



Councilmember Sophie Hahn  
City of Berkeley, District 5

CONSENT CALENDAR  
March 22, 2022

**To:** Honorable Members of the City Council  
**From:** Mayor Jesse Arreguín, Councilmember Sophie Hahn  
and Councilmember Rigel Robinson (Co-Authors)  
**Subject:** Supporting Ranked Choice Voting -- Opposing AB 2808 (O'Donnell)

RECOMMENDATION

Adopt a resolution opposing AB 2808 (O'Donnell), which would ban rank choice voting in California, including in those charter cities where the system is already in use. Send a letter to the bill author stating opposition. Send a copy of the Resolution to Assemblymember Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

FISCAL IMPACTS OF RECOMMENDATION

Minimal.

CURRENT SITUATION AND ITS EFFECTS

If passed, AB 2808 (O'Donnell) would ban ranked choice voting in California and would roll back voter enacted ranked choice elections, including in those charter cities like the City of Berkeley where the system is already in use. AB 2808 would deprive each local jurisdiction the authority to determine the best voting method for that jurisdiction.<sup>1</sup>

BACKGROUND

The City of Berkeley has been utilizing ranked choice voting (RCV) since 2010. In Bay Area jurisdictions that conduct RCV, ranked choice voting has eliminated costly runoff elections, given more wins to women and people of color, and increased voter turnout.

What's more, ranked choice voting has led to greater voter participation. In 2017, four cities introduced RCV elections, and all cities had higher turnout than in prior elections. Voters using RCV have been more satisfied with candidates' conduct. According to exit polls, approximately eighty-four percent of voters who participated in ranked choice voting said the new RCV-formatted ballot was easy to complete.<sup>2</sup>

---

<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB2808](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2808)

<sup>2</sup> [https://www.fairvote.org/the\\_facts\\_of\\_ranked\\_choice\\_voting\\_voters\\_like\\_it\\_high\\_turnouts\\_are\\_trending](https://www.fairvote.org/the_facts_of_ranked_choice_voting_voters_like_it_high_turnouts_are_trending)

The Berkeley City Council has taken action to support and strengthen the use of RCV. In 2019, Council unanimously voted in support of SB 212, which would have authorized more jurisdictions the ability to adopt RCV. Despite passing the State Legislature, the bill was ultimately vetoed by the Governor.

Voters who use ranked choice voting system overwhelmingly vote in favor of expanding the system.<sup>3</sup>

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

Ranked Choice Voting has the potential to reduce need for run off elections, and associated environmental impacts of additional printing, mailing, and campaign related activities.

#### RATIONALE FOR RECOMMENDATION

If passed, AB 2808 would undo Berkeley's voter adopted ranked choice voting system.

#### ALTERNATIVE ACTIONS CONSIDERED

N/A

#### CONTACT PERSON

Councilmember Sophie Hahn, (510) 981-7150

#### Attachments:

1: Bill Text AB 2808 (O'Donnell):

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB2808](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2808)

2: Resolution in opposition to AB 2808 (O'Donnell)

3: Letter of opposition

---

<sup>3</sup> [https://www.fairvote.org/the\\_facts\\_of\\_ranked\\_choice\\_voting\\_voters\\_like\\_it\\_high\\_turnouts\\_are\\_trending](https://www.fairvote.org/the_facts_of_ranked_choice_voting_voters_like_it_high_turnouts_are_trending)

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 2808**

---

**Introduced by Assembly Member  
O'Donnell**

**February 18, 2022**

---

An act to add Section 18 to the Elections Code, relating to elections.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2808, as introduced, O'Donnell. Elections: ranked choice voting.

Existing law specifies various procedures for conducting statewide and local elections.

This bill would prohibit the use of ranked choice voting, a method of voting that allows voters to rank candidates in order of preference, in state and local elections.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

### DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

---

## BILL TEXT

**THE PEOPLE OF THE STATE OF  
CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** The Legislature finds and declares all of the following:

- (a) Ranked choice voting can lead to inherently undemocratic outcomes like the winners of elections failing to receive a plurality of the vote.
- (b) Ranked choice voting is fundamentally more complicated than currently available alternatives and this complexity can lead to mistakes that can further disenfranchise voters.
- (c) Ranked choice voting can lead to elections that are more expensive given the additional computer systems or manpower required to tabulate the ranked votes.
- (d) Many of the purported benefits of ranked choice voting, including more diverse fields of candidates and fewer negative campaign advertisements, have not been realized in the jurisdictions that have used this election method.
- (e) Ranked choice voting does not lead to outcomes that reflect the ideals of our democracy and could harm the ability of voters to express their vote.

**SEC. 2.** Section 18 is added to the Elections Code, to read:

- 18. (a) State and local elections shall not be conducted using ranked choice voting.
- (b) For purposes of this section, “ranked choice voting” means a method of voting that allows voters to rank candidates for office in order of preference.

**SEC. 3.** The Legislature finds and declares that Section 2 of this act addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 2 of this act applies to all cities, including charter cities.

RESOLUTION NO. -N.S

RESOLUTION OPPOSING AB 2808 (O'DONNELL)

WHEREAS in 2004, City of Berkeley became the first jurisdiction in Alameda County to adopt Ranked Choice Voting, which went into effect in 2010. This is a system that allows voters to rank the candidates on their ballot in order of preference and initiates an instant run-off election if no single candidate reaches over 50% of the vote, thereby eliminating the need for voters to return to the polls for a second runoff election; and

WHEREAS in Alameda County, the cities of San Leandro and Oakland have successfully used Ranked Choice Voting for local elections for over a decade and the city of Albany will use Ranked Choice Voting later this year; and

WHEREAS in addition to preventing costly run-off elections and eliminating low-turnout and less diverse primary elections, Ranked Choice Voting has led to more positive and substantive campaigning and less mudslinging in a number of races, with candidates recognizing the need to appeal to the broader electorate for support;

WHEREAS compared to winner-take-all systems, Ranked Choice Voting encourages more diversity in candidates and voters, and generally has resulted in an increase in election victories by candidates of color where it has been adopted; and

WHEREAS Assembly Bill 2808 (O'Donnell) would prohibit the use of Ranked Choice Voting in state and local elections, including in those charter cities where the system is already in use;

NOW THEREFORE BE IT RESOLVED that the City of Berkeley hereby affirms its support of Ranked Choice Voting, for selecting local elected officials; and

BE IT FURTHER RESOLVED that the City of Berkeley formally opposes AB 2808 (O'Donnell) and calls on members of the Legislature, including representatives of Alameda County where Ranked Choice Voting is widely used, to vote against this bill.

The Honorable Patrick O'Donnell  
Member of the Assembly  
Capitol Office,  
1021 O Street, Suite 4510  
Sacramento, CA 95814

Re: AB 2808 – Ranked Choice Voting Repeal – OPPOSE

Dear Assemblymember O'Donnell,

The City of Berkeley strongly opposes Assembly Bill (AB) 2808, , which would prohibit the use of ranked choice voting (RCV) in state and local elections, including charter cities like Berkeley.

In multiple cities, including Berkeley, ranked choice voting has led to greater voter participation and ensured that candidates are elected with majority support. The City of Berkeley amended its City Charter in 2004 to permit the use of RCV with the support of more than 70% of voters, and has been successfully using this system since 2010. In the Bay Area specifically, RCV has eliminated costly runoff elections, given more wins to women and people of color, and increased voter turnout. Exit polling has found that voters understand RCV and prefer RCV to the election system it replaced. RCV has also been adopted by dozens of other cities across the nation that find similar benefits with this election system.

We strongly oppose any attempt to repeal RCV in Berkeley through state legislation or to deprive other local governments the option of adopting this system in the future. For all these reasons, we must oppose AB 2808.

Sincerely,

The Berkeley City Council

CC:

Honorable Assemblymember Isaac Bryan, Chair, Assembly Elections Committee