

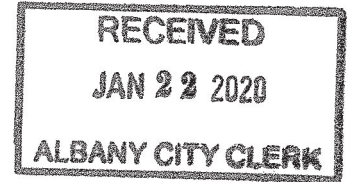
BUSINESS, ENERGY, AND ELECTION LAW, PC

1017 El Camino Real # 504 Redwood City, CA 94063 415.236.2048 213.405.2416 fax

Jan. 22, 2020

Via Hand Delivery

The Honorable Ann Hsu
City Clerk, City of Albany
Office of the City Clerk
1000 San Pablo Avenue
Albany, CA 94706



Re: The Ranked Choice Voting Initiative

Dear Ms. Hsu:

For your immediate attention, we have enclosed the following documents relating to an initiative entitled "The Ranked Choice Voting Initiative" (the "Initiative"):

1. Notice of Intent to Circulate Petition (Elections Code §9202)
2. Text of the Initiative (Elections Code §9202)
3. Certifications regarding use of signatures (Elections Code §9608)
4. Initiative proponents' authorization for Business, Energy, and Election Law, PC to handle the filing of the Initiative petition, as well as any related actions or correspondence with elections officials relating to the Initiative (Elections Code §9210)
5. A check in the amount of \$200 (Elections Code §9202)

Pursuant to Elections Code §9203(a), this letter shall serve as a formal, written request that a ballot title and summary of the measure be prepared by the City Attorney.

The names (collectively, the "Proponents") and addresses of the persons proposing this measure are: Andrew Tang, 531 Talbot Avenue, Albany, CA 94706; Eveline Shen, 522 Talbot Avenue, Albany, CA 94706; and James R. Lindsay, 555 Pierce Street #141, Albany, CA 94706.

Please do not hesitate to call me at 415 236 2048 with any questions. Thank you for your assistance.

Sincerely,

A solid black rectangular redaction box covering the signature area.

Gautam Dutta
Managing Partner

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate a petition within the City of Albany for the purpose of qualifying and enacting the Ranked Choice Voting Initiative. A statement of the reasons for the proposed action as contemplated in the petition is as follows:

After three years of study, Albany’s Charter Review Committee found Ranked Choice Voting at large to be the best method for electing Albany’s City Council and Board of Education, and unanimously recommended that Albany transition to this method. Currently, members of both bodies are elected by plurality at large (“first past the post”) regime. A significant body of academic research has found that the plurality at large regime acts as a substantial barrier to representation for all groups other than the majority – or can, in certain cases, result in an outcome where a powerful minority wrests control of every single seat. As such, the plurality at large regime produces election results that do not accurately reflect the votes and preferences of Albany electors. Besides being unfair, such an election regime reduces voter turnout and weakens the effectiveness of our democracy.

In 2018 the Charter Review Committee presented its recommendation to the City Council and the Board of Education. On this basis, the Board of Education unanimously requested that the City Council place a Charter amendment on the ballot to transition to Ranked Choice Voting at large for electing the Board. Two Councilmembers supported placing this question in front of the voters, while three Councilmembers denied both the Charter Review Committee’s recommendation and the Board of Education’s request.

This Initiative adds a chapter to the Albany Municipal Code for the purpose of instituting Ranked Choice Voting at large for electing members of the City Council – which, pursuant to Paragraph (a) of Section 6.01 of the City Charter, will have the effect of instituting Ranked Choice Voting at large for electing members of the Board of Education. Ranked Choice Voting will make Albany’s elections more representative of the votes and preferences of its voters. This will improve Albany’s democracy by providing representation for a broader range of perspectives on its governing bodies, as well as reducing the chance that a powerful minority can capture control of our government. This change will also increase voter turnout. Continued inaction represents a risk to not just the quality of governance of Albany, but to members of our community whose voices are not being heard under the current regime.



Andrew Tang



Eveline Shen



James R. Lindsay

THE RANKED CHOICE VOTING INITIATIVE

The people of the City of Albany do ordain as follows:

ARTICLE I. TITLE

This Initiative shall be known and referred to as “The Ranked Choice Voting Initiative”.

ARTICLE II. FINDINGS AND PURPOSE

After three years of study, Albany’s Charter Review Committee found Ranked Choice Voting at large to be the best method for electing Albany’s City Council and Board of Education, and unanimously recommended that Albany transition to this method. Currently, members of both bodies are elected by plurality at large (“first past the post”) regime. A significant body of academic research has found that the plurality at large regime acts as a substantial barrier to representation for all groups other than the majority – or can, in certain cases, result in an outcome where a powerful minority wrests control of every single seat. As such, the plurality at large regime produces election results that do not accurately reflect the votes and preferences of Albany electors. Besides being unfair, such an election regime reduces voter turnout and weakens the effectiveness of our democracy.

In 2018 the Charter Review Committee presented its recommendation to the City Council and the Board of Education. On this basis, the Board of Education unanimously requested that the City Council place a Charter amendment on the ballot to transition to Ranked Choice Voting at large for electing the Board. Two Councilmembers supported placing this question in front of the voters, while three Councilmembers denied both the Charter Review Committee’s recommendation and the Board of Education’s request.

This Initiative adds a chapter to the Albany Municipal Code for the purpose of instituting Ranked Choice Voting at large for electing members of the City Council – which, pursuant to Paragraph (a) of Section 6.01 of the City Charter, will have the effect of instituting Ranked Choice Voting at large for electing members of the Board of Education. Ranked Choice Voting will make Albany’s elections more representative of the votes and preferences of its voters. This will improve Albany’s democracy by providing representation for a broader range of perspectives on its governing bodies, as well as reducing the chance that a powerful minority can capture control of our government. This change will also increase voter turnout. Continued inaction represents a risk to not just the quality of governance of Albany, but to members of our community whose voices are not being heard under the current regime.

ARTICLE III. SEVERABILITY.

Each provision of this Initiative is severable. If any provision is held to be invalid, that invalidity shall not affect any other provision that can be given effect without the invalid provision. This Initiative shall become effective upon passage.

ARTICLE IV. ADDITION OF CHAPTER 7 TO THE MUNICIPAL CODE.

Chapter 7 (Ranked Choice Voting Elections) is hereby added to the Albany Municipal Code, as follows:

§7-1 GENERAL PROVISIONS AND DEFINITIONS

§7-1.1 Enacted pursuant to Section 5.01 of the Albany City Charter (the “City Charter”), this Chapter provides the manner by which members (“Members”) of the Albany City Council shall be elected. Specifically, Ranked Choice Voting shall be used for electing Members, at large, during each general municipal election, beginning with the November 8, 2022 general municipal election. Ranked Choice Voting shall also be used for electing Members, at large, during any special election called after November 8, 2022.

§7-1.2 This Chapter establishes procedures to be used in Ranked Choice Voting elections, and shall be liberally construed to give effect to its purposes. This Chapter may not be amended or repealed, unless (1) a majority of voters vote to do so at a general municipal election, provided that the ballot measure was placed on the ballot by way of (a) initiative petition, or (b) unanimous vote of every Councilmember present at a meeting called to amend or repeal this Chapter, but only if no Councilmember was absent from that meeting and no Council seat was vacant at the time of the vote; or (2) the City Council votes to do so by unanimous vote of every Councilmember present at a meeting called for that purpose, but only if no Councilmember is absent from that meeting and no Council seat is vacant at the time of the vote.

§7-1.3 Ranked Choice Voting is a method that allows voters to rank candidates for elected office in order of preference. Elections conducted by Ranked Choice Voting shall be used for single-seat and multi-seat elections. Elections conducted by Ranked Choice Voting are tabulated in rounds, as specified in this Chapter.

§7-1.4 For purposes of this Chapter, the following terms have the following meanings:

- a. “City Clerk” means the City Clerk of the City of Albany, or his or her designee.

- b. “Continuing candidate” means a candidate who has not yet been designated as elected or defeated.
- c. “Election threshold” means the number of votes sufficient for a candidate to be elected in a multi-seat contest. The election threshold equals the total votes counted for candidates in the first round of tabulation, divided by the sum of one plus the number of seats to be filled, then adding one, disregarding any fractions. Expressed as a formula, the election threshold = $[(\text{Total votes cast})/(\text{Seats to be elected}+1)] + 1$, with any fraction disregarded.
- d. “Exhausted ballot” means a ballot with a ranking marked for at least one candidate but that does not contain a ranking for any continuing candidate, making the ballot unable to be transferred to another continuing candidate.
- e. “Exhausted by overvote” means an instance in which a voter has ranked more than one candidate at the same ranking.
- f. “Highest ranked continuing candidate” means the continuing candidate on a voter’s ballot with the lowest numerical ranking.
- g. “Multi-seat election” means an election in which two or more candidates can be designated as elected in a single contest to fill multiple seats in the same publicly elected office. This may also be referred to as a multi-winner election.
- h. “Ranking” means the number assigned to a candidate by a voter that establishes the order in which that voter’s ballot is transferred at the transfer value to that candidate during tabulation.
- i. “Seat” means an elected position occupied by one person, one or more of which form a publicly elected office.
- j. “Single-seat election” means an election in which only one continuing candidate can be designated as elected in the contest. This may also be referred to as a single-winner election.
- k. “Skipped ranking” means a voter has left a ranking order unassigned but ranks a candidate at a subsequent ranking order.
- l. “Special election” means any election that may be called to fill vacancies or unexpired terms pursuant to the City Charter.

- m. “Surplus fraction” means a number equal to the quotient of the difference between an elected candidate’s vote total and the election threshold, divided by the candidate’s vote total (or, expressed as a formula, $(V-T)/V$, in which “V” is the elected candidate’s vote total and “T” is the election threshold), rounded down to four decimal places.
- n. “Transfer value” means the proportion of a vote that a ballot will contribute to its highest ranked continuing candidate. If a ballot contributes to the election of a candidate, it receives a new transfer value pursuant to Subparagraph (3) of Paragraph (a) of Section §7-3.6.

§7-1.5 Ballots with Skipped Rankings and Overvotes

- a. If a ballot contains a skipped ranking, the ballot shall be transferred to the highest ranked continuing candidate.
- b. If a ballot contains an overvote, it shall count as an exhausted ballot when the overvote is reached.

§7-1.6 There shall be no nomination of candidates and no write-in candidates to succeed any Member who is the subject of a recall petition. If a Member is recalled, his or her successor shall be determined pursuant to the procedures set forth to fill vacancies under the City Charter.

§7-1.7 Any special election called for the same date as a general municipal election must be consolidated with the general municipal election. If they are not consolidated with a general municipal election, two or more special elections to elect Members must themselves be consolidated, provided that those special elections have been called for the same date.

§7-1.8 All consolidated elections of Members will be combined into one multi-seat election. Any longer terms to be filled shall be awarded to the candidates who are first to be declared or designated as elected, and any shorter terms shall be awarded to the candidates who are last to be declared or designated as elected.

§7-1.9 If any special election is not consolidated pursuant to Section 7-1.8, it shall be held using Ranked Choice Voting in a single-seat election, on the date of the next regularly established election to be held throughout the City of Albany at least 114 days from the call of the special election.

§7-2 VOTING

§7-2.1 The ballot shall allow voters to assign a different ranking to every candidate, as well as to write-in candidates. If the voting equipment used by the City Clerk cannot feasibly accommodate that number of rankings on the ballot, the City Clerk may limit the number of candidates that a voter may rank to the maximum number allowed by the equipment.

§7-2.2 Voters may rank as few candidates as they prefer or as many as they prefer subject to any limitation on the maximum number of candidates established by the City Clerk pursuant to Section §7-2.1.

§7-3 VOTE COUNTING

§7-3.1 This Subchapter (§7-3) establishes the procedures for electing candidates in single-seat and multi-seat elections using Ranked Choice Voting.

§7-3.2 In an election conducted by Ranked Choice Voting, the City Clerk shall provide ballot instructions that make clear the proper voting procedures for voting in a Ranked Choice Voting election.

§7-3.3 Each ballot's vote is initially assigned to the highest ranked candidate on that ballot at a transfer value of one.

§7-3.4 If the number of candidates is equal to or less than the seats to be filled, each candidate is declared elected. The number of votes for each candidate is counted and tabulation is complete. Otherwise tabulation proceeds in accord with Section 7-3.5 for a single-seat election or Section 7-3.6 for a single-seat contested election.

§7-3.5 Single-Seat Election Tabulation

a. Vote tabulation proceeds in rounds as follows:

1. Each ballot is counted for the highest ranked continuing candidate on that ballot. If there are only two continuing candidates, the candidate with more votes is declared the winner of the election, and tabulation is complete. Otherwise, tabulation proceeds pursuant to Subparagraph (2) immediately below.
2. The candidate with the fewest votes is defeated, and votes for the defeated candidate are transferred to the highest ranked continuing candidate of

each affected ballot. If two or more candidates are tied with the fewest number of votes, the candidate to be defeated shall be determined by lot. A new round of tabulation starts again pursuant to Subparagraph (1) immediately above.

§7-3.6 Multi-Seat Election Tabulation

- a. Vote tabulation proceeds in rounds as follows:
 1. Each ballot is counted, at its current transfer value, for the highest ranked continuing candidate on that ballot. If there is at least one candidate with more votes than the election threshold, each candidate with more votes than the election threshold is designated as elected. If the number of elected candidates is equal to the number of seats to be filled, the tabulation is complete. Otherwise, tabulation proceeds pursuant to Subparagraph (2) immediately below.
 2. If any ballot counted for a candidate who has been designated as elected and who has surplus fraction greater than zero has not been assigned a new transfer value after that candidate was designated as elected, the tabulation proceeds pursuant to Subparagraph (3) immediately below. Otherwise, the tabulation proceeds pursuant to Subparagraph (4) below.
 3. Of the candidate or candidates who have been designated as elected, the candidate with the greatest number of votes (with any tie decided by lot) is deemed to have a number of votes equal to the election threshold for the contest in all subsequent rounds. Each ballot counted for that candidate is assigned a new transfer value, by multiplying the ballot's current transfer value by the surplus fraction for the elected candidate, rounded down to four decimal places. Tabulation continues pursuant to Subparagraph (1) above.
 4. If the total number of elected and continuing candidates is equal to the number of seats to be filled, the continuing candidates are designated as elected and the tabulation is complete. Otherwise, the continuing candidate with the fewest votes is defeated, and a new round of tabulation begins pursuant to Subparagraph (1) above.

§7-4 REPORTING

§7-4.1 For purposes of this Chapter, the following terms have the following meanings:

- a. "Ballot report" means a report in plain text electronic format that lists all of the following for each ballot counted in the tabulation:
 1. The candidate indicated at each ranking.
 2. The precinct in which the ballot was cast.
 3. Whether the ballot was cast by mail.
- b. "Summary report" means a report that lists all of the following:
 1. The number of ballots counted.
 2. The votes received by each candidate in each round of the tabulation.
 3. In each round of tabulation, the cumulative number of all exhausted ballots and all ballots exhausted by overvotes.
 4. Any other information that the City Clerk chooses to include.

§7-4.2 Reporting Limitations

- a. A ballot report generated pursuant to this Section (§7-4.2) shall not permit the order in which the votes were cast in each precinct to be reconstructed or the identification of the voter that cast the ballot.
- b. This Section (§7-4.2) does not prohibit the City Clerk from providing additional reports or including additional information in any report except for the limitations expressed in Paragraph (a) immediately above.

§7-4.3 Vote Tabulation and Report Publication Timing and Posting

- a. The City Clerk shall do all of the following:
 1. Tabulate the results as soon as the City Clerk determines it is feasible after the close of the polls, and publish the corresponding summary report.
 2. Tabulate the results for the last preliminary count of the ballots on election night and publish a corresponding summary report.

- b. The City Clerk shall publish a summary report and ballot report for the final tabulation of the official canvass in conjunction with the certified statement of the results.

§7-4.4 The City Clerk shall promptly post links to reports pursuant to Section 7-4.2 on the internet website of the City Clerk's Office.

§7-5 VOTER EDUCATION

§7-5.1 For purposes of this Chapter, the following terms have the following meanings:

- a. "Additional supported language" means a language for which a jurisdiction is required to provide voting materials and assistance under the Federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or for which the Secretary of State has determined that it is necessary to provide facsimile ballots at a precinct within the jurisdiction pursuant to subdivision (c) of Section 14201 of the State Elections Code.
- b. "Additional supported language community" means a community that speaks an additional supported language.

§7-5.2 Education Planning and Execution

- a. The City Clerk shall conduct a voter education and outreach campaign before each election conducted pursuant to this division, until the conclusion of the second general election conducted in this manner. A campaign conducted pursuant to this chapter shall include public meetings and public service announcements through different media, including media serving additional supported language communities, if available, to familiarize voters with that election method. Materials and information disseminated as part of the campaign shall be provided in all additional supported languages and shall be accessible to individuals with disabilities.
- b. The City Clerk shall, in collaboration with the Alameda County Registrar of Voters, develop a plan describing how they will conduct the voter education and outreach campaign required by this Section (§7-5.2). The plan shall include all of the following information:
 - 1. How the City Clerk will use media, which may include digital media, newspapers, radio, and television, to inform voters about an upcoming

election.

2. What information will be publicly available on the City Clerk's internet website.
 3. What information will be included in the sample ballot and vote by mail materials.
 4. How the City Clerk will conduct direct outreach to voters, including voters with disabilities.
 5. How the City Clerk will have a community presence to educate voters, including voters with disabilities.
 6. How the City Clerk will educate voters within each additional supported language community.
- c. Before finalizing its plan, the City Clerk shall publish a draft plan and hold, at least 10 days after publication of its plan, at least one regular public meeting to discuss the plan. The City Clerk shall also make a good faith effort to invite each of the following to at least one of those public meetings:
1. Representatives, advocates, and other stakeholders representing each additional supported language community.
 2. Representatives from the disability community and community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.
- d. All materials provided by the voter education and outreach campaign, including materials provided on the internet website of the elections official, sample ballots and vote by mail materials, and materials provided through direct outreach and community presence, shall be provided in the additional supported languages and shall be accessible to individuals with disabilities.
- e. If multiple jurisdictions within the same county are conducting ranked choice voting elections, the City Clerk may combine or coordinate his or her voter education plans and voter education and outreach campaigns.
- f. The City Clerk may partner or coordinate resources with nongovernmental organizations to conduct its voter education and outreach campaign.

SIGNED STATEMENT OF PROPONENT

(Elections Code §9608)

I, JAMES R LINDSAY, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.



James R. Lindsay

Dated: Jan. 22, 2020

AUTHORIZATION FOR COUNSEL TO HANDLE PETITION FILING

(Elections Code §9210)

I, JAMES R LINDSAY, one of the three proponents of the Ranked Choice Voting Initiative (the "Initiative"), hereby authorize our legal counsel, Gautam Dutta of Business, Energy, and Election Law, PC, to handle the filing of the Initiative for title and summary, filing of the Initiative petition, and any other actions or correspondence with your office or any other elections officials, relating to the Initiative.



James R. Lindsay

Dated: Jan. 18, 2020

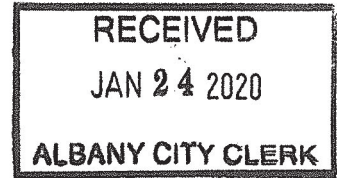
BUSINESS, ENERGY, AND ELECTION LAW, PC

1017 El Camino Real # 504 Redwood City, CA 94063 415.236.2048 213.405.2416 fax

Jan. 23, 2020

Via Hand Delivery

The Honorable Ann Hsu
City Clerk, City of Albany
Office of the City Clerk
1000 San Pablo Avenue
Albany, CA 94706



Re: The Ranked Choice Voting Initiative
Supplemental Filing

Dear Ms. Hsu:

Yesterday our office filed a Notice of Intent to Circulate Petition in connection with the Ranked Choice Voting Initiative (the "Initiative"). We now supplement yesterday's filing with the following items:

1. Certifications, signed by Initiative Proponents Eveline Shen and Andrew Tang, regarding use of signatures (Elections Code §9608)
2. Ms. Shen's and Mr. Tang's authorization for Business, Energy, and Election Law, PC to handle the filing of the Initiative petition, as well as any related actions or correspondence with elections officials relating to the Initiative (Elections Code §9210)

Please do not hesitate to call me at 415 236 2048 with any questions. Thank you for your assistance.

Sincerely,



Gautam Dutta
Managing Partner

SIGNED STATEMENT OF PROPONENT

(Elections Code §9608)

I, Eveline Shen, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.



Eveline Shen

Dated: Jan. 22, 2020

AUTHORIZATION FOR COUNSEL TO HANDLE PETITION FILING

(Elections Code §9210)

I, Eveline Shen, one of the three proponents of the Ranked Choice Voting Initiative (the "Initiative"), hereby authorize our legal counsel, Gautam Dutta of Business, Energy, and Election Law, PC, to handle the filing of the Initiative for title and summary, filing of the Initiative petition, and any other actions or correspondence with your office or any other elections officials, relating to the Initiative.



Eveline Shen

Dated: Jan. 22, 2020

SIGNED STATEMENT OF PROPONENT

(Elections Code §9608)

I, Andrew Tang, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.



Andrew Tang

Dated: Jan. 23, 2020

AUTHORIZATION FOR COUNSEL TO HANDLE PETITION FILING

(Elections Code §9210)

I, Andrew Tang, one of the three proponents of the Ranked Choice Voting Initiative (the "Initiative"), hereby authorize our legal counsel, Gautam Dutta of Business, Energy, and Election Law, PC, to handle the filing of the Initiative for title and summary, filing of the Initiative petition, and any other actions or correspondence with your office or any other elections officials, relating to the Initiative.



Andrew Tang

Dated: Jan. 23, 2020