

1 **CITY OF SANTA FE, NEW MEXICO**

2 **ORDINANCE NO. 2021-22**

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4
5 **AN ORDINANCE**

6 **AMENDING SECTION 9-1.7 SFCC 1987 REGARDING RANKED CHOICE VOTING TO**
7 **AMEND HOW A TIE VOTE BETWEEN TWO CANDIDATES IS RESOLVED.**

8
9 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

10 **Section 1. Section 9-1.7 of SFCC 1987 (being Ord. No. 2017-26, § 1, as amended)**
11 **is amended to read:**

12 **9-1.7 Ranked Choice Voting.**

13 A. *Authority.* The city has the authority to enact this section under all powers
14 possible for a city to have under the constitution and laws of New Mexico by virtue of its
15 enactment of its charter pursuant to the provisions of Article X, Section 6 of the New Mexico
16 Constitution, and pursuant to the New Mexico Municipal Charter Act including all implied
17 powers and all powers necessary to implement all express powers of the city, as if each and every
18 one of the city's implied powers were fully, completely and expressly enumerated in its charter.

19 B. *Definitions.* As used in this section, the following terms have the following
20 meanings:

21 (1) *Choice* means an indication on a ballot of a voter's assigned ranking of
22 candidates (i.e., first choice, second choice, third choice) for any single office according
23 to the voter's preference.

24 (2) *Continuing ballot* means a ballot that counts towards a continuing
25 candidate.

1 (3) *Continuing candidate* means a candidate that has not been eliminated.

2 (4) *Duplicate ranking* means a voter has ranked the same candidate at
3 multiple rankings for the office being counted. The highest ranking for the candidate is
4 valid and any lower rankings of that candidate shall be ignored.

5 (5) *Exhausted ballot* means a ballot that cannot be advanced because no
6 further continuing candidates are ranked on that ballot.

7 (6) *Incorrectly marked ballot* means a ballot showing an overvote,
8 undervote, duplicate ranking, skipped ranking, or unused ranking, and shall be rejected
9 with an error message. A person who accidentally spoils or erroneously prepares the
10 ballot may return the spoiled or erroneously prepared ballot to the election judge and
11 receive a new ballot.

12 (7) *Majority of votes* means fifty (50) percent plus one (1) of the votes cast
13 for a continuing candidate.

14 (8) *Next ranked* means the highest ranked choice for a continuing candidate.

15 (9) *Overvote* means a voter has ranked more than one candidate at the same
16 ranking. If a voter gives the same ranking to more than one (1) candidate, the voter's
17 rankings shall be counted in order of preference, stopping at the point where the ballot
18 contains the same ranking for more than one (1) candidate.

19 (10) *Ranked choice voting* means an election system in which voters rank the
20 candidates for office in order of preference, and the ballots are counted in rounds that
21 simulate a series of runoffs until one candidate receives a majority of votes. Ranked
22 choice voting is also known as "instant runoff voting."

23 (11) *Round of counting or round* means a step in the counting process during
24 which votes for all continuing candidates are tabulated for the purpose of determining
25 whether a candidate has achieved a majority of the votes cast for a particular office and,

1 absent a majority, which candidate or candidates must be eliminated.

2 (12) *Skipped ranking* means a voter has left a ranking blank and ranks a
3 candidate in a subsequent ranking. If a voter skips a numerical ranking, the skipped
4 ranking will be ignored and the next indicated ranking on that ballot will be valid.

5 (13) *Undervote* means a voter did not rank any candidates for an office.

6 (14) *Unused ranking* means the voter has ranked at least one (1), but not all,
7 candidates.

8 (15) *Vote* means a ballot choice that is counted toward the election of a
9 candidate. During each round of counting, each continuing ballot contains one vote. All
10 first choices are votes and lower ranked choices are potential runoff votes that may, in
11 accordance with the requirements of this section, become votes and subsequently
12 credited for a continuing candidate.

13 C. *General Provisions.*

14 (1) Ranked choice voting elections for the offices of mayor, councilor and
15 municipal judge shall be conducted according to the procedures in this section.

16 (2) Ranked choice voting shall commence with the 2018 regular municipal
17 election and continue for all regular municipal elections thereafter unless later repealed
18 or invalidated by a subsequent federal, state or city law, statute, rule, regulation, or
19 ordinance.

20 (3) The New Mexico secretary of state must certify the software prior to the
21 use of ranked choice voting.

22 D. *Ballot.* The ranked choice voting ballot shall allow voters to rank all choices.

23 E. *Tabulation.* The ballots shall be counted in rounds.

24 (1) In the first round, every ballot shall count as a vote towards the first
25 choice candidate.

1 (2) After any round, if any candidate receives a majority of votes, that
2 candidate shall be declared the winner.

3 (3) If no candidate receives a majority of votes, the candidate receiving the
4 fewest number of votes shall be eliminated.


5 (4) Every ballot counting towards the eliminated candidate shall be
6 transferred to the next ranked continuing candidate. All the continuing ballots for all
7 continuing candidates shall be counted again in a new round.

8 F. *Ties.* If a tie between candidates occurs at any stage in the tabulation, the tie shall
9 be resolved in favor of the candidate who received the greatest number of combined first choice
10 votes and transferred votes at the previous stage of tabulation. If the first round tabulation results
11 in a tie between candidates, the tie shall be resolved against the candidate who received the least
12 number of combined second choice votes.

13 G. *Severability.* The requirements and provisions of this section and their parts,
14 subparts and clauses are severable. In the event that any requirement, provision, part, subpart or
15 clause of this section, or the application thereof to any person or circumstance, is determined to
16 be impossible of performance, or held to be invalid or unenforceable by a court of competent
17 jurisdiction, it is the intent of the governing body that the remainder of the section be enforced
18 to the maximum extent possible consistent with the governing body's purpose of this Campaign
19 Code.

20 PASSED, APPROVED, and ADOPTED this 27th day of October, 2021


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ALAN WEBBER, MAYOR

1 ATTEST:

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4 KRISTINE MICHELIC, CLERK

5 APPROVED AS TO FORM:

6  _____

8 ERIN K. McSHERRY, CITY ATTORNEY

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24 *Bill No. 2021-23*

25 *Legislation/2021/Ordinances/2021-22 Ranked Choice Tie Votes*