

Title: Better Elections For Tempe Act

200 word description: Tempe shall elect its mayor and council members by ranked-choice voting and may apply this method to other local offices. No primary election shall be conducted if fewer candidates qualify for each vacancy in office than specified. Under ranked-choice voting, each voter may rank candidates in order of preference on a single ballot, choosing to rank as many or as few candidates as they wish. Ranking more candidates will not harm the voter's top choice. Ballots are counted in rounds. Each voter's ballot shall count for the highest-ranked candidate on that ballot who has not been eliminated or elected. For mayor, candidates with the fewest votes are eliminated in each round, and those ballots shall be counted for the next-ranked candidate. This process continues until there are two or fewer active candidates, tabulation is complete and the candidate with the highest number of legal votes is declared elected. For council, candidates shall be successively elected or eliminated based on voter support. Votes for elected and eliminated candidates shall be transferred proportionally to the next-ranked candidates. At the conclusion of tabulation, the candidates who have met the election threshold or who remain after all eliminations shall be elected.

Charter Amendment Text

7.01: City Elections

- (a) *Regular elections.* The regular City election shall be held on the second Tuesday in May of each even numbered year. A primary election shall be held on the fifth Tuesday prior to the date of the regular City election.
- (b) *Primary elections.* The primary election shall be held for the purpose of nominating ~~or electing~~ candidates for City elected office. **AT ANY CITY PRIMARY ELECTION, EACH VOTER MAY VOTE BY A SINGLE EXPRESSION OF PREFERENCE FOR A SINGLE CANDIDATE FOR MAYOR AND A SINGLE CANDIDATE FOR COUNCIL.**
 - (1) **THE FIVE CANDIDATES FOR MAYOR THAT RECEIVE THE HIGHEST NUMBER OF LEGAL VOTES SHALL ADVANCE TO THE GENERAL ELECTION.** In the event that no more than ~~two~~ FIVE candidates FOR MAYOR qualify for the ballot ~~for each vacancy in office~~, the primary election for Mayor ~~may~~ **SHALL BE** dispensed with.
 - (2) **THE FIFTEEN CANDIDATES FOR COUNCIL THAT RECEIVE THE HIGHEST NUMBER OF LEGAL VOTES SHALL ADVANCE TO THE GENERAL ELECTION. IN THE EVENT THAT NO MORE THAN FIFTEEN CANDIDATES FOR COUNCIL QUALIFY FOR THE BALLOT, THE PRIMARY ELECTION FOR COUNCIL SHALL BE DISPENSED WITH.**
- (c) If no primary election is required due to the number of candidates filing nomination petitions for each vacancy in office, the regular City election shall be held at the time that the primary election would have otherwise been held.
- (d) *Qualified electors.* All citizens qualified by the Constitution and laws of the State of Arizona to vote in the City and who satisfy the requirements for registration prescribed by law shall be qualified electors of the City within the meaning of this Charter.
- (e) *Conduct of elections.* **TO THE EXTENT NOT INCONSISTENT WITH THE TEXT OR PURPOSES OF THIS CHARTER, THE PROVISIONS OF THE ELECTION LAWS OF THE STATE OF ARIZONA SHALL APPLY TO ELECTIONS HELD UNDER THIS CHARTER.** ~~Except as otherwise provided by this Charter, the provisions of the election laws of the State of Arizona shall apply to elections held under this Charter.~~ All elections provided for by the Charter shall be conducted by the election authorities established by law. For the conduct of City elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the Council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this Charter.

~~(f) *Optional procedure.* Notwithstanding any other provision of law or of this Charter to the contrary, the Council may by ordinance provide that at the primary election, any candidate who shall receive a majority of all votes cast at such election shall be declared elected to the office of which he/she is a candidate, effective as of the date of the general election, and no further election shall be held as to such candidate, provided that nothing on the ballot shall be indicative of the source of the candidacy or of the support of the candidate.~~

~~(g)~~ (f) *Candidate contribution limits.* There shall be a limitation on contributions accepted by candidates for city elected office in order to maintain the public trust, eliminate quid pro quo corruption, and eliminate the potential for fraud in city elections. The City Council shall adopt by ordinance all regulations for the establishment of and compliance with limitation amounts.

~~(h)~~ (g) *Contribution source disclosure.* There shall be a requirement for disclosure of original and intermediary sources of major contributions used to influence city elections, in order to foster transparency and maintain the public trust in city elections. The City Council shall adopt by ordinance all regulations for the establishment of and compliance with the disclosure requirements. This requirement shall be separate from existing campaign finance reporting requirements.

7.05: ELECTIONS BY RANKED CHOICE VOTING

(a) *PURPOSE AND FINDINGS.* THE PEOPLE OF THE CITY OF TEMPE FIND THAT:

- (1) RANKED CHOICE VOTING IS AN ELECTION METHOD THAT PROVIDES EACH VOTER WITH ONE VOTE AND ALLOWS VOTERS TO RANK CANDIDATES IN ORDER OF PREFERENCE TO MAXIMIZE THE POWER OF THEIR VOTE;
- (2) RANKED CHOICE VOTING HAS BEEN USED EFFECTIVELY IN ELECTIONS FOR PUBLIC OFFICE IN THE UNITED STATES AND AROUND THE WORLD; AND
- (3) RANKED CHOICE VOTING MAY PROMOTE MORE CIVIL AND ISSUE-ORIENTED CAMPAIGNS, ENHANCE VOTER CHOICE, ALLOW FOR MORE HONEST AND SINCERE VOTING BY ADDRESSING THE "SPOILER" EFFECT, ENCOURAGE A GREATER RANGE OF CANDIDATES TO RUN FOR OFFICE, AND STRENGTHEN DEMOCRACY BY PROVIDING FOR BROADER AND MORE INCLUSIVE POLITICAL REPRESENTATION.

(b) THE CANDIDATE OR CANDIDATES RECEIVING THE HIGHEST NUMBER OF LEGAL VOTES AT A CITY GENERAL OR SPECIAL ELECTION SHALL BE DETERMINED BY RANKED CHOICE VOTING.

- (1) *MAYOR.* ANY GENERAL AND SPECIAL ELECTION INVOLVING THREE OR MORE QUALIFIED CANDIDATES FOR MAYOR, INCLUDING QUALIFIED WRITE-IN CANDIDATES, SHALL BE CONDUCTED BY RANKED CHOICE VOTING AND TABULATED ACCORDING TO SECTION 7.06 OF THIS CHARTER.
- (2) *CITY COUNCIL.* ANY GENERAL ELECTION INVOLVING FOUR OR MORE QUALIFIED CANDIDATES FOR COUNCILMEMBER, INCLUDING QUALIFIED WRITE-IN CANDIDATES, SHALL BE CONDUCTED BY RANKED CHOICE VOTING AND TABULATED ACCORDING TO SECTION 7.07 OF THIS CHARTER.
- (3) *CITY COUNCIL.* ANY SPECIAL ELECTION INVOLVING THREE OR MORE QUALIFIED CANDIDATES FOR COUNCILMEMBER, INCLUDING QUALIFIED WRITE-IN CANDIDATES, SHALL BE CONDUCTED BY RANKED CHOICE VOTING AND TABULATED ACCORDING TO SECTION 7.06 OF THIS CHARTER.

(c) RANKED CHOICE VOTING SHALL MEAN A METHOD OF CASTING AND COUNTING VOTES IN WHICH VOTERS RANK CANDIDATES IN ORDER OF PREFERENCE AND VOTES ARE DETERMINED BY A TABULATION PROCESS THAT PROCEEDS IN STEPS. RANKED CHOICE VOTING PROCEDURES SHALL APPLY UNIFORMLY TO ALL CITY VOTERS. ONLY AFTER EACH BALLOT IS FULLY TABULATED UNDER THIS PROCESS SHALL EACH BALLOT COUNT AS A SINGLE LEGAL VOTE FOR A SINGLE CANDIDATE.

(d) *DEFINITIONS.* FOR THE PURPOSES OF THIS CHARTER, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

- (1) "ACTIVE CANDIDATE" MEANS ANY CANDIDATE WHO HAS NOT BEEN ELIMINATED OR ELECTED.

- (2) "CONDITIONAL VOTE" MEANS A RELATIVE EXPRESSION OF RANKED PREFERENCE BY A VOTER THAT HAS YET TO BECOME A LEGAL VOTE PENDING THE COMPLETE TABULATION OF THE VOTER'S BALLOT.
 - (3) "CONDITIONAL VOTE TOTAL" MEANS THE TOTAL ACTIVE VALUE OF ALL BALLOTS COUNTING FOR A CANDIDATE IN A STEP OF TABULATION.
 - (4) "LEGAL VOTE" MEANS THE FINAL EXPRESSION OF A VOTER'S PREFERENCE AS DETERMINED THROUGH THE TABULATION PROCESS.
 - (5) "RANKING" MEANS THE NUMBER ASSIGNED BY A VOTER TO A CANDIDATE TO EXPRESS THE VOTER'S PREFERENCE FOR THAT CANDIDATE RELATIVE TO THE OTHER CANDIDATES FOR THAT OFFICE ON THE BALLOT. THE RANKING OF A CANDIDATE FOR AN OFFICE ON A VOTER'S BALLOT IS AN INSTRUCTION FROM THE VOTER ON THE RELATIVE ORDER IN WHICH THE VOTER INTENDS THE BALLOT TO BE TABULATED IN THE ELECTION FOR THAT OFFICE. THE NUMBER "1" IS THE HIGHEST RANKING, FOLLOWED BY "2" AND THEN "3" AND SO ON.
- (e) *BALLOT FORMAT.* THE COUNCIL, BY ORDINANCE, SHALL ESTABLISH THE BALLOT FORMAT FOR RANKED CHOICE VOTING ELECTIONS, CONSISTENT WITH NATIONALLY RECOGNIZED BEST PRACTICES.
- (1) IN ANY CITY ELECTION USING RANKED CHOICE VOTING, THE BALLOT SHALL ALLOW VOTERS TO RANK CANDIDATES IN ORDER OF PREFERENCE.
 - (2) THE BALLOT SHALL ALLOW VOTERS TO RANK AT LEAST FIVE QUALIFIED CANDIDATES, INCLUDING QUALIFIED WRITE-IN CANDIDATES. IF THERE ARE FEWER THAN FIVE QUALIFIED CANDIDATES AT THE TIME OF BALLOT PRINTING, THE NUMBER OF RANKINGS MAY BE REDUCED ACCORDINGLY PROVIDED THE BALLOT INCLUDES AT LEAST ONE WRITE-IN LINE PER OFFICE ON THE BALLOT.
 - (3) THE NUMBER OF RANKINGS ALLOWED IN AN ELECTION FOR ANY GIVEN OFFICE SHALL BE UNIFORM FOR ALL VOTERS VOTING ON THAT OFFICE.
- (f) *TREATMENT OF BALLOTS.* BALLOTS SHALL BE TREATED AS FOLLOWS:
- (1) AN UNDERVOTE IS A BALLOT THAT DOES NOT RANK ANY CANDIDATES IN AN ELECTION FOR A PARTICULAR OFFICE. AN UNDERVOTE DOES NOT COUNT AS AN ACTIVE OR INACTIVE BALLOT IN ANY STEP OF TABULATION OF THAT ELECTION.
 - (2) AN INACTIVE BALLOT IS A BALLOT THAT CEASES IN A STEP OF TABULATION TO COUNT FOR ANY CANDIDATE FOR THE REMAINDER OF THE TABULATION OF THE ELECTION BECAUSE ALL CANDIDATES RANKED ON THE BALLOT HAVE BECOME INACTIVE.
 - (3) AN OVERVOTE OCCURS WHEN A VOTER ASSIGNS MORE THAN ONE CANDIDATE THE SAME RANKING ON THEIR BALLOT. AN OVERVOTE SHALL BE TREATED AS A SKIPPED RANKING AND THE BALLOT SHALL INSTEAD COUNT FOR THE NEXT-HIGHEST RANKED ACTIVE CANDIDATE ON THE VOTER'S BALLOT AFTER THE OVERVOTE..
 - (4) DURING TABULATION, A BALLOT SHALL REMAIN ACTIVE AND CONTINUE TO COUNT FOR ITS HIGHEST-RANKED ACTIVE CANDIDATE NOTWITHSTANDING ANY SKIPPED OR REPEATED RANKINGS ON THE BALLOT. A SKIPPED RANKING OCCURS WHEN A VOTER LEAVES A RANKING UNASSIGNED BUT RANKS A CANDIDATE AT A SUBSEQUENT RANKING. A REPEATED RANKING OCCURS WHEN A VOTER RANKS THE SAME CANDIDATE AT MULTIPLE RANKINGS.
- (g) *TIES.* IF TWO OR MORE CANDIDATES ARE TIED WITH THE HIGHEST OR FEWEST NUMBER OF CONDITIONAL VOTES, AND TABULATION CANNOT CONTINUE UNTIL THE CANDIDATE WITH THE FEWEST CONDITIONAL VOTES IS ELIMINATED, THEN THE CANDIDATE TO BE ELIMINATED SHALL BE DETERMINED BY LOT.
- (1) THE CITY CLERK MAY RESOLVE PROSPECTIVE TIES BETWEEN CANDIDATES PRIOR TO TABULATION.
 - (2) THE RESULT OF ANY TIE RESOLUTION MUST BE RECORDED IN THE EVENT OF A RECOUNT.

- (h) *RESULTS REPORTING.* THE CITY CLERK SHALL PROMULGATE RULES OR GUIDANCE TO ESTABLISH A REPORTING PROCESS FOR RANKED CHOICE VOTING ELECTION RESULTS. THE DATA SHALL BE RELEASED IN A MACHINE-READABLE AND SEARCHABLE OPEN FORMAT AND SHALL INCLUDE:
- (1) UNOFFICIAL PRELIMINARY STEP-BY-STEP RESULTS STARTING ON ELECTION NIGHT,
 - (2) UNOFFICIAL PRELIMINARY BALLOT-LEVEL RANKING DATA NO LATER THAN THE COUNTING OF BALLOTS IS COMPLETE, AND
 - (3) OFFICIAL FINAL STEP-BY-STEP RESULTS AND BALLOT-LEVEL RANKING DATA UPON CERTIFICATION OF THE RESULTS.
- (i) *RULEMAKING.* NOTWITHSTANDING ANY ORDINANCE TO THE CONTRARY, THE CITY CLERK SHALL HAVE THE AUTHORITY TO PROMULGATE WHATEVER RULES OR GUIDANCE ARE NECESSARY TO IMPLEMENT CITY ELECTIONS CONDUCTED BY RANKED CHOICE VOTING.

7.06: SINGLE-WINNER ELECTIONS

- (a) *TABULATION.* IN ANY SINGLE-WINNER ELECTION CONDUCTED BY RANKED CHOICE VOTING, EACH BALLOT COUNTS AS ONE CONDITIONAL VOTE FOR ITS HIGHEST-RANKED ACTIVE CANDIDATE. TABULATION SHALL PROCEED IN STEPS AS FOLLOWS:
- (1) IF THERE ARE MORE THAN TWO ACTIVE CANDIDATES, THE ACTIVE CANDIDATE WITH THE FEWEST CONDITIONAL VOTES IS ELIMINATED, AND THE CONDITIONAL VOTES FOR THE ELIMINATED CANDIDATE COUNT FOR EACH BALLOT'S NEXT-RANKED ACTIVE CANDIDATE.
 - (2) IF THERE ARE TWO OR FEWER ACTIVE CANDIDATES, TABULATION IS COMPLETE AND THE CANDIDATE WITH THE HIGHEST NUMBER OF LEGAL VOTES IS DECLARED ELECTED.

7.07: MULTI-WINNER ELECTIONS

- (a) *DEFINITIONS.* FOR THE PURPOSES OF THIS CHARTER, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:
- (1) "ACTIVE VALUE" MEANS THE PROPORTION OF A CONDITIONAL VOTE THAT A BALLOT WILL CONTRIBUTE TO ITS HIGHEST-RANKED ACTIVE CANDIDATE.
 - (2) "ELECTION THRESHOLD" MEANS THE NUMBER OF LEGAL VOTES NEEDED FOR A CANDIDATE TO BE DECLARED ELECTED. TO DETERMINE THIS ELECTION THRESHOLD, DIVIDE THE TOTAL NUMBER OF VALID VOTES CAST BY THE SUM OF ONE AND THE NUMBER OF SEATS TO BE FILLED, ROUND THAT NUMBER DOWN TO THE NEAREST WHOLE NUMBER, THEN ADD ONE VOTE.
 - (3) "SURPLUS FRACTION" MEANS THE PROPORTION BY WHICH A WINNING CANDIDATE EXCEEDS THE ELECTION THRESHOLD. TO DETERMINE THE SURPLUS FRACTION, SUBTRACT THE ELECTION THRESHOLD FROM A WINNING CANDIDATE'S CONDITIONAL VOTE TOTAL, THEN DIVIDE THAT NUMBER BY THE WINNING CANDIDATE'S CONDITIONAL VOTE TOTAL, SHORTENED TO FOUR DECIMALS.
- (b) *TABULATION.* IN ANY MULTI-WINNER ELECTION CONDUCTED BY RANKED CHOICE VOTING, EACH BALLOT CONDITIONALLY COUNTS IN WHOLE OR IN PART FOR ITS HIGHEST-RANKED ACTIVE CANDIDATE IN EACH STEP OF TABULATION. EACH BALLOT STARTS TABULATION WITH AN ACTIVE VALUE OF ONE CONDITIONAL VOTE. TABULATION PROCEEDS IN STEPS AS FOLLOWS:
- (1) *ELECTION STEP.* IF ANY ACTIVE CANDIDATE'S CONDITIONAL VOTE TOTAL EQUALS OR EXCEEDS THE ELECTION THRESHOLD OR IF ANY CANDIDATE REMAINS ACTIVE WHEN THE NUMBER OF ACTIVE CANDIDATES IS FEWER THAN OR EQUAL TO THE NUMBER OF SEATS THAT HAVE NOT YET BEEN FILLED, THE VOTES NECESSARY TO ELECT THAT CANDIDATE SHALL BECOME LEGAL VOTES AND THAT CANDIDATE SHALL BE DECLARED ELECTED. IF THE ELECTED CANDIDATE'S CONDITIONAL VOTE TOTAL

EXCEEDED THE ELECTION THRESHOLD, EACH BALLOT THAT HELPED ELECT THAT CANDIDATE IS COUNTED AS FOLLOWS:

- (i) THE BALLOT RECEIVES A NEW ACTIVE VALUE BY MULTIPLYING THE BALLOT'S CURRENT ACTIVE VALUE BY THE ELECTED CANDIDATE'S SURPLUS FRACTION, SHORTENED TO FOUR DECIMALS. THE BALLOT THEN CONDITIONALLY COUNTS AT THIS NEW ACTIVE VALUE FOR ITS NEXT HIGHEST-RANKED ACTIVE CANDIDATE. IF TWO OR MORE CANDIDATES' VOTE TOTALS EXCEED THE ELECTION THRESHOLD, EACH CANDIDATE'S SURPLUS CONDITIONAL VOTES ARE DISTRIBUTED SIMULTANEOUSLY.
 - (ii) THE PORTION OF THE BALLOT'S VALUE THAT WAS REQUIRED TO ELECT THE CANDIDATE CONTINUES TO COUNT FOR THAT CANDIDATE SO THAT THE ELECTED CANDIDATE'S LEGAL VOTE TOTAL EQUALS THE ELECTION THRESHOLD FOR THE REMAINDER OF THE TABULATION.
- (2) *ELIMINATION STEP.* IF NO ACTIVE CANDIDATE'S CONDITIONAL VOTE TOTAL MEETS THE ELECTION THRESHOLD AND TABULATION IS NOT YET COMPLETE, THE ACTIVE CANDIDATE WITH THE FEWEST CONDITIONAL VOTES IS ELIMINATED AND CONDITIONAL VOTES FOR THAT CANDIDATE COUNT AT THEIR CURRENT ACTIVE VALUE FOR EACH BALLOT'S NEXT HIGHEST-RANKED ACTIVE CANDIDATE.
- (3) *TABULATION COMPLETE.* TABULATION IS COMPLETE IF THE NUMBER OF ELECTED CANDIDATES IS EQUAL TO THE NUMBER OF SEATS TO BE FILLED AND ANY CONDITIONAL VOTES EXCEEDING THE ELECTION THRESHOLD HAVE BEEN COUNTED FOR EACH BALLOT'S NEXT HIGHEST-RANKED ACTIVE CANDIDATE.

7.08: SEVERABILITY

- (a) IF ANY PROVISION CONTAINED IN SECTIONS 7.05 THROUGH 7.08 OF THIS CHARTER, OR THE APPLICATION THEREOF TO ANY PERSON, OFFICE, OR CIRCUMSTANCE, IS HELD TO BE UNCONSTITUTIONAL, OR IMPERMISSIBLE UNDER STATE LAW, THEN:
- (1) THE REMAINDER OF SECTIONS 7.05 THROUGH 7.08 OF THIS CHARTER AND THE APPLICATION OF ITS PROVISIONS TO ANY PERSON, OFFICE, OR CIRCUMSTANCE, SHALL NOT BE AFFECTED BY THE HOLDING, AND
 - (2) COUNCIL, BY ORDINANCE, SHALL ADAPT THE CITY'S ELECTION PROCEDURES TO COMPLY WITH THE HOLDING.