FROM: Chris Jerdonek
TO: Elections Commission; John Arntz, Director of Elections

SUBJECT: Number of RCV Rankings Allowed and San Francisco’s Next Voting System
(5 pages, 2 attachments)

This memo collects together information related to the number of candidates that San Francisco voters are allowed to rank on a ranked-choice voting (RCV) ballot.

This information is relevant to the selection of San Francisco's next voting system.

Below is the outline of this memo:

1. Background
2. San Francisco Charter
3. Department of Elections 2005 Request for Proposals (RFP)
5. Exhausted Ballot Data
6. League of Women Voters of Oakland Handout
7. RCV Demonstration Ballot with More Choices
8. Attachment 1: RCV Handout from the League of Women Voters of Oakland (2 pages)
9. Attachment 2: RCV Demonstration Ballot from Dominion (2 pages)

1. Background

San Francisco has been using RCV for just over ten years. The first RCV election in San Francisco was held in November 2004.

San Francisco's first RCV voting system let voters rank up to three candidates. That system was from Election Systems & Software (ES&S).

San Francisco's second (and current) RCV voting system also lets voters rank up to three candidates. This system was purchased from Sequoia Voting Systems, Inc. (now Dominion Voting Systems, Inc.) in a contract that was entered into in December 2007. The original contract was for four years with a total cost of $12.65 million ($8.46 million for voting equipment and the remainder for services). (The information in this paragraph is from a Board of Supervisors resolution dated November 16, 2011.)

The purchase of a new voting system provides an opportunity to let San Francisco voters rank more than three candidates. Portland, Maine and Cambridge, Massachusetts are two cities using RCV that do not limit the number of candidates that voters can rank.
2. San Francisco Charter

The San Francisco Charter says that voters should be allowed to rank more than three candidates (when there are more than three candidates).

From Article XIII, Sec. 13.102 (b):

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 City and County cannot feasibly accommodate choices equal to the total number of candidates running for each office, then the Director of Elections may limit the number of choices a voter may rank to no fewer than three.

3. Department of Elections 2005 Request for Proposals (RFP)

The Department of Elections 2005 “Request for Proposals for a New Voting System” included the Charter requirement above. This was RFP #NVS0305 dated March 31, 2005. This is the RFP that led to the contract in December 2007 with Sequoia (now Dominion) for our current voting system. Below are excerpts from the RFP.

The RFP said the following on page 7 of the Introduction:

The New System must include:

...  

• Ranked-choice voting capability, which permits the voter to indicate as many choices as there are candidates and qualified write-in candidates for the particular office as specified in this RFP and the referenced appendices.

In addition, the following language appears in Section 3.2.1.1, page 3 of Appendix E of the RFP (with emphases as in the original):

3.2.1.1 Ballot

...  

When the Charter requires the use of rank choice voting, the ballot shall permit the voter to rank his or her choices among the candidates for an elective office. The City would prefer that the ballot permit the voter to cast as many choices as there are candidates for that office. For these purposes, the number of candidates for an office equals the number of candidates who qualified to have their names printed on the ballot, plus all qualified write-in candidates. If the New System software must be written, installed and tested before the deadline for qualification of write-in candidates, and therefore DOE cannot know with certainty the number of candidates who will qualify as write-in candidates before the date the election-specific software is written,
then the number of choices a voter may rank would be no fewer than:

The number of candidates who qualified to have their names printed on the ballot, plus the number of qualified write-in candidates for the same office as of the date the election-specific software was created, OR the number of candidates who qualified to have their names printed on the ballot, plus one, whichever is greater.

If technological limitations make it impossible for the New System to permit the voter to cast as many choices as there are candidates for a contest, the ballot shall permit the voter to rank no fewer than three choices for each rank choice voting contest.


The June 2011 Report of the San Francisco Voting Systems Task Force (VSTF) discussed the number of candidates that voters should be allowed to rank.

The issue is discussed in Sections 2.4.3.3 and 2.4.4.3 on pages 43–45 of the report. Here is an excerpt from Section 2.4.3.3 “Three-Choice Limit” (page 44):

San Francisco has been using RCV with this minimum [three-choice] level of capability due to San Francisco’s Sequoia voting system limitations.

However, the law says the voter should be able to rank all candidates for good reasons: the three-choice limit imposed by the voting system limits voters full expression. In a recent court decision, the U.S. 9th Circuit Court of Appeals concluded:

If aspects of the City’s restricted IRV scheme…impose any burdens on the voters’ rights to vote, they are minimal at best. Moreover, the City has advanced valid, sufficiently-important interests to justify using the system.

So although San Francisco’s current implementation of RCV does not violate the voters’ constitutional rights, “restricted IRV” does limit the voter’s ability to fully express their choices in an RCV election. In the case that voters would want to express more than three choices in an RCV election and that the ballot and voting system could accommodate those choices (which is the clear intent of Section 13.102[b] of the City Charter), the ability of voters to fully express those choices could materially affect the outcome of an RCV election.

In Section 2.4.4 “Recommendations,” the VSTF Report includes the following recommendation:

2.4.4.3 Three-Choice Limit

5. Explore the possibility of increasing the number of choices with the existing Sequoia voting system. Make the ability to rank more than three choices a strong preference for any future voting system to be acquired by San Francisco
with a preference for a system that will allow the voter to rank all candidates in a race.

5. Exhausted Ballot Data

One criticism of San Francisco's current implementation of RCV that has come up in policy discussions and in the media is that the three-choice limitation leads to some voters not having a say in the final round of the RCV tabulation, even if they rank all available choices (i.e. that it leads to more “exhausted” ballots).

Table 1 below illustrates this quantitatively for a number of past elections. The table shows all RCV races in San Francisco from 2008 onwards that had seven or more candidates. (Races with more candidates are the ones more susceptible to exhausted ballots due to the three-choice limitation.) The 2014 Oakland Mayor's race is also included for comparison. (Oakland voters are also limited to three rankings.)

In each row, the percentages are percents of the number of continuing ballots in the first round. The “Ranked 3” column shows the percent of voters that ranked three candidates. The “Ranked 3 and Exhausted” column (the shaded column on the far right) shows the percent of voters that ranked three different candidates but still had their ballot exhausted.

The numbers for this table come from an analysis of the ballot image files posted on the web site of the San Francisco Department of Elections (and the Alameda County Registrar's Office in the case of the Oakland race).

<table>
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<th>Year</th>
<th>Race</th>
<th>Candidates</th>
<th>Ranked 2</th>
<th>Ranked 3</th>
<th>Ranked 3 and Exhausted</th>
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<td>Oakland Mayor</td>
<td>16</td>
<td>85%</td>
<td>74%</td>
<td>12%</td>
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<td>2012 Nov</td>
<td>SF D5 Supervisor</td>
<td>8</td>
<td>82%</td>
<td>67%</td>
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<td>2012 Nov</td>
<td>SF D7 Supervisor</td>
<td>9</td>
<td>81%</td>
<td>66%</td>
<td>10%</td>
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<td>2011 Nov</td>
<td>SF Mayor</td>
<td>16</td>
<td>84%</td>
<td>73%</td>
<td>16%</td>
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<td>2010 Nov</td>
<td>SF D6 Supervisor</td>
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<td>SF D10 Supervisor</td>
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<td>SF D11 Supervisor</td>
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<td>79%</td>
<td>67%</td>
<td>9%</td>
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</table>

*Table 1: San Francisco RCV Races with Seven or More Candidates*
6. League of Women Voters of Oakland Handout

The current three-choice limit has led to at least one organization promoting “strategic” voting to help voters make it more likely that their ballots will count in the final round. This section describes an example of this happening in Alameda County.

In Alameda County, which uses the same voting system as San Francisco, voters are also limited to three rankings. This limitation caused the League of Women Voters of Oakland to educate voters on how to vote strategically to reduce the likelihood that their ballot will become exhausted. Their handout on this issue is attached as Attachment 1. It is also available at [http://www.lwvoakland.org/files/rcv_final_flier.pdf](http://www.lwvoakland.org/files/rcv_final_flier.pdf). In addition, excerpts are included in this section below.

At the very beginning of the handout under “Most Critical Information,” they write—

**HOW TO VOTE STRATEGICALLY:** Vote your favorite as your first choice, regardless of his or her likelihood to win, then *choose from the front-runners* [emphasis added] for your second and third choices. If your first choice is eliminated early, your second and third choices of the front-runners still have you in a strong position to help choose the winner.

On page two of the flier, they expand on this—

Strategic voting: a voter can vote for the candidate they really like best. Near election time it becomes clear who the front-runners are. But voters can still give their first vote to the candidate they really like, even if they think he/she won’t win. Then they can decide which of the front runners to give their second and third votes to. ... That’s the best way to make sure our votes count, ....

7. RCV Demonstration Ballot with More Choices

Attached to this memo as Attachment 2 is a demonstration ballot that shows what a ballot that lets voters rank more than three candidates might look like. The demonstration ballot is from Dominion Voting Systems from 2011. The sample contest for Mayor on page 2 of the attachment lets voters rank up to six candidates. My understanding is that the scanner that Dominion was demonstrating at a conference at the time was designed to let voters rank up to eleven candidates.
MOST CRITICAL INFORMATION
IMPORTANT FACT TO REMEMBER: The person in office can be either good or bad after being elected by either the Primary or Ranked-Choice Voting system; don’t blame the voting system for the actions of the person in office.

HOW TO VOTE STRATEGICALLY: Vote your favorite as your first choice, regardless of his or her likelihood to win, then choose from the front-runners for your second and third choices. If your first choice is eliminated early, your second and third choices of the front-runners still have you in a strong position to help choose the winner.

FURTHER EXPLANATORY INFORMATION
Ranked-Choice Voting (RCV) allows voters to rank a first, second and third choice candidate for a single office. This makes it possible to elect local officials by majority vote without the need for a separate run-off election.

Voters in Berkeley, Oakland and San Leandro use Ranked-Choice Voting to elect most local officials. In 2006 the Oakland City Council proposed adopting Ranked-Choice Voting; they voted 6-2 to put a measure on the ballot. The measure passed with 69% of voters supporting it. Ranked-Choice Voting does not affect the election of County, State and federal officials or the approval or rejection of ballot measures.

Does my vote still count if ...
- I vote for the same candidate three times? Yes, your vote will count once.
- I only select one choice? Yes.

Keep In Mind:
Your second choice will be counted only if your first choice candidate has been eliminated. Your third choice will be counted only if both your first choice and second choice candidates have been eliminated.

Why Ranked-Choice Voting is a good thing
- More people vote in November than in a June primary so decisions are made by a larger proportion of citizens. RCV provides instant runoff.
- More people of color, less-well-off, younger, with lower-level jobs vote in November; in June the majority of voters are white, older, well-off, well-educated.
Less negative campaigning. If a candidate wants those supporting a different candidate to give them their second or third vote, they will not attack that other candidate but rather emphasize what they can do for the whole city.

New candidates, new ideas and dissenting opinion are taken seriously. Candidates outside the mainstream have a chance—third party candidates in partisan elections; members of diverse groups not often successful in two-candidate races.

Saves money.
- Eliminates the $800,000 cost of a June primary.
- Candidates raise money for only one campaign, not two.

Strategic voting: a voter can vote for the candidate they really like best. Near election time it becomes clear who the front-runners are. But voters can still give their first vote to the candidate they really like, even if they think he/she won’t win. Then they can decide which of the front runners to give their second and third votes to. Each choice empowers the voter. There are no games here. We each have one vote, but we can indicate backup choices according to our sincere preferences. That’s the best way to make sure our votes count, and Oakland gets the mayor, city council members, and school board leaders we deserve.

Who opposes RCV?
- Voters who are unhappy about the candidate who won. The problem is the candidate, not the election system. A two-candidate runoff can also result in a winner many voters do not like in office. (Any mayor who did not meet your expectations in years past was elected by the primary system.)
- Candidates who did not figure out strategies for RCV, which include appealing to a broad range of voters and asking to be ranked as second or third choice if not the voter’s first choice. If no candidate gets a majority in the first round, the one with the most first choice votes may not win, and the second choice and even third choice votes will make a difference.
- Paid campaign workers: less employment.

Strategy for Candidates
- Get the most votes. Ask voters to make you their first choice. If you are not their first choice, ask them to make you their second choice or third choice. The winning candidate will have the most votes from all voters.
- Find voters who usually do not vote; explain to them the power they have. Make a wide and deep appeal to voters.

Links for further information:
lwoakland.org/rankedquest.html
SmartVoter.org/ca/alm
acgov.org/rov/rcv
acgov.org/rov/registration.htm: REGISTER ONLINE at this site by Oct. 20.
You need to RE-REGISTER if you have changed your address
**FAMOUS AMERICANS**

**Demonstration Ballot**

*To VOTE:* Completely fill in the oval ○, next to your choice like this. Mark with a blue or black ink pen, or with a pencil.

### FEDERAL OFFICES

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<th>UNITED STATES SENATOR (Vote for ONE)</th>
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<th>PROPOSITIONS</th>
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<td>FLORENCE NIGHTINGALE VIRGINIA PARTY</td>
<td>PROPOSITION 1</td>
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<td>ANDREW CARNEGIE OHIO PARTY</td>
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<td>Write In</td>
<td></td>
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### UNITED STATES REPRESENTATIVE (Vote for ONE)

- WILLIAM B. WILSON VIRGINIA PARTY
- ROBERT LA FOLLETTE OHIO PARTY
- W.C. REDFIELD CALIFORNIA PARTY
- Write In

### NONPARTISAN OFFICES

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<td>THOMAS ALVA EDISON ○</td>
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<td>HELEN KELLER ○</td>
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*VOTE BOTH SIDES OF BALLOT*
### Ranked Choice Voting Instructions

The Contests for **District Attorney** and **Mayor** are Ranked Choice Voting Contests. You may rank multiple choices in each contest. Mark your first choice by completely filling in the oval to the right of the person's name under the first rank column. To indicate a second choice, select a different candidate by completely filling in the oval to the right of that person's name under the second rank column. For each succeeding choice, select a different candidate than any of your previous choices under the appropriate rank column. **DO NOT select the same candidate in more than one ranking!**

To rank fewer than the maximum number of rankings, leave any remaining columns blank. To vote for a qualified write-in candidate who is not listed on the ballot, write the person's name on the write-in line provided and completely fill in the oval to the right of the write-in space under the desired ranking for that write-in candidate.

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#### DISTRICT ATTORNEY

(Vote for ONE)

Vote up to **THREE** Rankings

Each rank must be a different choice than choices made in any other rank.

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<th>Third Choice</th>
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<td>WILLIAM DEMPSEY</td>
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<td>GEORGE BABE RUTH</td>
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#### MAYOR

(Vote for ONE)

Vote up to **SIX** rankings

Each rank must be a different choice than choices made in any other rank.

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**VOTE BOTH SIDES OF BALLOT**