

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2017-32

3 INTRODUCED BY:

4
5 Mayor Javier M. Gonzales

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9
10 AN ORDINANCE

11 CREATING A NEW SECTION 9-1.15 SFCC 1987 TO ESTABLISH A RANKED CHOICE
12 VOTING METHOD FOR ELECTING CANDIDATES FOR MUNICIPAL OFFICE.

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14 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

15 Section 1. A New Subsection 9-1.15 SFCC 1987 is ordained to read:

16 9-1.15 [NEW MATERIAL] Ranked Choice Voting.

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

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

25 (1) *Choice* means an indication on a ballot of a voter's assigned ranking of

1 candidates (i.e., first choice, second choice, third choice) for any single office according to the
2 voter's preference.

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

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

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

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

10 (6) *Inconsistent ranking* means a voter has ranked the same candidate multiple
11 times and has placed an alternative candidate in between rankings. The highest ranking for the
12 candidate will be treated as a continuing ballot. When the lower ranking of that same candidate
13 is reached, the ballot will be considered an exhausted ballot.

14 (7) *Majority of votes* means fifty percent (50%) plus one (1) of the votes cast for
15 a particular office.

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

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

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

25 (11) *Round of counting* or *round* means a step in the counting process during which

1 votes for all continuing candidates are tabulated for the purpose of determining whether a
2 candidate has achieved a majority of the votes cast for a particular office and, absent a majority,
3 which candidate or candidates must be eliminated.

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

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

8 (14) *Vote* means a ballot choice that is counted toward the election of a candidate.
9 During each round of counting, each continuing ballot contains one vote. All first choices are
10 votes and lower ranked choices are potential runoff votes that may, in accordance with the
11 requirements of this section, become votes and subsequently credited for a continuing
12 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 or
18 invalidated by a subsequent Federal, State or City law, statute, rule, regulation, or ordinance.

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

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

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

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

25 (2) After any round, if any candidate receives a majority of votes, that candidate

1 shall be declared the winner.

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

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

7 F. **Ties.** In the event that two (2) or more candidates tie for the fewest number of votes,
8 the candidate to eliminate shall be chosen by lot.

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

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16 APPROVED AS TO FORM:

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19 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Bills 2017/2017-32 Ranked Choice Voting*