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Ranked-choice voting system under attack

By: [Mike Aldax](#)**February 5, 2010**

A former candidate for the Board of Supervisors is legally challenging The City's ranked-choice voting system, saying it discounts thousands of votes per election and once allowed a criminal to gain office.

An attorney for Sunset District resident Ron Dudum, who narrowly lost to embattled former Supervisor Ed Jew during the 2006 election, filed a lawsuit Thursday in the U.S. District Court to invalidate The City's ranked-choice voting system, charging that the system is unconstitutional.

The complaint alleges that under the system implemented in 2004 that thousands of voters during elections are denied the right to vote "once his or her three ranked candidates are eliminated from contention."

Under the system, voters rank the top three candidates they would most like to see in office. When votes are counted, any candidate who gets more than 50 percent of first-choice votes is the winner. If no one gets that many votes, the candidate who got the fewest first-choice votes is eliminated and the votes of people who ranked that person first then go to their No. 2 choice.

According to Dudum's complaint, voters who picked candidates that were not among the top three vote-getters are denied the right to choose between candidates left standing in later instant runoff rounds.

Dudum said he might have won the election against Jew had everyone had the opportunity to vote in later rounds.

"The ultimate winner, Ed Jew, is now in prison," he said.

Jew was sentenced last year to 64 months behind bars after pleading guilty to extorting \$80,000 in cash from local business owners.

Dudum said he is not currently running for office and chose to pursue legal action as a concerned resident.

The ranked-choice system has not received an unusually high number of complaints since it was implemented, said John Arntz, director of the Department of Elections.

Advocates say ranked-choice voting eliminates costly runoff elections, which usually draw low voter turnout.

In a statement, the City Attorney Dennis Herrera said it was premature to comment on the lawsuit and that it would respond "in the brief we file in federal court."

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