

February 14, 2019

Charter Revision Commission
Subcommittee, Government
Structure/ Preserving Institutional
Knowledge
(Ronald Swanson)

RANKED CHOICE VOTING

QUESTION:

Should the Charter Revision Commission recommend the City of Jacksonville Charter be amended to provide for Ranked Choice Voting?

ANSWER:

No.

I. BACKGROUND:

In November, 2019, New York City citizens voted to change the way city election winners were decided. With approval of over 73% of voters, the City of New York joined Maine, numerous other municipalities, and certain countries (including Australia and New Zealand) in adopting RANKED CHOICE VOTING. (1)

Ranked Choice Voting will be in effect, in New York City's election for mayor, City Council, and other offices, by 2021. (2) Ranked choice voting is also in use or approved by 18 other cities in the United States, to include San Fransisco, Minneapolis, and Cambridge. Similarly, the State of Maine has transitioned to Ranked Choice Voting. (3)

Alaska, Hawaii, Kansas, and Wyoming are planning to use Ranked Choice Voting in the 2020 Democratic primaries. (4)

In sum, Ranked Choice Voting is progressively more accepted. Proponents argue it makes sense for numerous reasons. A major consideration—it costs less. In the State of Florida, proponents for RANKED CHOICE VOTING include Duval County voters.(5)

II. HOW DOES RANKED CHOICE VOTING WORK?:

Ranked Choice voting "is an electoral system that allows people to vote for multiple candidates, in order of preference." (6). When you fill out your ballot, instead of just voting for the single candidate that is your choice to win, you complete your ballot to include your second and third choices (possibly more, if needed). If a particular candidate then garners a majority of first-choice-voters (more than 50%), that candidate wins outright. If no candidate gets a majority of first choice votes, then a new counting procedure begins. The candidate who had the fewest number of votes is eliminated and that candidate's voters' ballots are

redistributed to their second choice pick. That process continues until there is a candidate who has a majority of votes.

III. RANKED CHOICE VOTING IN FLORIDA:

In 2007, RANKED CHOICE VOTING was approved by a large majority of Sarasota, Florida, voters as part of a package of election reforms. (7)

Over 77% of those voting chose RANKED CHOICE VOTING as the best process for future Sarasota City elections.

However, Sarasota's RANKED CHOICE VOTING initiative hit a "snag" (8) when Florida's Secretary of State said: "State law doesn't allow ranked choice voting." (9) The Secretary of State opined:

"Our assessment at the Department of State is that (ranked choice voting) doesn't comply with statute and constitutional provisions that govern elections in our state." (10)

Nonetheless, by August, 2019, there was a grassroots effort underway in Jacksonville, Florida, to bring RANKED CHOICE VOTING to future municipal elections. It is argued that Florida cities have used a majority vote/ 2 round run-off system in local elections for over 40 years and, in many cases, these local elections are held in off-years with far lesser turnout than regular election cycles. (11) Many of the Jacksonville, Florida, citizens who support RANKED CHOICE VOTING for local elections do not believe the Department of State position on RANKED CHOICE VOTING is accurate insofar as Jacksonville municipal elections are concerned. They plan to seek a formal opinion on the question from the Office of General Counsel. (12).

IV. RANKED CHOICE VOTING IN DUVAL COUNTY:

The State of Florida Election Code (Chapter 100 et seq., Florida Statutes) provides for one uniform method of elections in the State. However, Jacksonville is uniquely situated in that its Charter has been approved by special act of the Legislature. It is arguable that, since Jacksonville can deviate from those requirements as to purely local elections, RANKED CHOICE VOTING is a lawful option for the election of local officials. Pitfalls include:

- The ability of current election equipment to accommodate RANKED CHOICE VOTING.
- Voter education.
- Two systems of voting for multi-jurisdictional voting during one election cycle.
- Political party opposition.

V. DISCUSSION:

RANKED CHOICE VOTING has the potential to save money, result in a more efficient election process and increase voter participation. Nonetheless, this is not an issue ripe for consideration by the Charter Revision Commission. There are pitfalls that need careful consideration and study. If there is compelling public interest in this change, the City Council could order a study to evaluate RANKED CHOICE VOTING. At a minimum, this would include

public hearings and a formal opinion from the Office of General Counsel concerning the legality of the suggested voting process.

The Duval County Election Advisory Panel is established pursuant to Chapter 59, Ordinance Code and Charged with:

The purpose of the Panel is advisory only. In no way shall the Panel interfere with the performance of the duties of the Supervisor of Elections. The Panel is established for the following general purposes:

- a. To study and make recommendations to the Supervisor of Elections to increase the quality of voter registration and education efforts.
- b. To study and make recommendations to the Supervisor of Elections to enhance the voter's election-day-experience, including poll worker training, polling locations and fraud prevention.
- c. To study and make recommendations to the Supervisor of Elections to increase the quality of candidate and voter education efforts regarding adherence to and compliance with the Florida Election Code applicable to candidates and voters.
- d. To review and comment on ballot voting instructions.
- e. To make an annual report to Council on the progress of the Panel in the performance of its duties, including an incorporation of any statistics, charts, studies, reports, or other data and materials generated by or for the Panel.

The Duval County Election Advisory Panel may be the forum best suited to begin consideration of Ranked Choice Voting.

VI. CONCLUSION.

It is premature to make a recommendation concerning RANKED CHOICE VOTING without focused review. Each elected official, as well as all Jacksonville voters, are stakeholders in municipal elections. They need to be heard.

1 Kambhampaty, "New York City Voters Just adopted Ranked Choice Voting in Elections. Here's how it works," Time, November 6, 2019, <https://time.com/5718941/ranked-choice-voting/>

2. Durkin, "Ranked Choice Voting adopted in New York City, Along with other ballot measures," Politico New York, November 5, 2019, <https://www.politico.com/states/new-york/albany/story/2019/11/05/ran>

3. Ibid. p. 2.

4. Kambhampaty, "New York Voters..." p.4.

5. Theobald, "New Florida Push for Ranked Choice Voters Faces Obstacles," <https://the-fulcrum.us/u/billtheobald>, September, 6, 2019.
6. Kambhampaty, "New York Voters..." p. 3.
7. Anderson, "Political Insider: Ranked Choice Voting push snags with state", <https://www.heraldtribune.com/news/20190831/>
8. Ibid.
9. Ibid.
10. Ibid.
11. Waag, "Is Ranked Choice Voting Coming to Jacksonville, Fla.?" August 27, 2019, <https://ivn.us/posts/is-ranked-choice-voting-coming-to-jacksonville-fla>
12. Ibid.