ORDINANCE NO. 07-4719

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, CALLING A REFERENDUM OF THE QUALIFIED ELECTORS OF THE CITY FOR THE PURPOSE OF DETERMINING WHETHER THE CHARTER OF THE CITY OF SARASOTA SHALL BE AMENDED TO REQUIRE INSTANT RUN OFF VOTING FOR CITY COMMISSION ELECTIONS; INSTANT RUN OFF VOTING MEANS A METHOD OF CASTING AND TABULATING VOTES THAT SIMULATES BALLOT COUNTS WHICH WOULD OCCUR IF ALL VOTERS PARTICIPATED IN A SERIES OF RUN OFF ELECTIONS WITH ONE CANDIDATE ELIMINATED AFTER EACH ROUND OF COUNTING; INSTANT RUN OFF VOTING ALLOWS VOTERS TO RANK CANDIDATES IN ORDER OF PREFERENCE; SCHEDULING SAID REFERENDUM FOR NOVEMBER 6, 2007; STATING THE REFERENDUM QUESTION AND TITLE; STATING THE TEXT OF THE PROPOSED CHARTER AMENDMENT; PROVIDING AN EFFECTIVE DATE FOR THE CHARTER AMENDMENT, IF APPROVED; PROVIDING FOR THE READING OF THIS ORDINANCE BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article X, Section 1(a) *(2)* of the Charter of the city of Sarasota provides that amendments to the City Charter may be framed and proposed by a written petition to the City Commission initiated by electors setting forth the full text of the proposed amendment and signed in person by qualified electors of the City equal to at least ten (10) percent of the total number of qualified electors registered to vote in the preceding regular at large city election; and,

WHEREAS, on January *2, 2007* an initiative petition proposing to amend the City Charter to require instant runoff voting in elections for City Commissioners was presented to the City Commission by the Coalition for Instant Runoff Voting; and,

WHEREAS, said petition has been certified by the Supervisor of Elections for Sarasota County to contain the signatures of three thousand two hundred fourteen (3,214) electors residing in the City of Sarasota; which exceeds the number required in order to place the question of instant runoff voting on the ballot at referendum; and,

WHEREAS, Article X, Section 1(b) of the City Charter provides that in the event an initiative petition containing the required number of signatures has been certified and

submitted to the City Commission; then within thirty (30) days thereafter, the City Commission shall adopt and Ordinance to place the matter on the ballot at referendum; and,

WHEREAS, the City Charter further requires that such ordinance (1) provide for the date of the referendum (which shall be no earlier than ninety (90) days following its adoption and no later than the next general election to be held in the City); (2) provide for the language to appear on the ballot at referendum; (3) provide for the effective date of the Charter amendment in the event same is approved; and,

WHEREAS, this Ordinance is intended to meet the above stated requirements of the City Charter pertaining to proposed charter amendments initiated by citizen petition.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA:

Section 1.   The proposed amendment to the Charter of the City of Sarasota (hereafter City Charter) set forth herein shall be submitted to the vote of the qualified electors of the City for approval at a referendum to be held on November 6, 2007.

Section 2.   The full text of the proposed amendment to the City Charter is attached hereto marked as Exhibit "A" and by this reference made a part hereof.

Section 3.   The entire text of Article IX, Section 5 of the city Charter shall be published in blackline format (i.e. with deletions proposed by the Instant Runoff Amendment stricken through and additions proposed by the Instant Runoff Amendment underscored) not less than thirty (30) days nor more than sixty (60) days prior to the date of the referendum in a newspaper of general circulation in the City.

Section 4.   The question pertaining to the adoption of instant runoff voting shall be submitted to the qualified electors of the City in the following form, which shall be printed on the ballot:

TITLE:

Instant Runoff Voting (IRV) Amendment

SUMMARY:

Amendment to require the use of the Instant Runoff Voting (IRV) method for all district and at large City Commission elections. IRV enables voters to rank all of the candidates for an office in order of preference on a single ballot: first, second, third, etc. Votes are then counted in rounds until one candidate (or two candidates in an at large election) emerges with a majority of votes cast.

_____   For the Amendment

_____   Against the Amendment

Section 5.   If a majority of the qualified electors of the City of Sarasota voting on the referendum question vote for approval of the proposed Instant Runoff Voting Amendment; then the approved amendment shall go into effect within two years of the date the State of Florida certifies IRV software that is compatible with existing voting machinery used in the City of Sarasota, and shall remain in effect for all subsequent elections thereafter. Nothing in this section shall be construed to obligate the City of Sarasota to initiate or pursue the state certification process.
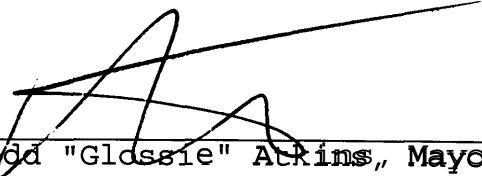
Section 6.   All provisions of the City Charter which are in conflict with this amendment if approved by the

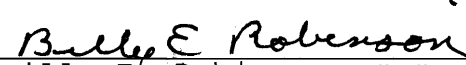electorate shall be deemed repealed as of the effective date of the amendment.

Section **7**. This ordinance shall take effect immediately upon adoption, except that the proposed Instant Runoff Amendment to the City Charter shall become effective as provided in Section 5 above.

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (**3**) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida, this 16th day of January, 2007.

PASSED on second reading and finally adopted this 20th day of February, 2007.

Fredd "Glossie" Atkins, Mayor

ATTEST:

Billy E. Robinson, CMC
City Auditor and Clerk

FULL TEXT OF PROPOSED AMENDMENT:

Art. IX, Sec. 5. Elections. Be it enacted by the people of Sarasota that this section is amended as follows:

(a) Purpose. The purpose of this section is to describe the method by which all city commissioners will be elected. To help ensure they are elected by majority vote, in an efficient and cost
effective process that fosters broad and diverse participation. Instant Runoff Voting shall be required for all elections.

(b) Definitions.

"Instant Runoff Voting" (IRV) **means** a method of casting and tabulating votes that simulates the ballot counts which would occur if all voters participated in a series of runoff elections with one candidate eliminated after each round of counting. The IRV method allows voters to rank the candidates in order of preference.

"Advancing candidate,' means a candidate who has not been eliminated.

"Continuing ballot" means a ballot that **is** not an exhausted ballot.

"Exhausted ballot" means a ballot on which there are no choices marked other than choices for eliminated candidates.

(c) District seats.

(1) When two (**2**) or more persons qualify as candidates for one (1) of the three (**3**) district seats on the city commission, the qualifiers shall have their names placed on the ballot for the city election to be held on the second Tuesday in March. The initial round of counting shall be a count of the first choices marked on each ballot.

(**2**) If no candidate receives a majority of first choices, there shall be a second round of counting. The candidate with the fewest number of votes shall be eliminated, and all the continuing ballots shall be recounted. Each continuing ballot shall be counted as one vote for that ballot's highest ranked advancing candidate.

(**3**) If no candidate receives a majority of votes of continuing ballots at the second round of counting there shall be a third round of counting. The candidate with the fewest number of votes shall be eliminated. and all the continuing ballots shall be recounted. Each continuing ballot shall be counted as one vote for that ballot's highest ranked advancing candidate.

(**4**) The process of eliminating the candidates with the fewest number of votes and recounting all the continuing ballots shall continue until one candidate receives a majority of the votes of continuing ballots in a round. The candidate who receives a majority of the votes of continuing ballots in a round shall be deemed and declared to be elected.

(**5**) When a ballot becomes an exhausted ballot it shall not be counted in that round or any subsequent round.

(**6**) When only one (1) person qualifies as a candidate for a district seat on the city commission, the name of such person shall not appear on the ballot, and such person shall be declared elected and shall assume office at the same time and in the same manner as if elected in the regular city election.

(d) At-large seats.

(1) When three (**3**) or more persons qualify as a candidate for the office of city commissioner for the two (**2**) at-large seats on the city commission, the qualifiers shall have their names placed on the ballot for the city election held on the second Tuesday in March. The initial round of counting shall be a count of the first choices marked on each ballot.

(**2**) If no candidate receives a majority of first choices, there shall be a second round of counting. The candidate with the fewest number of votes shall be eliminated, and all the continuing ballots shall be recounted. Each continuing ballot shall be counted as one vote for that ballot's highest ranked advancing candidate.

(**3**) If no candidate receives a majority of votes of continuing ballots at the second round of counting, there shall be a third round of counting. The candidate with the fewest number of votes shall be eliminated. and all the continuing ballots shall be recounted. Each continuing ballot shall be counted as one vote for that ballot's highest ranked advancing candidate.

(**4**) The process of eliminating the candidates with the fewest number of votes and recounting all the continuing ballots shall continue until one candidate receives a majority of the votes of continuing ballots in a round. The candidate **who** receives a majority of the votes of continuing ballots in a round shall be deemed and declared to be elected to the first at-large seat.

(**5**) All ballots shall be recounted for the second at-large seat. Ballots shall be tallied excluding the declared winner of the first seat. Any choices for the declared winner of the first at-large seat shall count toward the ballot's next highest choice.

(6) Counting shall continue in the same manner as the first at-large seat. The candidate who receives a majority of the votes of continuing ballots in a round shall be deemed and declared to be elected to the second at-large seat.

(7) When a ballot becomes an exhausted ballot it **shall** not be counted in that round or any subsequent round.

(**8**) When only one (1) or two (**2**) persons qualify as candidates for an at-large seat on the city commission, the names of such persons shall not appear on the ballot, and such persons shall be declared elected and shall assume office at the same time and in the same manner as if elected in the regular city election.

(e) Commencement and length of term. Persons elected to the city commission shall assume office on the third day following the second Tuesday in April. Each person elected shall hold office for four (**4**) years.

(f) Additional provisions.

(1) Sample ballots illustrating voting procedures shall be posted in or near all voting booths, and shall be included in the instruction packet for absentee ballots. The city clerk shall ensure ballots are simple and easy to understand. Before the first election to be held using IRV, the city clerk shall conduct a voter education campaign to familiarize voters with the IRV process.

(**2**) Skipped and duplicate rankings: If a voter skips a ranking, the ballot shall be counted for the highest ranked advancing candidate in each round of counting. If a voter gives an equal rank to two or more candidates, the ballot shall be declared exhausted when such multiple rankings are reached.

(3) Write-in votes: The ballot shall provide the option for the voter to write-in and rank one individual not listed on the ballot.

(**4**)Ties: In case of a tie between two or more candidates at any stage of the vote tally, the candidate to be eliminated first shall be selected by drawing lots or other equally random selection method.

(**5**) Facilitating ballot counting: If the total number of votes of the two or more candidates credited with the lowest number of votes is less than the number of votes credited to the candidate with the next highest number of votes, those candidates with the lowest number of votes may be eliminated simultaneously.

(6) Effective Date: This section **shall** go into effect within two years of the date the State of Florida certifies IRV software that is compatible with existing voting machinery used in the city of Sarasota, and shall remain in effect for all subsequent elections thereafter. Nothing in this section shall be construed to obligate the City of Sarasota to initiate or pursue the state certification process.

(7) The city commission may waive any part of section 5(f)(2-5) if the state-certified software does not meet the criteria defined in that section. Once the state certifies software that is capable of carrying out the function(s) for which a waiver was sought, provided that software is still compatible with existing equipment, the waiver shall no longer be authorized.