



TO: Honorable Tony Hall, Matt Gonzalez, and Gerardo Sandoval;
Members Rules and Audits Committee, San Francisco Board of
Supervisors
FROM: John Arntz, Acting Director of Elections
DATE: October 18, 2002
RE: Implementation of Instant Run-Off Voting

As you requested, this memorandum discusses the steps taken by the Department of Elections to implement a new, instant run-off voting (IRV) system starting with the November 2003 election. Please let me know if I can provide you with additional information about this.

I. Summary

In summary, the Department is working with its current elections vendor, Elections Systems & Software (ES&S), to meet the November 2003 implementation deadline. The Department has proposed that ES&S: (1) modify the optical scan voting equipment currently used by the City to accommodate IRV; and (2) secure Secretary of State approval for use of this modified voting system with IRV. The Department asked ES&S to submit a specific proposal, no later than December 1, 2002, outlining the cost and timeframe for accomplishing these tasks. The Department also set a deadline of January 1, 2003 for modifying the terms of the current contract between the Department and ES&S.

II. Background

As you know, on March 5, 2002 San Francisco voters amended the Charter to require that San Francisco use IRV to elect most City officers. The City must use IRV starting with the November 2003 election.

Under State law, San Francisco may not use a voting system unless the system is certified by the California Secretary of State (SOS). The SOS will not certify a new voting system unless the system complies with the California Elections Code and applicable SOS regulations. According to the SOS, certification can take as little as a few weeks or as long as a year. To date, no elections vendor has even submitted an IRV system to the SOS for certification.

Based on meetings with numerous elections vendors over the past six months, it appears that the vendors are reluctant to invest in the development of an IRV system - and submit to the challenging process of SOS certification - until questions are resolved about whether and for how long San Francisco will continue to use its current optical scan voting system. Recent changes in California and federal law (which are discussed below) make it more likely that the City will acquire new voting technology in the near future, and many vendors seem to be taking a wait-and-see approach before making any investment in IRV.

A. The Voting Modernization Bond Act of 2002 (Proposition 41, 3/5/02)

On March 5, 2002, California voters adopted Proposition 41, the California Voting Modernization Bond Act of 2002. This measure authorizes the SOS to grant a total of up to \$200,000,000 to qualifying counties to purchase (or pay for previously purchased) voting equipment, provided that the equipment does not use pre-scored punch-card ballots. The grant money can be used only for voting systems that are approved for use in California by the SOS.

In August, 2002, the City applied for and was awarded a grant of \$5,700,000 from the Proposition 41 funds. During the application process, the City did not have to specify whether it would use the grant money to acquire a new voting system or pay for its current optical scan system.

In order to actually receive the Proposition 41 grant money, the City must contribute one dollar for every three dollars of grant money (\$1,900,000). The SOS has not yet announced when the grant money will become available - it is possible that the money will not be available until the next fiscal year - or the date by which grant money must be spent. The SOS expects to clarify this within the next few months. The City will have to specify how it plans to use the grant money before it actually receives the money. Although the City can use Proposition 41 money for an IRV system, it can do so only if the system is approved by the SOS.

B. The Help America Vote Act of 2002

The Help America Vote Act of 2002, which passed Congress this week and which the President has indicated he will sign, will require all states and all local jurisdictions to meet uniform election technology and administration requirements (most of which will be specified in federal regulations in the future) no later than January 1, 2006, and provide grant money to help pay the cost of compliance with the federal requirements. Specifically, states and local jurisdictions will have to comply with uniform rules about manual audit capacity, disability access, alternative language access and error rates. In addition, each state will be required to adopt a uniform standard that defines what constitutes a vote and what will be counted as a vote for each kind of voting system used in the state.

The SOS is still reviewing the Act, and has not yet indicated whether the SOS will change or delay its voting system certification process because of the Act.

The changes in California and federal law described above have contributed to the significant interest, on the part of the public as well as City officials, in touch screen voting systems. This is in part because touch screen systems appear to offer many advantages over optical scan technology, such as greater accessibility, independence and privacy for sight-impaired individuals, and increased flexibility in providing ballots in other languages.

III. The Department's Implementation Plan

A. Retention of the Current Optical Scan Voting System

For the reasons discussed below, the Department of Elections recently concluded that in order to meet the November 2003 IRV implementation deadline, it is necessary to clearly separate IRV implementation from the possible acquisition of a new voting system in the future.

First, because vendors are uncertain about whether to develop IRV for an optical scan system or other kind of voting system, the Department must clearly indicate which

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kind of system it will use, at least in the near term. If the Department invests to upgrade its optical scan system, vendors may be more likely to develop and seek SOS approval for an IRV system designed for use with optical scan equipment.

Second, despite the promise of State and federal funding to help acquire new voting technology, many questions remain unanswered about the timing and conditions of this funding. The Department cannot delay IRV implementation until these questions are resolved. Given the impending November 2003 deadline, it may be unavoidable that the Department will have to spend money now on an IRV system designed for use with optical scan voting equipment, and then spend more money later to acquire both new voting technology and a new IRV system designed for use with that technology.

Third, because of the limited staffing in the Department, even if there were a new voting technology approved for use with IRV and it were available immediately (which is not the case), it would be practically impossible to acquire and use the new technology *and at the same time implement IRV* for the November 2003 election. The staff must concentrate on the Charter mandate to implement IRV, which alone requires significant voter education and outreach -- particularly to members of language minority groups -- and poll worker education and training. Furthermore, the Department has closely followed the successes and failures (in Florida and elsewhere) of jurisdictions that have made the transition to new voting systems, and learned critical lessons about the need for careful planning, voter outreach - including demonstrations and mock elections for the voting public, and extensive poll worker education. Based on these lessons, the Department concluded that the success of IRV may be jeopardized if the Department tries to make too many changes to the election process at one time.

B. Proposed Amendments to the City's Contract with ES&S

In light of the Department's decision to clearly separate IRV from the possible acquisition of new voting technology, the Department sent a letter to ES&S stating that the Department proposes to amend its contract with ES&S to: (1) Require ES&S to modify the optical scan voting equipment currently used by the City to accommodate IRV; and (2) secure Secretary of State approval for use of the voting system with IRV. The Department asked ES&S to submit a specific proposal, no later than December 1, 2002, outlining the cost and timeframe for upgrading the optical scan equipment and making any other necessary modifications to hardware and software to implement IRV for the November 2003 election. The Department also set a deadline of January 1, 2003 for negotiation of the terms of the contract modification.

If the Department and ES&S are not able to agree on terms for this proposed contract modification - that will guarantee the City's ability to meet all legal requirements and the November 2003 implementation deadline - the Department will immediately seek other vendors which provide the same optical scan equipment the City currently uses and which may have the capability of developing an IRV system to operate on that equipment. (The City's contract with ES&S has a "termination for convenience" clause, which would permit the City to unilaterally terminate the contract.)

DEPARTMENT OF ELECTIONS
City and County of San Francisco



JOHN ARNTZ
Director

TO: Honorable Mayor Willie L. Brown Jr.
Honorable Members, Board of Supervisors
Honorable Members, Elections Commission

FROM: John Arntz
Director of Elections

DATE: August 22, 2003

RE: Implementation of Ranked-Choice Voting

On Wednesday, August 20, Judge Warren of the Superior Court ruled that the City does not have to implement ranked-choice voting for the November 4, 2003 election. The Judge said that his decision was not easy, but was clear -- it is paramount that San Francisco have an election that is orderly, transparent and verifiable, and any effort to implement ranked-choice voting using a new, untested full hand count procedure would jeopardize the election. Despite the current situation, the Department remains committed to implement RCV, and the Department will begin immediately to prepare a new plan to ensure that RCV is in place for the November 2004 election.

The Department's approach to implementing ranked-choice voting will likely include issuing a request for proposals for a new voting system -- preferably using touch-screen technology -- that accommodates RCV and is fully tested and approved by the Secretary of State. It is important to recognize that no State-approved RCV system currently exists, including touch-screen systems. During the past year, the Department worked with its elections vendor to modify the City's optical scan voting equipment to accommodate RCV, but the vendor failed to obtain State approval for the modifications. As of today, the vendor has not even completed its application for approval.

A significant issue that the City must address almost immediately concerns funding for a new voting system. For example, touch screen voting equipment is expensive --perhaps more than \$15 million -- and it will likely be even more expensive if the vendor must develop and obtain approval for modifications to accommodate RCV.

If the City is unable to appropriate the necessary funds for a new voting system this year, the City will have to develop and obtain Secretary of State approval for a back-up plan. During the past year, the Department developed a back-up plan to implement RCV for the November 4, 2003 election. The plan, which combined hand-counting of ballots with a computerized tabulation of votes, offered a workable solution to the

problem of default by our elections vendor. However, the Secretary concluded that this partial hand-count plan was inconsistent with the Elections Code.

The Secretary's concerns about the legality of the Department's back-up partial hand-count plan may also apply to fully computerized RCV systems. For this reason, the new implementation plan will include proposed changes to the California Elections Code, to clarify how State elections laws apply to ranked-choice voting. The Department will also reconsider the partial hand-count plan and may revise and resubmit that plan to the Secretary of State. Again, this would be a back-up plan, for use only if the City cannot obtain a fully tested and approved computerized RCV voting system.

In addition, it is clear that any plan for implementation of ranked-choice voting must address several well-known, long-standing problems with the Department of Elections' staffing and office and warehouse space. During the next twelve months, the Department will have an unprecedented number of elections to run, in addition to the challenges of RCV implementation. In order to effectively meet these challenges, the Department must finally resolve civil service classification problems that prevent adequate staffing with full-time permanent and full-time seasonal staff. Supervisor Dufty's resolution on this issue, which will be considered by the Board of Supervisors on Tuesday, August 26th, recognizes the scope and severity of these issues. Still, many steps remain before the situation can be solved.

In addition, the Department must finally locate and secure funding to pay for new space that will permit the Department to consolidate all or nearly all of its operations. Currently, the Department's operations and staff are spread over five locations, some of which are not well suited for efficient, effective operations. The multiple sites present many logistical challenges when preparing for and conducting elections. The multiple sites also necessitate duplication of staff and other inefficiencies. The Civil Grand Jury recognized all of these problems in its recent report to the Board of Supervisors, and recommended that the City act immediately to consolidate all elections operations in one location. Finally, if the City acquires a new touch-screen voting system, the current office and warehouse space is simply inadequate in both size and layout to accommodate it.

I look forward to presenting a more detailed implementation plan, and working with you to address questions about funding and selection of a new voting system.

Please do not hesitate to contact me if you have any questions.


J.P.A.

DEPARTMENT OF ELECTIONS
City and County of San Francisco



JOHN ARNTZ
Director

TO: Honorable Mayor Willie L. Brown Jr.
Honorable Members, Board of Supervisors
Honorable Members, Elections Commission

FROM: John Arntz
Director of Elections 

DATE: October 15, 2003

RE: Acquisition of a New Voting System to Implement
Instant Runoff Voting

As I discussed in an earlier memorandum to you, dated August 22, 2003, the Department of Elections determined that acquisition of a new voting system – one which utilizes touchscreen technology, accommodates instant runoff-voting (IRV), and is fully tested and approved by the Secretary of State -- is the best way to ensure that instant runoff voting is successfully implemented for the November 2004 election. Following that memorandum, on September 16, 2003, Board of Supervisors President Matt Gonzalez introduced a resolution urging the City to acquire a new touchscreen voting system. That resolution is now pending before the Rules Committee. (A copy of my earlier memo and the pending resolution is attached.)

Although the November 2004 election may seem far in the future – especially since the City will have at least two and likely three elections between now and then -- the City cannot afford to lose any time in planning for the implementation of IRV in November 2004. No State-approved IRV system currently exists, and as we have learned from experience, obtaining such approval takes time. As we have also learned, negotiating contracts with vendors, and testing and implementing new voting systems also takes time. During the past year, the Department worked with its elections vendor to modify the City's voting equipment to accommodate IRV, but the vendor failed to obtain State approval for the modifications, and as of today the vendor has still not completed its application for approval.

In order to maximize both the City's options for IRV implementation, and the time for vendors to develop and obtain federal and State approval for an IRV system, the Department decided to issue a request for proposals ("RFP") for a new voting system even before final action by the Board of Supervisors on Supervisor Gonzalez' resolution. The Department issued the RFP on Tuesday, October 14. The Department developed the RFP in consultation with Supervisor Gonzalez, Supervisor Aaron Peskin (Chair of the

Board's Finance Committee), the Controller, and staff of the Mayor's Budget Office and Office of Finance.

Under the terms of the RFP, proposals are due December 8, 2003. The three highest ranking proposers ("the Proposers") would be invited to participate in a Pilot Program consisting of two phases. First, the Proposers would demonstrate their proposed systems in a mock election at City Hall during the period of early voting for the March 2, 2004 primary election. Members of the public would be invited to cast ballots in the mock election and complete evaluations of the proposed systems. Second, each Proposer would conduct thorough logic and accuracy testing of its proposed system. Following the Pilot Program, the City would select a new voting system. (A copy of the selection schedule is also attached.)

The technical specifications for the new voting system and related information are included in the RFP, which is over 130 pages. Because of the length of the RFP, I have not included it here. Please let me know if you would like a copy, and we will deliver one to you. The RFP is also available on the City's website under the Office of Contract Administration's "Bid and Contract Opportunities" (www.sfgov.org/oca/).

As discussed in my August 22 memo, there are many significant issues to be addressed before the City can implement IRV. One issue concerns funding for a new voting system. The RFP invites proposals based on a variety of financing options, including outright purchase, lease, lease with seller financing, and lease with third party financing. The cost of a new system will largely depend on the financing terms. Outright purchase of a touchscreen voting system, for example, has been estimated to cost \$15 million. A second issue concerns the need to develop and obtain Secretary of State approval for a back-up plan in case we once again find ourselves in the situation where there is no fully automated IRV voting system that is approved for use by the California Secretary of State.

I look forward to working with you to address questions about funding and selection of a possible new voting system.

Please do not hesitate to contact me if you have any questions about this matter.

DEPARTMENT OF ELECTIONS
City and County of San Francisco



JOHN ARNTZ
Director

TO: Honorable Mayor Willie L. Brown Jr.
Honorable Members, Board of Supervisors
Honorable Members, Elections Commission

FROM: John Arntz
Director of Elections

DATE: October 31, 2003

RE: Rules Committee Hearing on Implementation of
Instant Runoff Voting

Yesterday the Rules Committee conducted a hearing on the implementation of instant runoff voting (IRV). This memorandum briefly summarizes the Department of Elections' response to questions and testimony presented at the hearing.

The Department of Elections is committed to full, effective implementation of IRV for the November 2004 election. However, there is no IRV system that's been approved by the California Secretary of State (SOS), and the City's current elections system vendor, ES&S, has not yet completed its application for SOS approval.

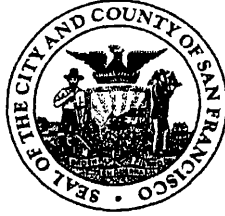
To maximize the City's options for IRV implementation, the Department issued a request for proposals (RFP) for a new voting system that includes IRV. The RFP process does not foreclose using the ES&S system. If ES&S obtains the necessary SOS approvals and delivers a working RCV system in time for use next November, the Department of Elections will likely use that system. However, if ES&S does not deliver, the City will have other options.

The RFP process is also designed to maximize public input and participation in the selection of a new voting system. Vendors will be invited to participate in a mock election at City Hall during the period of early voting for the March 2, 2004 primary election. Members of the public will be invited to cast ballots in the mock election and complete evaluations of the proposed systems.

Please call me if you have any questions or want additional information about the Department of Elections' IRV implementation plan.


J.P.A.

DEPARTMENT OF ELECTIONS
City and County of San Francisco



JOHN ARNTZ
Director

TO: Honorable Mayor Gavin Newsom
Honorable Members, Board of Supervisors
Honorable Members, Elections Commission

FROM: John Arntz
Director of Elections 

DATE: March 1, 2004

RE: Update #5 Concerning Implementation of Ranked-Choice Voting

On March 10, 2004, the City's voting system vendor, Elections Systems & Software (ES&S), is scheduled to begin testing the ranked-choice (or "instant run-off") voting system it developed specifically for San Francisco. The Department expects to fully implement the new system for the November 2004 election, when the City will elect seven Supervisors (one Supervisor from each of the six odd-numbered districts, and one Supervisor from District no. 2).

This memorandum summarizes recent developments concerning implementation of ranked-choice voting ("RCV").¹ Please do not hesitate to call me if you have any questions about this memo or if you want additional information.

The Contract to Modify the City's Optical Scan Voting System

As I reported in the most recent memorandum on RCV implementation, dated January 9, 2004, ES&S reached an agreement with the California Secretary of State to obtain *conditional* approval, for one-time use only, for RCV modifications to the City's optical scan voting equipment for the November 2004 general election. As part of this conditional approval, the state and federal testing will occur simultaneously, expediting the certification process. The Department and ES&S signed a letter of agreement detailing milestone dates connected with the conditional approval of the voting system. The letter of agreement was an initial step for the Department and ES&S to enter into a new contract amendment for the RCV modifications.

¹ This is the fifth update on implementation of ranked-choice voting for the November 2004 election. I previously sent progress reports dated August 22, 2003, October 15, 2003, October 31, 2003 and January 9, 2004. Please let me know if you would like copies of those memoranda.

The letter of agreement required ES&S to:

- submit a completed application to the California Secretary of State for approval of the RCV modifications no later than March 1, 2004;
- obtain approval for the RCV modifications no later than May 3, 2004;
- deliver and install the modified equipment starting no later than May 5, 2004; and
- complete all acceptance testing of the modified equipment no later than May 31, 2004.

Testing of the RCV Modifications

In order to obtain Secretary of State approval for any new or modified voting system, the system vendor is required to complete a course of federal and State testing designed to ensure the accuracy and integrity of the system. Testing of the RCV modifications was originally scheduled to begin on February 4, 2004 and be completed by February 6, 2004. At ES&S' request, this testing has been rescheduled to begin on March 10, 2004 and end on March 12, 2004. The testing will be conducted in Rockford, Illinois

In light of the changes in the timetable for testing RCV, the Department agreed to new dates regarding RCV implementation. The new dates were included in the contract amendment with ES&S. Both the Department and ES&S signed this updated document last week, which requires ES&S to:

- submit a completed application to the California Secretary of State for approval of the RCV modifications no later than March 23, 2004;
- obtain approval for the RCV modifications no later than May 10, 2004;
- deliver and install the modified equipment starting no later than May 17, 2004; and
- complete all acceptance testing of the modified equipment no later than May 31, 2004.

After the testing is completed, the Secretary of State will convene a meeting of the Voting Systems and Procedures Panel ("VSP"). The VSP will consider the test results and make a recommendation whether to *conditionally* approve the RCV modifications.

The RCV modifications will be conditionally certified, limited to use in November 2004 only because ES&S has conceded that the modifications cannot satisfy the Federal Elections Commission's current (2002) testing standards. Specifically, ES&S' software code for the current system does not comply and cannot be made to comply with the 2002 standards. For this reason, ES&S requested that testing of the modifications be performed under the preceding (1990) standards. The federal and State testers agreed to apply the 1990 standards, provided that any approval of the RCV modifications is limited to one use only. Although the Department would prefer application of the 2002 standards and unconditional approval of the RCV modifications, ES&S has assured the Department that the testing will be thorough and complete, and will fully verify the accuracy and integrity of the modifications.

Implementation of the New Voting System


The Department of Elections staff is currently devoted to preparations for the March 2, 2004 Statewide Primary election, and will continue to be busy with the election and the canvass and certification of results through the beginning of April. By the end of April, the Department will have completed laying off nearly 150 employees, leaving a core staff of 30 employees. In late April and early May, when ES&S has met most of its critical performance milestones, the Department will begin focusing on preparations for the November 2004 election alongside the Department's other ongoing responsibilities.

One of the most critical aspects of implementing any new voting system is public education and outreach, and this will be true for ranked-choice voting as well. The Department will begin its public education programs and outreach activities in April by holding candidate workshops that will demonstrate ranked-choice voting. Also, our Outreach Division will include information on ranked-choice voting as part of its ongoing community presentations.

J.P.A.



TO: Honorable Mayor Gavin Newsom
Honorable Members, Board of Supervisors
Honorable Members, Elections Commission

FROM: John Arntz
Director of Elections 

DATE: April 7, 2004

RE: Update #6 Concerning Implementation of Ranked-Choice Voting

On Thursday, April 8, 2004, the State's Voting Systems and Procedures Panel ("VSP") will hold a hearing to consider whether to approve proposed modifications to the City's optical scan voting system to accommodate ranked-choice voting ("RCV") for the November 2004 election. This memorandum briefly summarizes the VSP process and the issues likely to be considered at the upcoming VSP meeting.¹ Please do not hesitate to call me if you have any questions about this memo or if you want additional information.

VSP Process

In order to obtain Secretary of State approval for any new or modified voting system, the system vendor is required to complete a two-step process. First, the system vendor must complete a course of federal and State testing designed to ensure the accuracy and integrity of the system. Testing of the proposed RCV modifications is now complete.

Second, the system vendor must receive approval from the Secretary of State after a public hearing conducted by the VSP to consider the test results. Secretary of State Kevin Shelley convened the upcoming meeting of the VSP to consider the test results. Following the meeting, the VSP will make a recommendation whether to approve the modifications for use in the November 2004 general election. (As discussed in Update #5, dated March 1, 2004, because the City's elections vendor, ES&S sought certification based on the 1990 standards the Secretary of State will only grant *conditional* certification of the system for *one-time* use this November.)

¹ This is the sixth update on implementation of ranked-choice voting for the November 2004 election. Please let me know if you would like copies of the earlier updates.

Issues Likely to be Considered by the VSP

At a previous public hearing to consider the Department's proposal for counting RCV ballots, the VSP raised several issues that they will likely consider again on April 8, 2004. Below, I have outlined two of these issues, which are likely to be central to the VSP's decision whether to recommend approval of ES&S's proposed RCV modifications.

First, as a general principle, voting systems must produce an audit trail so that election results can be verified in the case of a recount or election contest. In the case of any proposed RCV modifications, there are questions about the audit trail created when candidates are eliminated and votes are redistributed. The VSP is likely to consider whether the proposed RCV modifications will record sufficient information to verify the outcome of each RCV contest as well as each successive round of the contests in which candidates are eliminated and votes are redistributed.

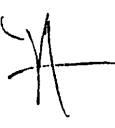
Second, the VSP is likely to consider how the proposed RCV modifications operate in the event of a tie between or among two or more candidates receiving the fewest number of votes. The VSP previously noted that the issue of resolving ties is not clear since the charter defers to state law and state law does not address how to reallocate the votes between candidates who have received the fewest number of votes.

The Department will continue to closely monitor these and other issues as well as work with ES&S and the Secretary of State's office to ensure the accuracy and integrity of the RCV modifications and the verifiability of all RCV results. I will provide you with another update after the VSP meeting and the Secretary of State has made his conclusion. In the meantime, please do not hesitate to contact me with any questions related to RCV implementation.

J.P.A.



TO: Honorable Mayor Gavin Newsom
Honorable Members, Board of Supervisors
Honorable Members, Elections Commission

FROM: John Arntz
Director of Elections 

DATE: April 13, 2004

RE: Update #7 Concerning Implementation of Ranked-Choice Voting

On Thursday, April 8, 2004, the State's Voting Systems and Procedures Panel ("VSP") held a hearing to consider whether to approve proposed modifications to the City's optical scan voting system to accommodate ranked-choice voting ("RCV") for the November 2004 election. The VSP granted *conditional* approval of the modifications. This memorandum briefly summarizes the VSP decision.¹ Please let me know if you have questions about this or want additional information.

Conditional Approval of the RCV Modifications

The VSP granted approval of the RCV modifications with the following conditions:

- ES&S must successfully complete federal testing of all components of the RCV modifications. Specifically, ES&S must submit to the federal testing agency, no later than April 12, 2004, source codes for firmware that is part of the RCV modification but that ES&S did not previously submit for testing. ES&S must obtain a positive report on the firmware no later than May 10, 2004.
- ES&S must modify the system to create an audit trail that shows the final result of each RCV contest, as well as results of each round during which a candidate is eliminated and votes are redistributed. The Department of Elections will consult with and assist ES&S concerning development of the audit trail.
- ES&S must develop and publish, no later than September 1, 2004, procedures concerning resolution of tie votes. The Department of Elections will consult with and assist ES&S concerning development of these procedures.

¹ This is the seventh update on implementation of ranked-choice voting for the November 2004 election. Please let me know if you would like copies of the earlier updates.

- The RCV modifications may be used on a one-time basis only, for the November 2004 election, and only in San Francisco.
- The RCV modifications may be used only with state certified equipment.
- The Secretary of State will observe San Francisco's November 2004 election and consider whether to permanently approve the RCV modifications, for use in San Francisco and other jurisdictions.
- San Francisco must use actual ballots, rather than "ballot images" recorded by the voting equipment, to conduct the 1% manual recount required by law.
- San Francisco should consider using a separate ballot card for each RCV contest.
- San Francisco should consider simplifying the ballot design.
- San Francisco should begin voter outreach and education as soon as possible after ES&S meets the conditions of approval. Voter education should address the design and use of the ranked-choice ballot.

In addition, during the hearing, certain legal issues were raised relating to the resolution of tie votes and the 1% manual recount of ballots. The Secretary of State's staff noted, however, that its legal division concluded that these were procedural issues only, and that the proposed RCV modifications satisfied all legal requirements under the California Elections Code.

Please do not hesitate to contact me with any questions related to RCV implementation.

J.P.A.



TO: Honorable Mayor Gavin Newsom
Honorable Members, Board of Supervisors
Honorable Members, Elections Commission

FROM: John Arntz
Director of Elections

DATE: April 5, 2004

RE: Update #8 Concerning Implementation of Ranked-Choice Voting

This memorandum discusses the status of our efforts to implement ranked-choice voting for November 2004.¹ Please let me know if you have questions about this memorandum or want additional information.

Modifications to the City's Optical Scan Voting System

In a memorandum dated April 13, 2004, I provided a progress report on federal and State testing and certification of proposed modifications to the City's optical scan voting system to accommodate ranked-choice voting for the November 2004 election. At that time, I reported that the State's Voting Systems and Procedures Panel granted *conditional* approval of the modifications. Specifically, the Panel required that Election Systems & Software ("ES&S"), the City's voting systems vendor, comply with certain conditions and requirements before the City could use the modified equipment.

One of the principal conditions was that ES&S successfully complete federal testing of all components of the modified voting system. Specifically, ES&S was required to submit to a federal independent testing laboratory, no later than April 12, 2004, source codes for firmware that is part of the modified system but that ES&S did not previously submit for review or testing. Furthermore, ES&S was required to obtain a positive report on the firmware no later than May 10, 2004.

As of today's date, ES&S has not complied with these conditions and requirements. Although ES&S did obtain a report from a federal testing laboratory about the firmware, the report was inconclusive and ES&S has since submitted the firmware

¹ This memorandum is the eighth update on implementation of ranked-choice voting for the November 2004 election. Please let me know if you would like copies of the earlier updates.

and supporting documentation to a second testing laboratory. As of today, ES&S indicated that it expects the second testing laboratory to issue a report before mid-July.

Preparation for a Hand Count

I remain optimistic that ES&S will comply with the conditions and requirements and the Panel will ultimately approve the proposed modifications to our optical scan voting system. Nonetheless, this is not a certainty. In addition, even if the modifications are ultimately approved, ES&S estimates that testing, certification and delivery of the modified system will be delayed two months, from June 17 -- the date specified in the City's contract with ES&S -- to August 13. Based on our experience with ES&S and the certification process over the last two years, the Department of Elections must be prepared for a longer delay.

For these reasons, the Department must prepare a contingency plan in case the City does not have a fully tested and certified system for processing and tabulating ranked-choice ballots in time for use in the November 2004 election. Department staff is now developing procedures to count and tabulate these ballots by hand.

Please be assured that although there is uncertainty about whether the City will have a fully automated voting system to count and tabulate ranked-choice ballots, or will have to count and tabulate these ballots by hand, the Department of Elections is proceeding with ballot design, public education and all other aspects of implementation of ranked-choice voting for the November 2004 election.

Public Education and Outreach

The Department of Elections has begun an ambitious program of voter education and outreach concerning ranked-choice voting. This program includes the following:

- Since Friday, May 14, Department staff have made twice-weekly presentations at City Hall, which are open to the public. Starting in July, these presentations will be conducted in Spanish and Chinese as well as English.
- The Department hired a grant coordinator to oversee grants made to community groups and ethnic media organizations to conduct voter education and outreach concerning ranked-choice voting, and will make final decisions concerning the \$210,000 in grants by July 1st.
- The Department prepared three demonstration ballots, and is soliciting public comment on the three designs. After the Department selects a final ballot design, demonstration ballots will be posted on the City's website and included in brochures and other printed materials explaining ranked-choice voting. These brochures and materials will be available in English, Spanish and Chinese.
- The Department will launch a website explaining ranked-choice voting in August. The website will feature interactive flash animation to demonstrate how to mark a ranked-choice ballot.

- The Department is working with a public relations firm to design a series of posters about ranked-choice voting. Some posters will be for use in polling places. Other posters will be similar to advertisements, for display in public transit locations.

J.P.A.



TO: Honorable Mayor Gavin Newsom
Honorable Members, Board of Supervisors
Honorable Members, Elections Commission

FROM: John Arntz
Director of Elections

DATE: August 18, 2004

RE: Update #9 Concerning Implementation of Ranked-Choice Voting

This memorandum discusses the status of our efforts to implement ranked-choice voting for the November 2004 election.¹ Please let me know if you have questions about this memorandum or want additional information.

State Approval of the Ranked-Choice Voting System

In a previous memorandum I reported that the State's Voting Systems and Procedures Panel had *conditionally* approved proposed modifications to the City's optical scan voting system to accommodate ranked-choice voting. Specifically, the Panel conditioned final approval on the successful completion of federal testing of all components of the modified system.

Since that time, Systest, an independent lab that is approved by the federal government to test voting equipment, tested the ranked-choice voting modifications. Based on the test results provided by Systest, the Voting Systems and Procedures Panel granted *final approval* of the proposed ranked-choice voting modifications, and certified that the modifications may be used in the November 2, 2004 election.

Modification of the Optical Scan Voting System, Testing of the Modifications

Following final approval by the Voting Systems and Procedures Panel, ES&S, the City's election systems vendor, modified the optical scan voting equipment by installing the hardware and software necessary to count and tabulate ranked-choice ballots. This installation is now complete, and ES&S and the Department will soon begin testing the modified equipment, to ensure its proper performance and accuracy.

¹ This memorandum is the ninth update on implementation of ranked-choice voting for the November 2004 election. Please let me know if you would like copies of the earlier updates.

Public Education and Outreach

- The Department of Elections is continuing and adding to its extensive voter education and outreach programs concerning ranked-choice voting. These programs include the following:
 - Twice-weekly presentations at City Hall, which are open to the public. The presentations are conducted in English, Spanish, Cantonese, and Mandarin. The Department will continue to provide these presentations until election day. A schedule of the presentations is available at the Department of Elections, and on the Department's website at www.sfgov.org/election.
 - Presentations in all eleven Supervisorial districts, which are also open to the public. The Department of Elections awarded grants to ten community groups to make community-based presentations and conduct other community-based education and outreach programs about ranked-choice voting. The community groups are publicizing the schedules of presentations to encourage as much attendance as possible. In addition, the Department of Elections will post a master calendar on the Department's website at www.sfgov.org/election.
 - Advertisements in seventeen San Francisco neighborhood newspapers. The advertisements have already appeared in the Richmond Review, Haight-Ashbury Beat, and Sunset Beacon, and will begin soon in the other neighborhood newspapers. All of these newspapers will repeat the ranked-choice voting advertisements through election day.
 - Advertisements in the local ethnic media. The Department of Elections will publish print advertisements in Chinese, Spanish, Vietnamese, Russian and Japanese in local ethnic news publications. These advertisements will appear repeatedly throughout October.
 - Production and distribution of a brochure explaining ranked-choice voting. These brochures, intended for members of the public and for candidates and campaigns, feature a sample ballot with ranked-choice voting instructions. The brochures are available in English, Spanish, Chinese, Russian, Vietnamese, and Tagalog. An English language copy of the brochure is enclosed with this memorandum.
 - Creation of a website explaining ranked-choice voting. The website features interactive "flash" animation to demonstrate how to mark a ranked-choice ballot. The website is available in English, Spanish and Chinese and can be accessed through the Department's website at www.sfgov.org/election.
 - Creation of public service announcements and distribution to local television and radio stations. These public service announcements, in English, Spanish, Cantonese, and Mandarin, will be broadcast starting in September and continuing until election day.
 - Production of a ranked-choice voting training video. The Department of Elections has filmed a training video that will have voiceovers in English, Spanish and Chinese, for poll workers and for the community-based organizations that received grants to conduct ranked-choice voting education and outreach.
 - Production and mailing of ranked-choice voting information to all registered voters. In September, the Department of Elections will mail an informational post card to all

registered voters. The post card provides basic information and guidance on how to get more detailed information about ranked-choice voting. The post card features the same information in English, Chinese and Spanish. In addition, during the first week of October, the Department will begin mailing the Voter Information Pamphlet. The Pamphlet, which is also available in English, Chinese and Spanish, will contain a sample ballot, voting instructions and other information about ranked-choice voting.

- Advertisements on public transportation. In October, the Department of Elections will have trilingual ranked-choice voting advertisements inside and outside MUNI buses.
- Production of training materials for poll-workers.
- Production of informational materials to be posted or available at polling places on election day.

Preparation for a Hand Count

Although the Department of Elections remains committed to using a fully automated voting system to count and tabulate ranked-choice ballots for the November 2, 2004 election, the Department is continuing to develop and refine procedures for hand-counting ranked-choice ballots. The Department intends to have detailed hand-count procedures finalized before the election, for use in case of an equipment failure or a recount.

J.P.A.