CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: City Clerk's Office

AGENDA DATE: September 27, 2022

PUBLIC HEARING DATE: October 11, 2022

CONTACT PERSON NAME AND PHONE NUMBER: Laura D. Prine, (915) 212-0049

DISTRICT(S) AFFECTED: All District

STRATEGIC GOAL: Goal No. 6 – Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: 6.11 – Provide efficient and effective services to taxpayers

SUBJECT:
An Ordinance pursuant to Article III, Section 3.11 (Initiative) of the El Paso City Charter, to eliminate separate runoff elections for the election of Mayor and City Council and instead provide for the use of ranked choice voting, in which voters would have the choice of ranking candidates, and in which the candidate who receives a majority of first-choice votes would win, but if there is no majority winner, the last place candidate would be eliminated and any voter who had that candidate as their top choice would have their vote transferred to their next choice, until a candidate has a majority of votes and is therefore deemed the winner, so long as permitted by state law.

BACKGROUND / DISCUSSION:

On August 4, 2022, an initiative petition was filed with the City Clerk's Office related to Fair Elections and on September 13, 2022 the City Clerk certified that the requisite number of signatures of registered voters were submitted.

Section 3.11 – Initiative of the City Charter requires that the petition verification and placement of the proposed ordinance be placed on the City Council agenda meeting to be held within 30 working days of the filing date of the petition.

Thus, pursuant to all applicable City Charter provisions and requirements, the City Clerk is presenting this petition to the City Council within the 30 working days specified.

PRIOR COUNCIL ACTION:

On January 8, 2019 an Ordinance pursuant to Article III, Section 3.11 (Initiative) of the El Paso City Charter was presented to City Council for a vote that the City of El Paso would take all steps necessary pursuant to Chapter 311 of the Texas Tax Code to immediately terminate "Reinvestment Zone Number Twelve, City of El Paso" created by Ordinance No. 018790 and "Reinvestment Zone Number 10 expanded 10a" created by Ordinance No. 018791.

AMOUNT AND SOURCE OF FUNDING:
N/A

*******************REQUIRED AUTHORIZATION*******************

DEPARTMENT HEAD:

Laura D. Prine
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(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

AN ORDINANCE PROPOSED BY INITIATIVE PETITION UNDER CITY CHARTER SECTION 3.11 TO USE RANKED CHOICE VOTING FOR THE ELECTION OF MAYOR AND CITY COUNCIL WHERE VOTERS RANK CANDIDATES IN ORDER OF PREFERENCE, AND IF NO CANDIDATE RECEIVES A MAJORITY, THE CANDIDATES WITH THE FEWEST VOTES ARE ELIMINATED AND THE VOTES THE RECEIVED ARE TRANSFERRED TO VOTER'S SECOND CHOICE, AND SO ON UNTIL THERE IS A MAJORITY VOTE FOR ONE CANDIDATE, SO LONG AS PERMITTED BY STATE LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

The City of El Paso shall use ranked choice voting for the election of mayor and city council where voters rank candidates [up to five] in order of preference, and if no candidate receives a majority, candidates with the fewest votes are eliminated and the votes they received are transferred to voter's second choice, and so on until there is a majority vote for one candidate, so long as permitted by state law?

The City of El Paso shall take all steps necessary and appropriate to implement ranked choice voting, to include the following.

RANKED CHOICE VOTING.

(A) This section shall be operative provided it is not in conflict with the state constitution or the state laws.

(B) To the extent of any conflict with other provisions of this Code, this section controls.

(C) For the purposes of this section, the following terms have the following meanings:

(1) Batch elimination. The term "batch elimination" means the simultaneous elimination of multiple candidates whose election is mathematically impossible.

(2) Continuing ballot. The term "continuing ballot" means a ballot that is not an inactive ballot.

(3) Continuing candidate. The term "continuing candidate" means any candidate who has not been eliminated.

(4) Election is mathematically impossible. The term "election is mathematically impossible" applies to a candidate who cannot be elected because such candidate's vote total in a round, plus all votes that could possibly be transferred to such candidate in future rounds from candidates who received

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a fewer or an equal number of votes, would not be enough to surpass that of the candidate with the next highest vote total in such round.

(5) Inactive Ballot. The term "inactive ballot" means a ballot in which all ranked candidates have been eliminated, or a ballot that assigns equal rank to two or more candidates and all candidates with higher ranks than the rank assigned to two or more candidates are eliminated.

(6) Highest rank. The term "highest rank" refers to the highest rank whether that be rank number I, rank number 2, rank number 3, rank number 4, or rank number 5.

(7) Last place candidate. The term "last place candidate" means a continuing candidate with the fewest votes in a round.

(8) Rank. The term "rank" means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Rank number I is the highest ranking, rank number 2 is the next highest ranking, and so on. No rank lower than 5 shall be permitted or tabulated.

(9) Ranked choice election. The term "ranked choice election" means any election for a ranked choice office.

(10) Ranked choice office. The term "ranked choice office" means the offices of mayor and council member.

(D) Tthe provisions of this section shall apply to ranked choice elections. No runoff election shall be held for any ranked choice office.

(E) All candidates in a ranked choice election shall be listed on the ballot. The ballot shall permit a voter to rank five candidates for each office, inclusive of any write-in candidate permitted by law, in order of preference, unless there are fewer than five candidates on the ballot for such office, in which case the ballot shall permit a voter to rank the total number of such candidates for such office inclusive of any write-in candidate permitted by law.

(F) For all ranked choice elections, the following tabulation procedures apply: (1) If a candidate receives a majority of highest rank votes, that candidate shall be elected. (2) If no candidate receives a majority of highest rank votes, tabulation shall proceed in rounds. In each round, the number of votes for each continuing candidate shall be counted; each continuing ballot shall count as one vote for its highest ranked continuing candidate for that round; and inactive ballots shall not be counted for any continuing candidate. A round ends with one of the following outcomes: (i) If there are two continuing candidates, the candidate with the most votes shall be elected. (ii) If there are more than two continuing candidates, the last place candidate shall be eliminated and a new round shall begin; provided, however, that batch elimination shall occur at the same time as such elimination of the last place candidate, unless such batch elimination would result in only one continuing candidate, in which case no such batch elimination shall

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occur. (3) A tie between two or more candidates shall be resolved in accordance with the election law.

(G) Severability. If any portion of this chapter is held unlawful by a court of law, that portion shall be severed from the chapter and the rest shall continue in force.

PASSED AND APPROVED this _____ day of _____ 2022.

CITY OF EL PASO

_____
Oscar Leeser
Mayor

ATTEST:

_____
Laura D. Prine
City Clerk

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