

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EUREKA AMENDING
CHAPTER 37 OF THE EUREKA MUNICIPAL CODE ADDING
SECTIONS 37.20, 37.21, 37.22 & 37.23 IMPLEMENTING RANKED CHOICE VOTING
FOR THE OFFICES OF MAYOR AND COUNCIL MEMBER**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

WHEREAS, on November 3, 2020, the voters of the City of Eureka adopted Measure C, an amendment to the City Charter of the City of Eureka, which included the following language as part of Section 207: "In the elections of the Mayor and Council Member, the Council must provide for Ranked Choice Voting." This ordinance is intended to implement the direction of the Charter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EUREKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 37.20 is hereby added to Chapter 37 of the City of Eureka Municipal Code to read as follows

§ 37.20 RANKED CHOICE VOTING.

- A. **DEFINITIONS.** For purposes of this chapter, the following words, terms and phrases have these definitions:
1. **RANKED CHOICE VOTING.** "Ranked Choice Voting" means an election system in which voters rank the candidates for office in order of preference, and the ballots are counted in rounds that simulate a series of runoffs until the final round, whereupon the one of those two candidates with the majority of votes is determined to be the winner. Ranked choice voting is also known as "instant runoff voting."
 2. **MAJORITY OF VOTES.** "Majority of votes" means fifty percent (50%) of the votes plus one.
 3. **CONTINUING BALLOT.** "Continuing ballot" means a ballot that counts towards a continuing candidate.
 4. **CONTINUING CANDIDATE.** "Continuing candidate" means a candidate that has not been eliminated. In the first round of counting, this means all candidates including write-ins.
 5. **CHOICE.** "Choice" means an indication on a ballot of a voter's assigned ranking of candidates (i.e., first choice, second choice, third choice, etc.) for any single office, according to the voter's preference.

6. **FINAL ROUND.** The “final round” is the round in which there are only two continuing candidates.
7. **VOTE.** “Vote” means a ballot choice that is counted toward the election of a candidate. During each round of counting, each continuing ballot contains one vote. All first choices are votes and lower ranked choices are potential runoff votes that may, in accordance with the requirements of this chapter, become votes that are subsequently credited for a continuing candidate.
8. **ROUND OF COUNTING.** “Round of counting” or “round” means a step in the counting process during which votes for all continuing candidates are tabulated for the purpose of determining which candidate has achieved a majority of the votes cast for a particular office, and, if no candidate has achieved a majority, which candidate or candidates must be eliminated.
9. **NEXT RANKED.** “Next ranked” means the highest ranked choice for a continuing candidate.

37.21 GENERAL PROVISIONS.

1. Ranked choice voting elections for the offices of Mayor and City Council member must be conducted according to the procedures in this Chapter.
2. Ranked choice voting will commence not later than the 2024 General Municipal Election and continue thereafter for all general municipal elections.
3. The City Elections Official must coordinate with the Humboldt County Registrar of Voters to implement ranked choice voting in the 2022 General Municipal Election if that implementation is feasible.
4. The agreement of the Humboldt County Registrar of Voters is a precondition to the election services that allow the City to use ranked choice voting and to consolidate the City’s municipal election with November General Elections prior to the use of ranked choice voting.

37.22 RANKED CHOICE VOTING BALLOT.

1. In any mayoral or council member election conducted by ranked choice voting, the ballot must allow voters to rank not less than three candidates, including write-in candidates, in order of preference.
2. The ballot must not interfere with a voter’s ability to rank up to three write-in candidates.

37.23 TABULATION.

1. The ballots for each seat must be counted in rounds.

- a. In the first round, every ballot counts as a vote for the first-choice candidate on that ballot.
- b. If no candidate receives a majority in the first or a subsequent round, the candidate receiving the fewest number of votes in that round is eliminated.
- c. Every ballot counting towards the eliminated candidate is then counted again for votes cast for the next-ranked continuing candidate. All the continuing ballots for all continuing candidates are then tabulated in a new round.
- d. In the final round, the candidate who receives the majority of votes from the continuing ballots is the winner. If two candidates in the final round are tied, the winner will be the tied candidate who received the higher number of votes in round one.

SECTION 2. The City Clerk will certify to the adoption of this Ordinance and will cause the same or a summary thereof to be published as required by law.

SECTION 3. This Ordinance takes effect and will be in full force and effect thirty (30) days after the date of its final passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 7th day of December, 2021 by the following vote:

AYES: COUNCILMEMBERS CASTELLANO, MOULTON, ARROYO,
BAUER, BERGEL
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Kim Bergel Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2021, and hereby approved.

Susan Seaman, Mayor

Approved as to Administration:

Approved as to form:

Miles Slattery, City Manager

Robert N. Black, City Attorney

BILL NO. 1008-C.S.
ORDINANCE NO. 928-C.S.
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THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the _____
day of _____, 2021.

Pamela J. Powell, City Clerk