



MEMORANDUM

TO: Mary Katherine Greenlaw, Mayor, and members of City Council
FROM: Timothy J. Barody, City Manager
Kathleen Dooley, City Attorney
SUBJECT: Ranked Choice Voting – feasibility follow-up
DATE: February 21, 2023 (for the February 28, 2023 Council Meeting)

ISSUE

City Council adopted Resolution 22-84 on November 22, 2022, directing the City Manager and City Attorney to engage the General Registrar and the members of the Electoral Board for their input regarding the use of ranked choice voting for City Council elections, and to facilitate discussions between the Council and the Electoral Board as necessary to inform Council’s deliberations on this matter.

The Resolution further directed the above partners to obtain up-to-date information about the potential costs of implementation and other topics from the Virginia Department of Elections. Council requested an estimated budget for the costs of a public education and outreach campaign to be provided by the governing body in accordance with state regulations, and an assessment of the local costs for elections staff, training, ballot materials, and equipment.

RECOMMENDATION

This memo summarizes the work of the City Manager and City Attorney in response to Council’s direction in Resolution 22-84. Council may consider this information in determining whether to adopt ranked choice voting for City Council elections. City Council has further stated its intention to hold a public hearing on this initiative if the project advances, at which it will consider public input.

It is therefore recommended that City Council consider the following information, and then direct staff whether to schedule a public hearing on ranked choice voting for the November, 2023 City Council election.

DISCUSSION

• **Summary:**

While converting City Council elections to ranked choice voting remains a daunting proposition, the course of events since the November 2022 adoption of Resolution 22-84 moved in a positive direction overall. The Virginia Department of Elections has advanced its own tasks related to implementation of ranked choice voting, and in so doing, has reduced or removed certain obstacles, as detailed below.

- **Localities will not be sharing Department of Elections costs:**

One of the enactment clauses of 2020 Virginia Acts of Assembly Chapter 1054 (HB 1103) required the Department of Elections to charge localities opting to use ranked choice voting “any costs incurred . . . related to changes in technology that are necessary for the implementation of [ranked choice voting.]” The Department of Elections had submitted a fiscal impact statement estimating a cost of approximately \$1.3 million for systems changes. The open questions at City Council’s work session in November, 2022 were (1) the final cost for systems changes; (2) how this cost might be allocated between multiple localities opting in to ranked choice voting.

On November 30, 2022, the Department of Elections issued an “Official ELECT Advisory” on the topic of ranked choice voting. The official advisory stated as follows, with respect to the local costs for system changes:

“Localities **will not** be splitting the cost to change VERIS or anything related to Election Night Reporting (ENR). ELECT is working internally to create easily implemented solutions for entering and displaying election results, and localities will not be financially responsible for these initiatives.”

On a follow-up phone call with the City Attorney, Department of Election’s John Cronin, CAPM, EPMO Project Manager, stated that ELECT had determined a vendor solution to handle the entering and handling of election results, at minimal cost. In the end, the costs that ELECT had estimated in 2020 were not in fact incurred. Still, he advised that there would be costs at the local level associated with generating a cast vote record, and with the public education campaign. But the looming \$1.3 million fiscal impact for localities opting in to ranked choice voting had been averted.

The cost to the City for implementation of ranked choice voting at the state level is zero, per the ELECT advisory.

- **Local costs for election administration:**

The General Registrar estimates a first-year cost of \$16,156 for expenses associated with the implementation of ranked choice voting in a City Council election:

Item	Cost
Results Reporting Software and Laptop	\$11,622.00 ¹
Ballot printing (increase	\$ 2,475.00
RCV Tabulator License	(free)
Mock Election expenses	\$2059.00
Total:	\$16,156.00

¹ Annual license fee \$5321 thereafter.

- **Estimated cost for public education and outreach campaign:**

The City's Public Information Officer, Sonja Cantu, convened a meeting with the General Registrar, City Manager, Assistant City Attorney and City Attorney, to discuss the parameters of the local public education campaign. After receiving input from the group, she generated the attached draft communications brief, with an estimated cost of \$27,200.

- **Consultation with Electoral Board:**

The Electoral Board has not met since City Council's November 2022 work session. The Electoral Board provided City Council written comments on ranked choice voting via letters to the Mayor December 23, 2020 and March 14, 2022. Both letters raised the same concerns with respect to administration of a ranked choice voting election. However, those concerns appear to have been addressed, at least in part, by subsequent developments.² It will be important to engage with the Electoral Board to determine their current approach to ranked choice voting.

FISCAL IMPACT

The estimated costs of the General Registrar plus PIO are \$43,356.00.

ATTACHMENTS: Draft communications plan
 Electoral Board letters on ranked choice voting

² The concerns included the ability of election equipment to process ranked choice voting ballots, the possible need for new equipment purchases, the inexperience of the City's ballot printer, the lack of certified software, the lack of DOE regulations or standards for administration of ranked choice voting and voter education. The Board expressed further concerns about the effect of "constant changes to existing [voting] processes."

DRAFT Ranked Choice Voting Brief

Logistics – Jessica, Kathleen, Dori

Communications Plan – Sonja

In person events:

- 8 Community Information Events (2 per ward) including an in person mock election exercise (yard signs, event posters = \$200)
- James Monroe High School Forum
- UMW voter outreach forum
- Candidate forum

Videos:

- General explanation video of RCV (\$1,500)
- Video of mock election demonstration (\$1,500)
- Video of one of 8 community information events (\$1,500)

Print:

- 2 Postcard mailings citywide. Goal to introduce RCV, promote the in person events, and direct people to the website, videos, and contact for questions. (\$8,500 per mailing x 2 mailings = \$17,000)
- Free Lance-Star Display advertising (\$5,000)

Digital:

- Landing page on City website
- Social Media Posts
- Paid social media advertisements (\$500)

Total Communications Outreach Budget: \$27,200



COMMONWEALTH OF VIRGINIA
City of Fredericksburg

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Secretary

ELECTORAL BOARD

Rene Rodriguez, Chairperson

Floyd Roberson, Vice Chairperson

Cathie Fisher Braman,

December 23, 2020

Mayor Greenlaw and Councilmembers,

The City of Fredericksburg Electoral Board is aware that the City of Fredericksburg City Council has included Ranked Choice Voting as a legislative and budget priority for the 2021 General Assembly and 2022 Budget. The Board feels it is important to understand the current reality of this localities ability to administer Ranked Choice Voting and the Commonwealth's administrative support of the same.

The City of Fredericksburg's current election equipment, tabulators and voter assistance machines, are unable to process Ranked Choice voting ballots. The vendor for these machines is unsure if software upgrades or all new equipment would be required to administer a Ranked Choice Voting election. Fredericksburg's current ballot printer has never printed Ranked Choice Ballots. All election equipment and its accompanying software, tabulator, ADA ballot marking devices and electronic pollbooks, must be certified and/or recertified annually by the Virginia Department of Elections. We are unaware of any election equipment which administers Ranked Choice Voting ballots having been certified by the Virginia Department of Elections. Additionally, though current law allows, the State Board of Elections has not promulgated any regulations or standards regarding the administration of Ranked Choice Voting. Nor have they chosen to prescribe standards for voter education regarding Ranked Choice Voting.

- Currently, the burden to administer a Ranked Choice local election falls completely on an unsupported locality to administer, educate, and pay for this change. The Electoral Board believes that the current reality of expansive unfunded election mandates and constant changes to

existing processes must be properly addressed and supported by the General Assembly before Ranked Choice Voting can be considered at any level.



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ELECTORAL BOARD

Rene Rodriguez, Chairperson

Floyd Roberson, Vice Chairperson

Cathie Fisher Braman, Secretary

March 14, 2022

Mayor Greenlaw and Councilmembers,

The City of Fredericksburg Electoral Board is aware that in Resolution No. 20-94 the City of Fredericksburg City Council has included a request for the proper funding of elections and registrations as well as Ranked Choice Voting for localities as a legislative priority for the General Assembly's 2021 legislative session..

The Board would like to provide some information regarding the ability of the City of Fredericksburg to administer a Ranked Choice Voting election. The City of Fredericksburg's election equipment, tabulators and voter assistance machines, are completely unable to process Ranked Choice voting ballots. The vendor for these machines is unsure if software upgrades on all existing equipment or new equipment would be required to administer a Ranked Choice Voting election. Fredericksburg's current ballot printer has never printed Ranked Choice Ballots. The State Board of Elections has not promulgated any regulations or standards regarding the administration of Ranked Choice Voting. Nor have they chosen to prescribe standards for voter education regarding Ranked Choice Voting.

Currently, the burden to administer a Ranked Choice local election falls completely on an unsupported locality to administer, educate, and pay for this change. The Electoral Board believes that the current reality of expansive unfunded election mandates and constant changes to existing registration and election processes must be properly addressed by the General Assembly before Ranked Choice Voting can be considered at any level.

Thank you,

/s/ Rene A. Rodriguez

Rene A. Rodriguez, Chair Electoral Board

/s/ Floyd I. Roberson

Floyd I. Roberson, Vice-Chair Electoral Board

/s/ Cathie Fisher Braman

Cathie Fisher Braman, Secretary Electoral Board