

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2017-26

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4  
5 AN ORDINANCE

6 CREATING A NEW SECTION 9-1.15 SFCC 1987 TO ESTABLISH A RANKED CHOICE  
7 VOTING METHOD FOR ELECTING CANDIDATES FOR MUNICIPAL OFFICE.

8  
9 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

10 Section 1. A New Subsection 9-1.15 SFCC 1987 is ordained to read:

11 9-1.15 [NEW MATERIAL] Ranked Choice Voting.

12 A. **Authority.** The city has the authority to enact this section under all powers  
13 possible for a city to have under the constitution and laws of New Mexico by virtue of its enactment of  
14 its charter pursuant to the provisions of Article X, Section 6 of the New Mexico Constitution, and  
15 pursuant to the New Mexico Municipal Charter Act including all implied powers and all powers  
16 necessary to implement all express powers of the city, as if each and every one of the city's implied  
17 powers were fully, completely and expressly enumerated in its charter.

18 B. **Definitions.** As used in this section, the following terms have the following  
19 meanings:

20 (1) *Choice* means an indication on a ballot of a voter's assigned ranking of  
21 candidates (i.e., first choice, second choice, third choice) for any single office according to the  
22 voter's preference.

23 (2) *Continuing ballot* means a ballot that counts towards a continuing candidate.

24 (3) *Continuing candidate* means a candidate that has not been eliminated.

25 (4) *Duplicate Ranking* means a voter has ranked the same candidate at multiple

1 rankings for the office being counted. The highest ranking for the candidate is valid and any  
2 lower rankings of that candidate shall be ignored.

3 (5) *Exhausted ballot* means a ballot that cannot be advanced because no further  
4 continuing candidates are ranked on that ballot.

5 (6) *Incorrectly marked ballot* means a ballot showing an overvote, undervote,  
6 duplicate ranking, skipped ranking, or unused ranking, and shall be rejected with an  
7 error message. A person who accidentally spoils or erroneously prepares the ballot  
8 may return the spoiled or erroneously prepared ballot to the election judge and  
9 receive a new ballot.

10 (7) *Majority of votes* means fifty percent (50%) plus one (1) of the votes cast for  
11 a continuing candidate.

12 (8) *Next ranked* means the highest ranked choice for a continuing candidate.

13 (9) *Overvote* means a voter has ranked more than one candidate at the same  
14 ranking. If a voter gives the same ranking to more than one candidate, the voter's rankings  
15 shall be counted in order of preference, stopping at the point where the ballot contains the  
16 same ranking for more than one candidate.

17 (10) *Ranked choice voting* means an election system in which voters rank the  
18 candidates for office in order of preference, and the ballots are counted in rounds that simulate  
19 a series of runoffs until one candidate receives a majority of votes. Ranked choice voting is  
20 also known as "instant runoff voting."

21 (11) *Round of counting or round* means a step in the counting process during which  
22 votes for all continuing candidates are tabulated for the purpose of determining whether a  
23 candidate has achieved a majority of the votes cast for a particular office and, absent a majority,  
24 which candidate or candidates must be eliminated.

1                   (12) *Skipped ranking* means a voter has left a ranking blank and ranks a candidate in a  
2 subsequent ranking. If a voter skips a numerical ranking, the skipped ranking will be ignored  
3 and the next indicated ranking on that ballot will be valid.

4                   (13) *Undervote* means a voter did not rank any candidates for an office.

5                   (14) *Unused ranking* means the voter has ranked at least one, but not all,  
6 candidates.

7                   (15) *Vote* means a ballot choice that is counted toward the election of a candidate.  
8 During each round of counting, each continuing ballot contains one vote. All first choices are  
9 votes and lower ranked choices are potential runoff votes that may, in accordance with the  
10 requirements of this section, become votes and subsequently credited for a continuing  
11 candidate.

12 **C. General Provisions.**

13                   (1) Ranked choice voting elections for the offices of mayor, councilor and  
14 municipal judge shall be conducted according to the procedures in this Section.

15                   (2) Ranked choice voting shall commence with the 2018 regular municipal  
16 election and continue for all regular municipal elections thereafter unless later repealed or  
17 invalidated by a subsequent Federal, State or City law, statute, rule, regulation, or ordinance.

18                   (3) The New Mexico secretary of state must certify the software prior to the use  
19 of ranked choice voting.

20 **D. Ballot.** The ranked choice voting ballot shall allow voters to rank all choices.

21 **E. Tabulation.** The ballots shall be counted in rounds.

22                   (1) In the first round, every ballot shall count as a vote towards the first choice  
23 candidate.

24                   (2) After any round, if any candidate receives a majority of votes, that candidate  
25 shall be declared the winner.

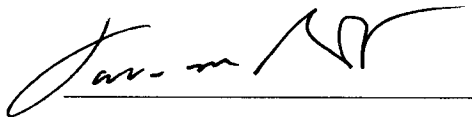
1 (3) If no candidate receives a majority of votes, the candidate receiving the fewest  
2 number of votes shall be eliminated.

3 (4) Every ballot counting towards the eliminated candidate shall be transferred to  
4 the next ranked continuing candidate. All the continuing ballots for all continuing candidates  
5 shall be counted again in a new round.

6 F. **Ties.** In the event that two (2) or more candidates tie for the fewest number of votes,  
7 the candidate to eliminate shall be chosen by lot.

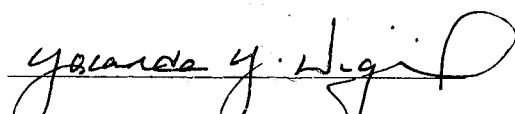
8 G. **Severability.** The requirements and provisions of this section and their parts, subparts  
9 and clauses are severable. In the event that any requirement, provision, part, subpart or clause of this  
10 section, or the application thereof to any person or circumstance, is determined to be impossible of  
11 performance, or held to be invalid or unenforceable by a court of competent jurisdiction, it is the intent  
12 of the governing body that the remainder of the section be enforced to the maximum extent possible  
13 consistent with the governing body's purpose of this Campaign Code.

14 PASSED APPROVED and ADOPTED this 20<sup>th</sup> day of December, 2017.


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17 JAVIER M. GONZALES, MAYOR

18 ATTEST:

19   
20 \_\_\_\_\_  
21 YOLANDA Y. VIGIL, CITY CLERK

22 APPROVED AS TO FORM:

23   
24 \_\_\_\_\_  
24 KELLEY A. BRENNAN, CITY ATTORNEY

25 *M/Legislation/Ordinance 2017/2017-26 Ranked Choice Voting*