A PETITION FOR AMENDING THE DAYTON CITY CHARTER TO ELECT OFFICIALS BY WAY OF RANKED-CHOICE VOTING AND ABOLISHING THE PRIMARY SYSTEM

Summary

This petition proposes to amend Article I Section 3, Article II Section 7, Article II Section 8, Article II Section 9, and Article II Section 11 of the City of Dayton Charter to implement a system of electing city Commissioners called "ranked-choice voting." Passage of the petition into law will result in the following changes:

1. Eliminate primary elections for City of Dayton Commissioners
2. Fill vacancies with prior candidates who finished 3rd or 4th in the most recent election, eliminating the need for special elections unless no prior candidates exist.
3. Assign the Commissioner receiving the greatest number of votes the title of "Mayor"
4. Reduce the required number of signatures for a candidate to appear on the ballot to 50
5. Remove the necessity of a nominating committee for candidates seeking election
6. Remove the necessity of notarizing a nominating petition
7. Establish an instant-runoff general election that will select two or three city Commissioners every odd-numbered year

Provision 1: Article I Section 3 of the City of Dayton Charter states, "The form of government of the City of Dayton shall be known as the "Commission-Manager Plan," and shall consist of five citizens, one of whom shall be the Mayor, who shall be separately nominated and elected as Mayor, and all of whom shall be elected in the manner hereinafter provided." This language shall be amended to state, "The form of government of the City of Dayton shall be known as the "Commission-Manger Plan," and shall consist of five citizens, one of whom shall be the Mayor, who shall be whichever Commissioner, elected during the most recent general election, received the greatest number of votes of all sitting Commissioners, and all of whom shall be elected in the manner hereinafter provided. Commissioners elected during special elections will not be eligible for the title of "Mayor." If the candidate who received the most votes does not wish to be Mayor, the title passes to the candidate who received the second-most votes."

Provision 2: Article II Section 5 of the City of Dayton Charter states, "Vacancies in the office of Commissioner shall be filled by special election to be held on a date determined by the Commission by ordinance, which date shall be not earlier than 60 days nor later than 90 days after such vacancy occurs,

except that any vacancy resulting from a recall election shall be filed in the manner provided therefor." This language shall be amended to state, "Vacancies in the office of Commissioner shall be filled by whosoever received the next-highest number of votes at the previous general election but failed to meet the election threshold. If this candidate refuses the position or has died prior to the vacancy, whosoever received the next-highest number of votes in that election will be chosen. If no prior candidates are available, or if candidates in the last election ran unopposed, then a special election shall be held on a date determined by the Commission by ordinance, which date shall be not earlier than 60 days nor later than 90 days after such vacancy occurs, except that any vacancy resulting from a recall election shall be filed in the manner provided therefor."

Provision 3: Article II Section 7 of the City of Dayton Charter states, "Candidates for Commissioners and Mayor under the provisions of this Charter shall be nominated by a primary election which shall be held in odd-numbered years on the day designated by general law for the holding of primary elections. In the case of a special election to fill a vacancy, the nominations shall be by nominating petition. The name of any registered elector of the city shall be printed upon the primary ballot, or in the case of a special election to fill a vacancy, upon the ballot, and be placed on the voting machine when a petition in the form hereinafter prescribed shall have been filed in his behalf with the Board of Elections, and such petition shall have been signed by at least 500 signatures of registered electors of the municipality." This language shall be amended to state, "Candidates for Commissioners, under the provision of this Charter, shall appear on the general election ballot which shall be held in odd-numbered years on the day designated by general law for the holding of municipal elections. In the case of a special election to fill a vacancy, the nominations shall be by nominating petition. The name of any registered elector of the city shall be printed upon the election ballot, and be placed on the voting machine when a petition in the form hereinafter prescribed shall have been filled in his behalf with the Board of Elections, and such petition shall have been signed by at least 50 signatures of registered electors of the municipality."

Provision 4: Article II Section 7 Clause C of the City of Dayton Charter states, "Each petition shall contain the names of five registered electors of the city who shall constitute the candidate's nominating committee. In the event of the death or withdrawal of the candidate prior to the primary election, the committee may, by vote of at least three of its members, nominate a registered elector to replace such candidate provided such nomination and acceptance thereof is made at least 45 days prior to the primary election. In the event that a candidate dies or withdraws after a primary election has been held, he shall be replaced on the general ballot by the person who received the highest number of votes among those who failed to receive nomination at such primary. If no primary election has been held and a candidate dies or withdraws, the Committee may, by vote of at least three of its members, nominate a registered elector of the city to replace such candidate on the general election ballot. Such nomination and acceptance must be made no later than 45 days before the general election or special election to fill a vacancy pursuant to Section 5 of the Charter." This clause shall be removed from the charter.

Provision 5: Article II Section 7 Clause D of the City of Dayton Charter states (quote indented to preserve formatting):

> Petition papers shall be substantially the following form:
> Form of Petition Paper
>
> We, the undersigned, hereby present _____ whose residence is _____, Dayton, Ohio, as a candidate for nomination to the office of _____ to be voted upon at the _____ election, to be held on the _____ day of _____, 19___, and we individually certify that we have signed no other Mayor's petition and no petition for Commissioner greater in number than the number of Commissioners to be chosen at the next _____ municipal election. We name as the nominating committee the five registered electors of the City of Dayton whose names and addresses appear below who shall have authority, as provided by the Charter to the City of Dayton, to nominate a candidate to replace the person named herein in the event that such person dies or withdraws his candidacy.
>
> Name _____
>
> Street & Number _____
>
> _____ residing at _____
>
> _____ residing at _____
>
> _____ residing at _____
>
> _____ residing at _____
>
> _____ residing at _____
>
> Montgomery County,
> State of Ohio,
> ss:
>
> _____, being duly sworn, deposes and says that he is the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.
>
> (Signed) _____
>
> Subscribed and sworn to before me this _____ day of _____, 19___
>
> _____
> Notary Public
>
> This petition, if found insufficient, shall be returned to _____ at No. _____ _____ Street, Dayton

Pursuant to previous previsions of this petition, this language shall be amended to state (quote indented to preserve formatting):

> Petition papers shall be substantially the following form:
> Form of Petition Paper
>
> We, the undersigned, hereby present _____ whose residence is _____, Dayton, Ohio, as a candidate for nomination to the office of _____ to be voted upon at the _____ election, to be held on the _____ day of _____, 20___, and we individually certify that we have signed no other petition for Commissioner greater in number than the number of Commissioners to be chosen at the next _____ municipal election.
>
> ss:
>
> _____, being duly sworn, deposes and says that he is the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.
>
> (Signed) _____
>
> This petition, if found insufficient, shall be returned to _____ at No. _____ _____ Street, Dayton

Provision 6: Article II Section 7 of the City of Dayton Charter states, "All nominating papers comprising a petition shall be assembled and filed with the election authorities, as one instrument, at least 60 days prior to the date of holding the primary election with respect to which such petition is filed, except as hereinafter provided." This language shall be amended to state," All nominating papers comprising a petition shall be assembled and filed with the election authorities, as one instrument, at least 60 days prior to the date of holding the general election with respect to which such petition is filed, except as hereinafter provided."

Provision 7: Article II Section 7 of the City of Dayton Charter states, "Any person whose name has been submitted for candidacy by any such petition shall file his acceptance of such candidacy with the election authorities not later than 55 days before the day of the primary election or special election, and in the absence of such acceptance the name of the candidate shall not appear on the ballot or voting machines." This language shall be amended to state, "Any person whose name has been submitted for candidacy by any such petition shall file his acceptance of such candidacy with the election authorities not later than 55 days before the day of the general election, and in the absence of such acceptance the name of the candidate shall not appear on the ballot or voting machines."

Provision 8: Article II Section 8 of the City of Dayton Charter states, "Except that the crosses here shown shall be omitted, and that in place of the names of persons here shown there shall appear the names of persons who are candidates for nomination, the primary ballots shall be substantially as hereinafter designated. Primary, regular, and special election ballots provided under authority of this Charter for the nomination or election of Commissioners or a Mayor shall not bear the name of any person or persons or any issue other than those candidates for nomination or election to the office of Commissioner or Mayor. Ballots and voting machines shall indicate the office involved, whether "Mayor" or "Commissioner."" This language shall be amended to state, "Except that in place of the names of persons here shown there shall appear the names of persons who are candidates for nomination, the general election ballots shall be substantially as hereinafter designated. Regular and special election ballots provided under authority of this Charter for the election of Commissioners shall not bear the name of any person or persons or any issue other than those candidates for nomination or election to the office of Commissioner."

Provision 9: Article II Section 9 of the City of Dayton Charter states (quote indented to preserve formatting):

> When voting for Commissioners or Mayor, vote for (insert here a number equal to the number of persons to be elected to the office at the next regular municipal election).
>
> If you wrongly mark, tear or deface this ballot, return it and obtain another.
>
> CANDIDATES FOR NOMINATION TO THE OFFICE OF _____
> X   JOHN DOE
> X   RICHARD DOE
> X   HENRY SMITH
> X   GEORGE JONES
> X   JAMES RICHARDS
>
> The candidates for nomination to the office of Mayor or Commissioner, who shall have received the greatest vote in such primary election shall be placed on the ballot at the next regular municipal election, in number not to exceed double the number of vacancies to be filled.
>
> Ballots or voting machines for regular municipal elections or special municipal elections shall be similar in form to those of primary ballots, except that the words "Regular Municipal Election", or "Special Municipal Election" shall appear at the top of each ballot or voting machine, and immediately over the names of the regularly nominated candidates for the office of Mayor or Commissioner, shall appear the words: "For Mayor," or "For Commissioner," as the case may be.

This language shall be amended to state (quote indented to preserve formatting):

> When voting for Commissioners, rank candidates from most favored candidate to least favored candidate, with 1 being your top choice. Only mark one candidate per number listed. If you wrongly mark, tear, or deface this ballot, return it and obtain another.
>
> CANDIDATES FOR THE NOMINATION OF THE OFFICE OF COMMISSIONER

	1	2	3	4	5
JOHN DOE					
RICHARD DOE					
HENRY SMITH					
GEORGE JONES					
JAMES RICHARDS					

Provision 10: Article II Section 11 states, "At any regular municipal election or special municipal election held under the provision of this Charter, the candidates for the office of Mayor and Commissioner in number equal to the vacancies to be filled, who shall have received the greatest number of votes cast, shall be declared elected. A tie between two or more candidates for the office of Mayor or Commissioner shall be decided by lot under the direction of the election authorities, as provided by general election laws of the State of Ohio."

The language shall be amended to state, "(A) The following tabulation method will apply to elections where multiple candidates are selected.

(1) Tabulation of votes must proceed in rounds for each office to be counted. Two candidates will be declared elected, each requiring a minimum quota equal to one (1) vote in addition to dividing the total number of votes cast by the number of open seats plus one (1). The formula for electoral victory, therefore, is thus: $votes\,needed\,for\,win = \dfrac{valid\,votes\,cast}{(open\,seats + 1)} + 1$. The votes needed to win will hereinafter be referred to as the *threshold,* which is equal to one-third (⅓) of the vote plus one (1) when two seats are available and one-fourth (¼) of the vote plus one (1) when three seats are available. The sum of all ranked-choice votes for every candidate must be calculated. Each round must proceed sequentially as follows:

a. The number of votes cast for each candidate for the current round must be counted. If the number of candidates whose vote total is equal to or greater than the threshold is equal to the number of seats to be

filled, those candidates who are continuing candidates are elected and the tabulation is complete. If the number of candidates whose vote total is equal to or greater than the threshold is not equal to the number of seats to be filled, a new round begins and the tabulation must continue as described in clause b.

b. Surplus votes for any candidates whose vote total is equal to or greater than the threshold must be calculated.

c. At the beginning of the second round only, after any surplus votes are calculated but not yet transferred all candidates for whom it is mathematically impossible to be elected must be defeated simultaneously. For rounds subsequent to the second round, after any surplus votes are calculated but not yet transferred, all candidates for whom it is mathematically impossible to be elected must be defeated simultaneously. Votes for the defeated candidates must be transferred to each ballot's next-ranked continuing candidate, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to the number of seats yet to be filled. If no candidate can be defeated under this clause, the tabulation must continue as described in clause d. Otherwise, the tabulation must continue as described in clause a.

d. The candidate with the largest surplus is declared elected and that candidate's surplus is transferred. A tie between two (2) or more candidates must be resolved by lot by the chief election official. The surplus of the candidate chosen by lot must be transferred before other transfers are made. The result of the tie resolution must be recorded and reused in the event of a recount. The transfer value of each vote cast for an elected candidate must be transferred to the next continuing candidate on that ballot. If no candidate has a surplus, the tabulation must continue as described in clause e. Otherwise, the tabulation must continue as described in clause a.

e. If there are no transferable surplus votes, the candidate with the fewest votes is defeated. Votes for a defeated candidate are transferred at their transfer value to each ballot's next-ranked continuing candidate, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to the number of seats yet to be filled. Ties between candidates with the fewest votes must be resolved by lot by the chief election official, and the candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and reused in the event of a recount.

f. The procedures in clauses a. to e. must be repeated until the number of candidates whose vote total is equal to or greater than the threshold is equal to the number of seats to be filled, or until the number of continuing candidates is equal to the number of seats yet to be filled. If the number of continuing candidates is equal to the number of seats yet to be filled, any remaining continuing candidates must be declared elected. In the case of a tie between two (2) or more continuing candidates, the tie must be resolved by lot by the chief election official. The result of the tie resolution must be recorded and

reused in the event of a recount. Candidates defeated under this clause in the final round will retain their votes.

(2) When a skipped ranking, overvote, or repeat candidate ranking is encountered on a ballot, that ballot shall count towards the highest continuing ranking that is not a skipped ranking, an overvote, or repeat candidate ranking. If any ballot cannot be advanced because no further continuing candidates are ranked on that ballot, or because the only votes for further continuing candidates that are ranked on that ballot are either overvotes or repeat candidate rankings, the ballot shall not count towards any candidate in that round or in subsequent rounds for the office being counted.

(B) The following tabulation method will apply to special elections where one candidate is selected:

(b) First ranked choice tabulation. A first ranked choice tabulation shall be done under this clause before a tabulation as described in clause (c). A first ranked choice tabulation will consist of a first round only. Under the first ranked choice tabulation, the vote total will be the sum of the number one (1) ranked votes. The maximum possible threshold must be determined. If the vote total for a candidate is equal to or greater than the maximum possible threshold, that candidate is declared elected and the tabulation is complete. If the vote total for no candidate is equal to or greater than the maximum possible threshold, a tabulation, as described in clause (c), shall be done.

(c) Tabulation of round(s).

(1) Tabulation of votes at the ranked-choice voting tabulation center must proceed in rounds for each office to be counted.   The sum of all ranked-choice votes for every candidate must be calculated. Each round must proceed sequentially as follows:

a. The number of votes cast for each candidate, as indicated by the highest continuing ranking on each ballot, must be counted. If a candidate has a vote total that is equal to or greater than the threshold, that candidate is declared elected and the tabulation is complete. If no candidate has a vote total that is equal to or greater than the threshold, a new round begins and the tabulation must continue as described in clause b.

b. At the beginning of the second round only all candidates for whom it is mathematically impossible to be elected must be defeated simultaneously. For rounds subsequent to the second round, all candidates for whom it is mathematically impossible to be elected must be defeated simultaneously. Votes for the defeated candidates must be transferred to each ballot's next-ranked continuing candidate, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to one (1). If no candidate can be defeated under this clause, the tabulation must continue as described in clause c. Otherwise, the tabulation must continue as described in clause d.

c. The candidate with the fewest votes is defeated. Votes for the defeated candidate must be transferred to each ballot's next-ranked continuing candidate, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to one (1). Ties between candidates with the fewest votes must be resolved by lot by the chief election official. The candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and reused in the event of a recount.

d. The procedures in clauses a. to c. must be repeated until one (1) candidate reaches the threshold, or until only one (1) continuing candidate remains. If only one (1) continuing candidate remains, that continuing candidate must be elected. In the case of a tie between two (2) or more continuing candidates, the tie must be resolved by lot by the chief election official. The result of the tie resolution must be recorded and reused in the event of a recount. A tied candidate chosen by lot must be defeated. When only one (1) continuing candidate remains after a tie has been resolved by lot by the chief election official, that continuing candidate must be elected and the votes of the tied candidate chosen by lot will be retained.

(2) When a skipped ranking, overvote or repeat candidate ranking is encountered on a ballot, that ballot shall count towards the highest continuing ranking that is not a skipped ranking, an overvote or repeat candidate ranking. If any ballot cannot be advanced because no further continuing candidates are ranked on that ballot, or because the only votes for further continuing candidates that are ranked on that ballot are either overvotes or repeat candidate rankings, the ballot shall not count towards any candidate in that round or in subsequent rounds for the office being counted.

(3) Of the winning candidates, whosoever receives the majority first-choice votes will be assigned the title "Mayor." In the event of a tie, the mayor will be assigned by a vote of the remaining three Commissioners. If the candidate receiving the most votes does not wish to be Mayor, the position passes to the candidate who received the second-most votes.

We, the undersigned, hereby endorse the above provisions to be presented to the City of Dayton Commission for approval. We name as the petition committee the five registered electors of the City of Dayton whose names and addresses appear below, who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purpose hereinafter named.

	Name (print)	Signature	Address	Date
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4				
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	Name (print)	Signature	Address	Date
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_____ being duly sworn, deposes and says that he/she is the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto were made in his/her presence and are the signatures of the person whose names they purport to be.

_____
Signature of Circulator

Subscribed and sword to before me this _____ day of _____, 20_____.

_____
Notary Public