

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EUREKA AMENDING
SECTIONS 37.20, 37.21, AND 37.23 OF CHAPTER 37
OF THE EUREKA MUNICIPAL CODE: 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.”

WHEREAS, on December 7, 2021, the Eureka City Council adopted an ordinance amending Chapter 37 of the Eureka Municipal Code, implementing RCV for the offices of Mayor and City Council.

WHEREAS, the California Secretary of State certified the County of Humboldt’s voting machines to comply with the City’s RCV Ordinance in 2024. Ranked Choice Voting will be used for the first time in the upcoming November 5, 2024, General Municipal Election to elect members of the Eureka City Council by ward.

WHEREAS, to effectively implement the City of Eureka’s RCV Ordinance, inform the voters of the City of Eureka about RCV, and direct the County of Humboldt’s Registrar of Voters on matters that are not explicitly described in the City’s RCV Ordinance, the City’s RCV Ordinance requires an update prior to the November 5, 2024 election.

WHEREAS, this Ordinance relates to an election and is therefore subject to California Government Code Section 36937(a) and will go into effect immediately upon adoption at its second reading.

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

SECTION 1. Sections 37.20, 37.21, and 37.23 of Chapter 37 of the City of Eureka Municipal Code are hereby amended 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.
 10. **SKIPPED RANKING.** A skipped ranking occurs when an elector leaves a ranking blank and then ranks a candidate in a subsequent ranking. For example, if an elector selects a first-choice candidate and a third-choice candidate, but does not select a second-choice candidate.
 11. **OVERVOTING.** An overvote occurs when an elector has ranked more than one candidate for the same ranking. For example, if an elector selects more than one candidate to be their first (or second, or third, etc.) choice.
 12. **UNDERVOTING.** A ballot that has not candidates indicated at any ranking shall be declared an “undervote” and shall not count towards any candidate in that round or in subsequent rounds.

13. *EXHAUSTED BALLOT*. A ballot whose continuing candidates have all been eliminated shall be declared “exhausted” and shall not count towards any candidate in that round or in subsequent rounds.

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.
5. Once a candidate receives a majority of the votes, the County’s Registrar of Voters is not required to continue counting to determine the candidate ranking beyond first place.
6. The County’s Registrar of Voters will report the results of the first round of tabulations and the final round of tabulations. The County’s Registrar of Voters is not required to report every round of tabulations.
7. ~~A ballot with an overvote is considered a spoiled ballot as to the office for which the elector overvoted, and will not be counted for purposes of determining the winning candidate for that office.~~ In the event that any ballot reaches a ranking with two or more different candidates indicated, that ballot shall immediately be declared an “overvote” and that ballot shall not count as a vote for any candidate in that round or in subsequent rounds.

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. Where a skipped ranking situation arises, the elector's votes will be counted as if no skipped ranking had occurred, and the County's Registrar of Voters is directed to count the elector's next-ranked choice in the next round, whether or not the choice is accurately sequentially numbered. In the example above, this means that the elector's third-choice candidate would be counted as the elector's second-choice candidate, and so on.
- e. 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.
- f. In the event that there is a tie in any other rank or round besides the top two candidates in the final round, the candidate who is eliminated will be selected by lot (e.g. by a coin flip or other random metric), unless such selection is not necessary because a top candidate has already been determined.

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 immediately upon 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 16th day of July 2024 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Leslie Castellano, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2024, and hereby approved.

Kim Bergel, Mayor

Approved as to Administration:

Approved as to form:

Miles Slattery, City Manager

Autumn E. Luna, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the ____ day of _____, 2024.

Pamela J. Powell, City Clerk