. At the federal level, the U.S. Senate consists of 50 two-member districts where each state is represented by two U.S. Senators.

District Boundaries. Every ten years, following the decennial U.S. Census, the State Constitution requires the Citizens Redistricting Commission to establish new district boundaries for U.S. Congress, State Assembly, State Senate, and the State Board of Equalization. The commission consists of 14 members representing both major political parties as well as voters registered with no party preference. When the commission sets district boundaries, it must meet the requirements of federal law and adhere to criteria specified in the State Constitution. Among other requirements, the State Constitution requires the commission, to the extent possible, to adopt district boundaries that result in each Senate district encompassing two Assembly districts and each Board of Equalization district encompassing ten Senate districts.

County Elections Responsibilities. California counties administer almost all elections in California—including special elections called by the Governor. County elections officials prepare and distribute county voter information guides that contain a sample ballot and information about local candidates and measures, provide places for voting, maintain voter registration records, print ballots for all registered voters, tabulate votes, and transmit election results to the Secretary of State. Total county costs to administer elections are estimated to be in the range of the low to mid-hundreds of millions of dollars per year; however, the cost per county varies widely depending on the population, size of the county, and number of candidates, among other factors.

Secretary of State Election Responsibilities. Among other duties, the Secretary of State is the state's chief elections officer and oversees a variety of elements related to elections, campaigns, and lobbying in California. For example, the Secretary of State certifies voting equipment that may be used, maintains the statewide voter registration database, certifies official lists of candidates, compiles election returns and certifies results, and promotes voter registration and participation. The Secretary of State also prepares, prints, and mails to voters the statewide voter guide. The guide provides information about federal and statewide candidates and statewide ballot measures. The Secretary of State typically spends around \$14 million for a statewide election.

State Senate. The California Legislature consists of two houses—the Senate and the Assembly. The Senate consists of 40 Senators who each represent the residents of one district.

PROPOSAL

As we describe below, this measure changes (1) how voters determine who will be elected in state elections and (2) the districts of the State Senate. The measure does not affect how local elections are conducted.

Establishes Ranked-Choice Voting for State and Federal Offices. Under the measure, Californians would use ranked-choice ballots to elect candidates in statewide primary and general elections. The offices affected by the measure include state and federal elected offices—including the eight elected state executive offices (Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, State Controller, State Superintendent of Public Instruction, and Insurance Commissioner); members of the State Senate, State Assembly, and State Board of Equalization; members of the U.S. Senate and U.S. House of Representatives; and U.S. President. Except in the cases of State Senate and U.S. President, in order to advance from the primary election to the general election, the measure specifies that a candidate must either be one of the two candidates to receive the most votes at the end of the ranked-choice tabulation or have received more than 20 percent of the tabulated votes. A candidate meeting at least one of these criteria advances to the general election regardless of party affiliation. For the office of the U.S. President, the measure specifies that the primary election use a ranked-choice ballot; however, the primary election would continue to be a partisan ballot. (We discuss the measure’s primary election process for State Senate below.) At the general election, all races on statewide ballots would be determined using a ranked-choice ballot.

Makes Senate Districts Multimember Districts. The measure restructures the State Senate so that it consists of eight multimember districts—each district represented by five Senators. As such, the house would continue to consist of 40 Senators. Under the measure, Senators continue to be elected to four-year terms with terms staggered so that one-half of the Senate is elected every two years. Under the measure, the five seats of each Senate district would be on the same election cycle. The measure amends the Citizens Redistricting Commission’s requirements so that—to the extent possible—each Senate district comprises ten Assembly districts and each Board of Equalization district is comprised of two Senate districts. The measure uses ranked-choice voting in the primary and general elections to determine the five Senators who represent each district. In the primary, ranked-choice voting would be used to identify no more than ten candidates who would advance to the general election. In the general election, ranked-choice voting would be used to identify the five Senators representing a district.

FISCAL EFFECTS

Increased Elections Costs. The measure would change how state and county elections officials prepare, print, mail, and count ballots and election-related materials. These changes would increase state and county government costs. The measure does not limit the number of candidates that voters may rank. The number of candidates in a race as well as the number of rankings that voters can make affects the complexity of the ballot. The number of lines and columns of text necessary on the ballot directly increase county printing and mailing costs. In addition, with increased complexity, counties and the state likely would experience increased costs related to voter outreach and education. In addition, the complexity could result in counties purchasing or leasing new voting equipment. These increased costs could be millions of dollars for the state and tens of millions of dollars for county governments every two-year election cycle.

Summary of the Fiscal Effect

We estimate that the measure would have the following fiscal effects:

- Increased state elections costs potentially totaling millions of dollars for every two-year election cycle.
- Increased local elections costs potentially totaling tens of millions of dollars for every two-year election cycle.

Sincerely,



Gabriel Petek
Legislative Analyst



for Keely Martin Bosler
Director of Finance