



Sunnyvale

Appointment to Fill Vacancy in the
At-Large City Council Seat No. 3 to a
Term Ending January 3, 2023

David Carnahan, City Clerk
Feb. 8, 2022



Agenda



Council Vacancy Background

Council Candidates

Sunnyvale Charter and
Municipal Code Requirements

Ranked Choice Voting Process

RCV - Special Circumstances

No Appointment - Special Election Required

Alternatives

Council Vacancy Background

- **Nov. 14, 2021:** Councilmember Mason Fong resigns.
- **Nov. 22, 2021:** Direction to declare seat vacant.
- **Dec. 14, 2021:** Council declares seat vacant and initiates an appointment process.
- **Jan. 20, 2022:** Application deadline.
- **Jan. 31 and Feb. 2, 2022:** Candidate Interviews.
- **Feb. 8, 2022:** Council considers appointment.

Council Candidates

- Jennifer Britton
- Prashanth Channabasavaiah
- Sean Dechter
- James Gavney
- James Griffith
- Nupoor Kulkarni
- Richard Leshner
- Shantha Ranganathan
- Anthony Spitaleri

Sunnyvale Charter and Municipal Code Requirements

- Charter Section 606 requires at least four affirmative votes.
- SMC Section 2.30.030 requires Ranked Choice Voting for this Vacancy
 - ◆ *If there are five or more candidates, the mayor shall ask each councilmember to rank the candidates from first choice to last choice on a written ballot.*
 - ◆ *The mayor may choose to recess the meeting while the city clerk counts the ballots.*

(1) [Sunnyvale Charter Section 606 - Vacancies](#)

(2) [Sunnyvale Municipal Code Chapter 2.30 - Appointment Process to Fill Vacancies on the City Council](#)

Ranked Choice Voting Process

Discussion and Ranking

- Councilmembers should indicate one candidate/rank.
- Councilmembers may abstain on any candidate(s).

(1) [Sunnyvale Municipal Code Chapter 2.30 - Appointment Process to Fill Vacancies on the City Council](#)

Ranked Choice Voting Process

Discussion and Ranking

- Councilmembers will register their rankings via a random order roll call vote.
- The City Clerk will record the votes on-screen to confirm accurate recording.
- After all Councilmembers have ranked the candidates, the Mayor will call a recess for the City Clerk to count first-choice preferences.

(1) [Sunnyvale Municipal Code Chapter 2.30 - Appointment Process to Fill Vacancies on the City Council](#)

Ranked Choice Voting Process

Counting First-Choice Rankings

1. If one candidate receives four or more first-choice votes, that candidate shall be declared to be appointed.
2. If no candidate receives four or more first-choice votes, and one candidate has received the fewest first-choice votes, that candidate shall be eliminated, with his or her votes reassigned to the voters' second-choice candidates.

(1) [Sunnyvale Municipal Code Chapter 2.30 - Appointment Process to Fill Vacancies on the City Council](#)

Ranked Choice Voting Process

Counting First-Choice Rankings

3. If multiple candidates have tied for the fewest first-choice votes by receiving only one vote each, they shall be eliminated, and their votes reassigned in the same manner
4. If multiple candidates have tied for the fewest first-choice votes by receiving two votes each, whichever one of them has received the fewest second-choice votes shall be eliminated and the votes reassigned.

(1) [Sunnyvale Municipal Code Chapter 2.30 - Appointment Process to Fill Vacancies on the City Council](#)

Ranked Choice Voting Process

Counting First-Choice Rankings

5. If multiple candidates have tied for the fewest first-choice votes by receiving two votes each, and have the same number of second-choice votes, the City Clerk shall call for a tiebreaker vote between those candidates, with the loser of the tiebreaker being eliminated and having his or her first-choice votes reassigned.
- Counting and vote reassignment continues until one candidate has at least four first-choice votes.

(1) [Sunnyvale Municipal Code Chapter 2.30 - Appointment Process to Fill Vacancies on the City Council](#)

RCV - Special Circumstances

Ties for First-Choice

- A tie with two candidates receiving 3 first-choice votes each is possible.
- There are no provisions to break a 3-3 tie between two candidates.
- The ranking would be declared a tie with no action taken by the Council to appoint a candidate.
- Council could conduct another round of ranked choice voting.

(1) [Sunnyvale Municipal Code Chapter 2.30 - Appointment Process to Fill Vacancies on the City Council](#)

RCV - Special Circumstances

Abstentions Leading to Ballot Exhaustion

- Abstentions may lead to “ballot exhaustion” that results in an inability to achieve four first-choice votes.
- Council could conduct another round of ranked choice voting.

(1) [Sunnyvale Municipal Code Chapter 2.30 - Appointment Process to Fill Vacancies on the City Council](#)

No Appointment - Special Election Required

- If one or more rounds of ranked choice voting do not lead to an appointment, a special election is needed.
- Council would meet and call the election by Feb. 12.
- Election would take place by Aug. 11.
- Elected candidate would assume office 30-45 days after the election.
- Election estimated to cost \$1.9 to \$3.1 million.

Alternatives

1. Appoint a candidate to fill the vacancy in the At-Large Council Seat No. 3.
2. Direct staff to schedule a special Council meeting, no later than February 12, 2022, for the purpose of calling a special election to fill the vacancy in the At-Large Council Seat No. 3.
3. Other direction as provided by Council.