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 JOHN ARNTZ, CITY AND COUNTY OF  
 10 SAN FRANCISCO, SAN FRANCISCO  
 DEPARTMENT OF ELECTIONS and SAN  
 11 FRANCISCO ELECTIONS COMMISSION

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 RON DUDUM, MATTHEW SHERIDAN,  
 16 ELIZABETH MURPHY, KATHERINE  
 WEBSTER, MARINA FRANCO and  
 17 DENNIS FLYNN,

18 Plaintiffs,

19 vs.

20 JOHN ARNTZ, Director of Elections of the  
 City and County of San Francisco; the CITY  
 21 AND COUNTY OF SAN FRANCISCO, a  
 municipal corporation; the SAN FRANCISCO  
 22 DEPARTMENT OF ELECTIONS; the SAN  
 FRANCISCO ELECTIONS COMMISSION;  
 23 and DOES 1-20,

24 Defendants.

Case No. CV 10-00504 SI

**DECLARATION OF JOHN ARNTZ  
 IN SUPPORT OF DEFENDANTS'  
 OPPOSITION TO PLAINTIFFS' MOTION  
 FOR PRELIMINARY INJUNCTION**

Hearing Date: March 12, 2010  
 Time: 9:00 a.m.  
 Place: Courtroom 10  
 The Honorable Susan Illston  
 Trial Date: N/A

**DECLARATION OF JOHN ARNTZ**

I, John Arntz, declare as follows:

1. I have personal knowledge of the matters set forth herein and could competently testify thereto.

2. Since May 2003, I have been employed by the City and County of San Francisco (the “City”) as the Director of the Department of Elections (the “Department”). Prior to my tenure as Director of Elections, I served as Operations Manager and Assistant Manager of Voter Services for the Department. I have worked for the Department since October 1999.

3. The Department is responsible for conducting all federal, state and local elections in the City. The Department serves more than 450,000 registered San Francisco voters, and manages approximately 560 polling places during each election (though the specific number of polling places varies from election to election). The Department currently has 16 permanent employees and 14 temporary employees, typically hires between 150 and 300 seasonal employees to handle specific responsibilities in the periods immediately before and after elections, and hires more than 3,000 temporary poll workers at most elections. The annual budget of the Department is approved annually by the City’s Board of Supervisors. The budget varies from year to year, depending on a number of factors including the number of elections scheduled for the particular year. For the City’s fiscal year from July 2009 through June 2010, the Department’s budget is \$14.2 million.

4. In my role as Director of Elections, I have overall responsibility for the operation and conduct of elections in San Francisco. One of my responsibilities is to ensure that the Department conducts elections in conformance with all relevant federal, state and local elections laws and regulations governing voter registration, elections, referenda, initiative and recalls. My duties also include administration of the City’s contracts with elections vendors; oversight of logic and accuracy testing of all voting equipment; oversight of the preparation and distribution of election materials such as precinct, generic, absentee, sample and test ballots and the Voter Information Pamphlet; oversight of the tabulation of ballots, announcement of election results; and oversight of the City’s post-election canvass. I am also the official custodian for all documents filed with or maintained by the Department.

1           5.       It is my general responsibility under the San Francisco Charter to manage the  
2 Department of Elections and to ensure that the City conducts free, fair and functional elections. In  
3 carrying out that responsibility at each election, I am responsible for ensuring that the Department  
4 meets all applicable legal deadlines, that personnel and equipment function and that voting equipment  
5 and polling places are usable and accessible to voters. Within the limitations of the City's resources,  
6 my primary goals in each election include ensuring the accuracy of counting and tabulation, the clarity  
7 and accessibility of the ballot and voting procedures, the efficiency of the Department, prompt  
8 reporting of election results after the polls close, the secrecy of individual voters' ballots and personal  
9 information, fidelity to voter intent on each ballot, transparency of election procedures, and  
10 maintenance of public trust in the elections system.

#### 11           **The City's Use of Ranked Choice Voting**

12           6.       In March 2002, San Francisco voters adopted Proposition A, which amended the City  
13 Charter to require the use of "ranked-choice" voting ("RCV") to elect most City officers, including the  
14 Mayor, members of the Board of Supervisors, City Attorney, District Attorney, Public Defender,  
15 Treasurer, Sheriff and Assessor-Recorder. As described below, the City first implemented RCV in  
16 2004, and has used RCV in each subsequent November election.

17           7.       Under the City's RCV system, each voter casts a single vote for each elective office  
18 appearing on the ballot. But unlike other voting systems, each vote consists of a series of rankings – a  
19 first choice, a second choice, and a third choice. A voter may rank candidates that she supports  
20 according to her preferences – for example, she will rank as her first choice the candidate she most  
21 favors, and she will rank as her second choice the candidate she would prefer if her favorite does not  
22 win. A voter may rank up to three candidates for each office, if at least three candidates are seeking  
23 election for that position. A voter may also rank less than three candidates if she only wishes to  
24 support one or two candidates.

25           8.       The ranked-choice ballot lists the names of all the candidates (plus a space for write-in  
26 candidates) in three repeating columns. A true and correct printout of an electronic proof of the ballot  
27 from the 2007 Mayoral election is attached hereto as Exhibit 1. To mark the ranked-choice ballot, a  
28 voter selects his or her first-choice candidate in the first column by completing the arrow pointing to

1 the voter's choice. Voters who vote for a first choice are not required to indicate second or third  
2 choices as well, and many ballots completed by voters in the City include only a first choice vote. If a  
3 voter chooses to indicate a second choice, the voter selects a different candidate in the second column  
4 by completing the arrow pointing to the voter's choice. And if the voter chooses to indicate a third  
5 choice, the voter selects a different candidate in the third column. The percentage of voters who rank  
6 three candidates on their ballots varies depending on the size and competitiveness of each contest, but  
7 I estimate that roughly one-quarter to one-third of the ballots cast in RCV elections in San Francisco  
8 rank fewer than three candidates (in contests where three or more candidates are listed as choices on  
9 the ballot).

10 9. After collecting the ballots cast by the voters, the Department first tabulates all of the  
11 voters' first-choice rankings. If any candidate receives more than 50% of the first-choice rankings,  
12 that candidate wins the race, and the Department does not continue its tabulation. If no candidate  
13 receives more than 50% of the first-choice rankings, further tabulation is required. First, the candidate  
14 who received the fewest number of first-choice rankings is eliminated from further tabulation. For  
15 voters who selected that candidate as their first choice, the voting system will instead count their  
16 second-choice candidate. If any candidate receives more than 50% of the rankings, that candidate  
17 wins the race, and the tabulation is complete. If no candidate receives more than 50% of the  
18 selections, the process of eliminating candidates and transferring preferences is repeated until one  
19 candidate receives a majority.

20 10. Under this system, a voter's second choice will be counted only if his or her first-choice  
21 candidate has been eliminated. And a voter's third choice will be counted only if both the voter's first-  
22 choice and second-choice candidates have been eliminated. If a voter selects the same candidate in  
23 more than one column (for instance, ranking the same candidate as the voter's first and second  
24 choice), the voter's vote for that candidate will count only once because the system does not consider  
25 the second choice on any ballot until the first choice candidate has been eliminated (and does not  
26 consider the third choice until the second choice has been eliminated).

27 11. Despite the fact that the processing of ranked-choice ballots consists of several  
28 "rounds" of tabulation, voters only cast a vote once in the City's RCV system. The tabulation process

1 consists of several steps. But voters do not cast ballots and then return at a later date to cast additional  
2 ballots, as in a two-tier runoff system.

3 12. In the course of the RCV tabulation process, ballots may become “exhausted.” Ballots  
4 can become “exhausted” in different ways. A ballot can be exhausted where a voter ranks three  
5 candidates and each of those candidates is eliminated during the tabulation process. In those  
6 circumstances, the ballot is considered exhausted after all three candidates have been eliminated.  
7 Many ballots are also exhausted when a voter chooses to rank only one or two candidates, and those  
8 candidates are eliminated during the RCV tabulation.

### 9 **Background Regarding Implementation of RCV**

10 13. Before March 2002, the City’s Charter provided that if no candidate received a majority  
11 of the votes cast in a general election for a municipal office, the City would hold a subsequent runoff  
12 election between the two candidates receiving the highest number of votes. In March 2002,  
13 Proposition A amended the City Charter to require the use of RCV starting in November 2002 or, at  
14 the latest, November 2003.

15 14. As it does in advance of every election, the Department mailed to each voter in San  
16 Francisco a Voter Information Pamphlet before the March 2002 election. For each local measure on  
17 the ballot, the Pamphlet includes a neutral summary, prepared by an appointed citizens group,  
18 describing the existing law and the effect of the proposed measure. The Pamphlet also usually  
19 includes arguments by official proponents and opponents of each measure. In addition to the official  
20 arguments, individuals and organizations can submit “paid” ballot arguments. Authors of these  
21 arguments pay a per-word fee or a submit a set number of local voter signatures in lieu of a fee. A true  
22 and correct copy of the section of the March 2002 Voter Information Pamphlet addressing Proposition  
23 A is attached hereto as Exhibit 2.

24 15. Proposition A was placed on the ballot by the City’s Board of Supervisors by a majority  
25 vote of ten Supervisors. The voters adopted Proposition A at the election on March 5, 2002, with  
26 55.48% voting in favor of the measure.

27 16. On July 1, 2002, following the passage of Proposition A, I informed the Mayor and the  
28 Board of Supervisors that the City would not be able to implement RCV for the November 2002

1 election because a new voting system capable of handling RCV could not be developed and certified  
2 by the Secretary of State in time. The City's contract with its voting systems vendor in 2003 required  
3 that the vendor deliver a fully tested and approved voting system capable of handling RCV elections  
4 no later than August 1, 2003, for use in the November 2003 election. The vendor failed to meet that  
5 deadline and informed me that modifying the City's voting equipment to accommodate RCV  
6 requirements before the November 2003 election would have greatly increased the chance of errors in  
7 the election.

8         17. The Department then developed its own RCV system that combined hand counting of  
9 RCV ballots with off-the-shelf software to tabulate RCV results. At the time, I estimated that the hand  
10 count would have cost the City over two million dollars. The City sought to have the proposed system  
11 certified by the Secretary of State for the November 2003 Mayoral election, but the Secretary of State  
12 declined to certify the system. Ultimately, I concluded that despite the City's good faith efforts, it was  
13 impossible to implement RCV for the November 2003 election.

14         18. On August 11, 2003, several organizations and individuals filed a lawsuit in San  
15 Francisco Superior Court seeking to compel the City to conduct the upcoming November 4, 2003  
16 general municipal election using RCV. The case was entitled *Center for Voting and Democracy et al.*  
17 *v. Arntz et al*, San Francisco Superior Court No. CPF-03-503431. The petitioners sought a writ of  
18 mandate and injunctive relief, claiming that under Proposition A, the City was legally required to  
19 employ RCV beginning in the November 2003 election. On August 20, 2003, Superior Court Judge  
20 James Warren denied the petition for writ of mandate. Although Judge Warren noted that Charter  
21 section 13.102 required the use of RCV in the November 2003 municipal election, he deferred to the  
22 Department's showing that the use of RCV without a certified and reliable system would place the  
23 Department's ability to conduct an orderly election at risk. A true and correct copy of Judge Warren's  
24 order is attached hereto as Exhibit 3. In December 2003, the City held a runoff election to elect its  
25 mayor.

26         19. The City first implemented RCV in the November 2004 municipal election. The City  
27 holds regularly-scheduled municipal elections for local elective office every November. The City has  
28

1 used the RCV system at each November election since November 2004. Every elected official  
2 currently serving the City was chosen in an RCV election.

### 3 **San Francisco's Contract for Voting System Hardware and Software**

4 20. County elections officials in California contract with voting system vendors to supply  
5 and maintain the voting equipment. Counties generally do not create or maintain their own voting  
6 systems. The City's current voting systems vendor, Sequoia Voting Systems, Inc. ("Sequoia"),  
7 provides the Department's voting equipment – including touch-screen machines used by some voters  
8 at the polling place and optical scan machines used by the Department to scan and tabulate paper  
9 ballots. Sequoia also handles the design and layout of ballot cards (including sample, provisional and  
10 absentee ballots) and provides technical support to the Department before, on and after Election Day.  
11 The City's current contract with Sequoia, worth \$12.6 million, will expire on January 1, 2011 with the  
12 option for the City to renew two times for one year each renewal. The City paid for the voting system  
13 entirely with grants from the federal and State governments.

14 21. The process of selecting a new vendor for voting equipment is extensive, in part  
15 because of the City's competitive bidding process and in part because any voting system must meet  
16 federal, state and local requirements and receive federal and state certification. To take the most  
17 recent example, nearly three years passed from the Department's issuance of its request for proposals  
18 until the City's approval of the contract with Sequoia.

### 19 **State and Federal Certification of Voting Systems**

20 22. The Department cannot use a voting system (hardware or software) that has not been  
21 approved by the California Secretary of State. Additionally, the Secretary of State certifies all ballot  
22 printers, and strictly controls the layout, design and printing of ballots for all public elections  
23 conducted in California. I am not aware of the Secretary of State ever having approved an RCV  
24 system that provides more than three choices for voters.

25 23. I am informed and believe that three voting systems companies currently have systems  
26 in use in California that have been certified by the Secretary of State for any RCV or non-RCV  
27 elections, following the recent acquisition of one major voting system vendor by another. And only  
28

1 one company, Sequoia, has a system currently in use that has been certified by the Secretary of State  
2 for RCV elections.

3 24. If the Department could modify its voting system to accommodate more than three  
4 rankings per voter in RCV contests – putting aside the logistical and technical impediments discussed  
5 below – the Department could not use new voting software or hardware or redesign the ballot until the  
6 new software, hardware and ballot design had been certified by the Secretary of State.

7 25. The Secretary of State determines the time and place for examining a proposed voting  
8 system (or a change to an existing system), and State law does not impose any specific deadlines for  
9 the certification process. The Secretary of State must hold a public hearing on the certification  
10 application after at least 30 days' notice to the public. Based on my experience, when a vendor  
11 submits a voting system for approval, the Secretary of State's review process can take a few months or  
12 over a year.

13 26. In addition, the Secretary of State will not certify any direct recording electronic (or  
14 touch-screen) voting system unless the system has received federal qualification from the United  
15 States Election Assistance Commission. Based on my experience with that certification process, I  
16 believe the process also will take a year or longer.

### 17 **Voting Equipment Used in San Francisco**

18 27. San Francisco voters have the option of voting on a paper ballot or on an electronic  
19 touch-screen machine. As required by federal law, each polling place in the City has a touch-screen  
20 machine, but the large majority of San Francisco voters – approximately 99 percent on average –  
21 including all vote-by-mail (or absentee) voters, cast their votes using paper ballots. To collect and  
22 tabulate votes, the Department uses three machines provided by the City's voting system vendor under  
23 our voting systems contract: (1) the Optech Insight (the "Insight"), which uses optical scan technology  
24 to scan and tabulate paper ballots at each polling place; (2) the Edge II Direct Recording Equipment  
25 (the "Edge"), a touch-screen machine that allows individuals with disabilities (and others who prefer  
26 to vote on a touch-screen machine) to vote in a manner that is private and independent; and (3) the  
27 400-C, which is a high-speed optical scan machine used primarily to scan and tabulate vote-by-mail  
28 ballots received by the Department on or before Election Day. Every polling place in the City has at



1 least one Insight machine and one Edge, and the Department maintains four 400-C machines in its  
2 office at City Hall. I describe each machine in more detail below.

3         28.     *The Insight:* Each polling place has an Insight machine that the Department uses to  
4 tabulate and store voted paper ballots. At the polling place, each voter who chooses to vote on a paper  
5 ballot receives a ballot and has the opportunity to mark the ballot in private. Depending on the number  
6 of contests in an election and the number of candidates in each race, the ballot may include just one  
7 card, but in San Francisco it usually includes several cards. Once the voter has finished marking the  
8 ballot cards, the voter inserts the cards into the Insight, sometimes with the assistance of a poll worker.  
9 The Insight's optical scanning device reads the votes on each card and records those votes in its  
10 memory pack. The vote tallies are stored in the "memory pack" in each Insight. The machine's  
11 optical scanning device has three scan heads, which allows it to scan and record data from up to three  
12 separate columns on a ballot in a ranked-choice election.

13         29.     The machine automatically returns ballot cards that contain "overvotes" (marks made  
14 for more candidates than the voter is entitled to vote for in a column or contest), and the voter may  
15 choose to correct any problems with his or her ballot. If a ballot card does not contain overvotes, or if  
16 the voter chooses to submit the ballot card despite having been alerted to the existence of an overvote,  
17 then the Insight records the vote in its memory pack and deposits the ballot card into a storage bin  
18 inside the machine. At the end of Election Day, the memory packs are transported from each polling  
19 place to City Hall, while the paper ballots are transported from each polling place to the Department's  
20 warehouse.

21         30.     *The Edge:* Each polling place and the Department's office in San Francisco City Hall  
22 (where voters can vote in person on or before Election Day) has one Edge machine to allow accessible  
23 voting via a touch screen or audio ballot. Voters who use the Edge submit votes in each contest by  
24 touching the machine's screen. In RCV contests, a voter submits a first choice on one screen, then  
25 moves to a subsequent screen to submit a second choice, and a third screen to submit a third choice.  
26 Each Edge machine has a Voter Verified Paper Audit Trail (VVPAT). The VVPAT records each vote  
27 cast, and the Edge allows voters to review their selections on the paper trail before pressing a button  
28 on the screen to finally cast their votes. The VVPAT remains in the Edge machine throughout

1 Election Day. The Edge records votes on the VVPAT and in a memory card, but the Secretary of  
2 State's certification of the City's voting system does not permit the Department to rely on the Edge to  
3 *tabulate* votes. Rather, relying on the information recorded by on the VVPAT, the Department "re-  
4 makes" each voter's selections by hand on a paper ballot. The Department then runs those re-made  
5 ballots through the 400-C optical scan machine at City Hall for vote tabulation.

6 31. *The 400-C:* In addition to the equipment at the polling place, the Department also  
7 maintains four 400-C optical scan machines in its offices in City Hall. The Department uses the 400-C  
8 primarily to scan and record votes on four types of ballots: (1) paper ballot cards delivered by mail or  
9 on Election Day by vote-by-mail (or absentee) voters, (2) re-made paper ballots for voters who used an  
10 Edge machine, (3) re-made paper ballots that have been damaged or have other errors where the  
11 voter's intent is discernible, and (4) provisional ballots that were not scanned and recorded by the  
12 Insight at the polling place. Like the Insight, the 400-C's optical scanning device reads the votes on  
13 each ballot card and records those votes in its memory. And like the Insight, the 400-C's optical  
14 scanning device has three scan heads, which allows it to scan and record data from up to three separate  
15 columns on a ballot in a ranked-choice election.

16 32. On December 4, 2009, the Secretary of State issued its most recently revised approval  
17 certifying the Department's current voting system for the November 2010 election using these three  
18 machines. A true and correct copy of that approval is attached hereto as Exhibit 4.

### 19 **Preparation for Elections Generally**

20 33. In the months leading to an election, the Department must adhere to a strict timeline to  
21 prepare and complete all essential tasks. Critical aspects of elections planning and preparation  
22 include: ordering ballot paper (approximately 100 days before Election Day); laying out, preparing  
23 and printing ballots (beginning between 88 and 75 days before Election Day); mailing overseas ballots  
24 (approximately 60 days before Election Day); mailing vote-by-mail ballots (beginning approximately  
25 29 days before Election Day); printing the Voter Information Pamphlet (beginning approximately 60  
26 days before Election Day); mailing that Pamphlet to voters (beginning approximately 40 days before  
27 Election Day); finalizing procedures for voting and for the counting and tabulation of votes (beginning  
28 approximately 55 days before Election Day); finalizing procedures for the mandatory post-election

1 canvass (beginning approximately 55 days before Election Day); training poll workers and staff  
2 (beginning approximately 40 days before Election Day); testing the accuracy of voting equipment  
3 (beginning approximately 50 days before Election Day); and conducting voter education and outreach  
4 (beginning approximately 90 days before Election Day). The Department currently is in the process of  
5 preparing for the Statewide and municipal election in June, when there will be no RCV contests on the  
6 ballot. At the same time, the Department is already beginning to consider its budget and plans for the  
7 November 2010 election.

8 34. Because of the City's current budget shortfall, the Mayor's Office decreased the  
9 Department's annual budget by ten percent in the current fiscal year, and at the request of the Mayor's  
10 Office, the Department's proposed budget for the next fiscal year beginning in July 2010 includes a  
11 reduction of an additional ten percent. Because of these cuts, the Department currently operates with  
12 what I would characterize as a "bare bones" structure. Very little of the Department's budget is used  
13 for discretionary activities.

#### 14 **Ballot Design**

15 35. For each election, the Department must plan a schedule for the production of precinct,  
16 generic, absentee, sample and test ballots. This schedule must provide for ordering and preparing  
17 ballot paper, as well as typesetting, proofing, translating, printing and finalizing the ballots in advance  
18 of absentee and early voting. The field of candidates (other than write-in candidates) for any local  
19 elective office is not settled until the deadline for declarations of candidacy, which is either 88 or 83  
20 days before the election, depending on whether an incumbent is running. (*See* Cal. Elections Code  
21 §§ 10224, 10225.) Only after the field of candidates for an election is set can the Department begin  
22 the process of designing and formatting ballots and translating ballots into Chinese and Spanish.

23 36. To complete printing of the ballots in time for Election Day, the Department must order  
24 card stock for the ballots three or four months prior to the election, usually in July for a November  
25 election. Because the voting system requires the very highest quality paper to avoid recording errors,  
26 only certain vendors can fill the Department's orders. To make a timely order for ballot paper, the  
27 Department must decide the size of the order at least a few weeks before the deadline for declarations  
28 of candidacy.

1           37.     When designing a ballot, the Department must take care to comply with the California  
2 Elections Code's requirements for ballot format. For example, the ballot must include a prominent  
3 masthead with the election title, city and county name, and election date, along with detailed  
4 instructions for voters (§§ 13203, 13204). Each candidate's name must be printed in Roman capital,  
5 boldface type not smaller than eight-point, and must be separated by lines at least 3/8 of an inch apart  
6 (§ 13211). Additionally, the ballot must include designated space for qualified write-in candidates (§  
7 13212). And to comply with federal, state and local laws protecting voting rights, the Department also  
8 translates all ballot content into Spanish and Chinese.

9           38.     The Insight can read and tabulate 3-column ballots that are up to 9.75 inches wide and  
10 up to 22 inches long. The machines used by the Department cannot accommodate a wider ballot. The  
11 actual length of the ballots currently used in San Francisco varies from election to election, depending  
12 on the number of measures, the number of candidates, and whether the election involves an RCV  
13 contest. But the size of the ballot never exceeds the maximum dimensions allowable for the Insight.

14           39.     The Department has designed ballot cards for RCV contests annually before each  
15 November election since 2004. For each such contest, each ballot card has included three columns,  
16 labeled "FIRST CHOICE," "SECOND CHOICE," and "THIRD CHOICE." Each column has  
17 contained the names of all candidates in the race.

18           40.     Since 2004, the Department has prepared ballots in six RCV elections with ten or more  
19 choices in each column. In the 2004 election for the Board of Supervisors member representing the  
20 City's District 5, there were 22 qualified candidates. A true and correct printout of an electronic proof  
21 of the official ballot card for that race is attached hereto as Exhibit 5.

22           41.     When the Department issued a request for proposals for a voting system vendor in  
23 2005, two potential vendors, ES&S and Sequoia, responded to the Department's request for proposals.  
24 To assist in the Department's selection of voting system equipment that could be used in an RCV  
25 election, the Department invited both companies to participate in a pilot program using their  
26 equipment with test ballots and a two-week test at City Hall. The Department asked each vendor to  
27 provide a system that permitted each voter to indicate as many choices as there were candidates in  
28 each RCV contest. The Department prominently announced the pilot program on its website and

1 contacted more than 250 community groups to encourage public participation. More than 400 people  
2 attended the program and submitted evaluations of the systems. The vendors produced sample ballot  
3 card designs for participants to review or for use in that test. Sequoia produced a demonstration ballot  
4 on which a voter could rank up to four candidates in a single RCV contest. The ballot had only three  
5 columns, like the current ballot designed for use with the Insight and the 400-C, but voters could rank  
6 as many as four candidates in the sample RCV contest. A true and correct copy of that demonstration  
7 ballot is attached hereto as Exhibit 6. In follow-up surveys during the pilot project, the Department  
8 received negative feedback from members of the public regarding that test ballot. Voters remarked  
9 that they found the ballot confusing, difficult to mark, and likely to induce overvotes. To address  
10 these concerns and avoid voter confusion, the Department later worked with Sequoia to develop the  
11 three-column ballot format that the Department now uses for RCV contests.

### 12 **Logic and Accuracy Testing**

13 42. The California Elections Code requires the City to conduct logic and accuracy (“L&A”)  
14 testing of all vote tabulation equipment for each election. This requirement is intended to ensure the  
15 accuracy of election results by testing the equipment. The overall objective of L&A testing is to  
16 ensure that all voting equipment can accept and read the ballots for a particular election, reject all  
17 invalid or erroneous ballots (such as those that have been overvoted), and accurately accumulate and  
18 report the total number of votes for each candidate or measure. The California Secretary of State  
19 approves the operating procedures specifying the methods and procedures for L&A testing.

20 43. The Department of Elections typically begins to design the L&A testing for an election  
21 immediately after finalizing the ballot layout. The Department’s design of the L&A testing cannot  
22 start before the ballot design is finalized because the test design is based on the number of candidates  
23 and measures on the ballot and the number of ballot types used in the election.

24 44. The first step of L&A testing is creation of “scripts” for a test using the ballots that the  
25 voters will use in the upcoming real election. The Department’s staff creates scripts setting a pre-  
26 determined combination of votes, including rankings of candidates in RCV elections, as well as  
27 undervotes or overvotes. Based on the scripts, the Department determines the precise expected  
28 outcome from each machine.

1           45.     The Department sends the scripts to its printing vendor, K&H Integrated Print Solutions  
2 (“K&H”), which prints marks on a number of ballots (usually between 100 and 300 ballots per  
3 machine) according to the script for use in the test. K&H returns the printed test ballots to the  
4 Department, and the Department conducts the test tabulation by running those ballots through the  
5 Insight and 400-C optical scan machines. For the Edge machines, Sequoia prepares a simulation  
6 cartridge with a script that is similar to the printed paper ballots, and the Department’s staff also  
7 manually enters votes on the touch-screen machines according to another script. The Department tests  
8 every machine that will be used in the election – about 1,100 voting machines in an election with 550  
9 polling places. When there is a discrepancy between the results of the testing as recorded by a voting  
10 machine and the voting script, the Department must investigate and correct the problem. It typically  
11 takes approximately 20-25 days to complete the testing for elections using the current RCV system,  
12 including time to investigate and correct any errors identified during the process.

13           46.     After each optical scan machine is tested and the results of the test as recorded by the  
14 machine match the markings on the test ballots, the Department staff seals the memory packs inside  
15 the Insight and 400-C machines and seals the memory cards inside the Edge machines. The machines  
16 cannot be modified until after the election for which the memory pack was prepared – any  
17 modification would necessitate a new round of testing.

18           47.     It is critical that the Department leave itself sufficient time to investigate and correct the  
19 errors that cause such discrepancies so that all voting machines function properly on election day.  
20 Under State law, L&A testing must be completed no later than seven days before the election.  
21 Typically, the Department starts delivering voting equipment to the polling places starting seven days  
22 before the election.

### 23           **Post-election Canvass**

24           48.     State law requires the Department to conduct an official canvass after each election,  
25 which is an internal audit of the election to ensure the accuracy and validity of the results. State law  
26 allows 28 days following most elections for the Department to conduct the official canvass and certify  
27 the election results. California Elections Code section 15301 requires the official canvass to begin no  
28 later than the Thursday following Election Day. In the canvass, the Department conducts a hand tally

1 of ballots cast at one-percent of the City's polling places, chosen randomly, and compares the results  
2 of that hand count to the results obtained by the optical scan machines' tabulation. The canvass is a  
3 complicated undertaking requiring a large staff and a large number of tasks, including inspection of  
4 materials and supplies returned by poll workers; reconciliation of the number of signatures on polling  
5 place rosters or the number of ballots cast with the number of ballots that recorded as submitted at the  
6 polling place; reproduction of damaged ballots; and counting, recording and tabulating votes in  
7 multiple races, including RCV races.

8 **In Light of the Limits of the Voting System and Other Logistical Concerns, the City**  
9 **Cannot Provide an Unlimited Number of Rankings in an RCV Contest**

10 49. If the Department were required to administer an election system in which a voter could  
11 rank as many as 22 choices or more in a single contest, it would be unable to design a ballot that  
12 complies with the law, works with our voting system, avoids significant voter confusion and allows  
13 the Department to complete effective L&A testing. I foresee a number of significant problems that the  
14 Department would face in such a situation.

15 50. *Ballot size:* Given the font constraints described above and the need to provide ballots  
16 in three languages, the Department could not design a single ballot card with 23 columns without far  
17 exceeding the size of the ballots we currently use. Using our current format – with the names of all the  
18 candidates in each column – the ballot would be seven times as long as it is now. At that size, the  
19 ballot would not fit into the optical scan machine. I have considered an alternative format where each  
20 voter ranks candidates in a 23-by-23 matrix – with names of each of the 22 candidates (plus a write-in  
21 space) listed on the left column and 23 choices listed along the top of the card. This matrix would  
22 offer voters a choice of 529 arrows or bubbles to fill in to complete the ballot. A simple mockup of  
23 such a ballot, with letters representing candidate names, is attached hereto as Exhibit 7. This mock  
24 ballot does not comply with actual production ballot specifications. For instance, the size of the voting  
25 arrows are reduced from their size on an actual ballot. And both the size and positions of the arrows  
26 do not correspond with the scan heads on the Department of Elections' current optical scanning  
27 machines. Given the font and language requirements, I believe that even this alternative would require  
28 a much larger ballot card than our system currently uses.

1           51.    *Scanning Capability:* Even if the Department could design a 23-column ballot card that  
2 would physically fit into the Department's optical scan machines, the Insight and the 400-C would be  
3 incapable of reading it. As noted above, those machines each have only three scan heads, so they are  
4 capable of scanning and recording data from only three columns per card. I do not know whether it is  
5 technologically possible to build an optical scan machine with 23 (or more) scan heads, but I am not  
6 aware of any voting system that uses such a machine. The current system used by San Francisco could  
7 not read or tabulate data from such a ballot card. At a minimum, using such a ballot would require the  
8 production of new voting machines, subject to certification by the Secretary of State.

9           52.    *Multiple cards:* For the reasons described in the preceding paragraphs, the Department  
10 could not feasibly design or use a single ballot card with 23 columns. For several additional reasons, I  
11 do not believe the Department realistically could use *multiple* ballot cards, each with three columns,  
12 covering a single contest with 22 or more candidates.

- 13           • First, although the cards would fit into the optical scan machines and the machines  
14 would be capable of scanning the columns, the City's voting software currently is not  
15 capable of tabulating votes for a single RCV contest scanned from multiple cards. If  
16 that change is technologically possible, it would require a change in the City's voting  
17 system and new certification by the Secretary of State.
- 18           • Second, the multiple cards submitted by a single voter could be separated or  
19 accidentally mixed with another voter's cards in the Insight's storage bins or in  
20 transportation after the election. The City handles an average of 1.3 million precinct  
21 ballot cards in each RCV election, transporting them from over 550 polling places in a  
22 coordinated effort after the polls close on Election Day. When each contest is limited  
23 to a single card, the card is a complete record of the voter's choice in that contest. Even  
24 if a voter has completed several cards in a particular election, there is no significant  
25 danger in accidentally mixing or separating those cards because each one is a complete  
26 record of the voter's choice in one or more contests. If a voter could rank choices for a  
27 single contest on seven separate cards, any physical separation of those cards would  
28 disrupt or preclude the correct recording of the voter's choices for RCV tabulation.



1 This would create serious risks of error in the initial recording of votes, in any recount  
2 of the RCV contest, and in the City's mandatory post-election canvass, where the  
3 Department counts paper ballots by hand for one percent of the precincts to verify that  
4 the optical scan machines' results were accurate.

- 5 • Third, related to the potential problem of separating cards, multiple-card contests could  
6 cause additional logistical problems at the polling place when the voter places the ballot  
7 cards into the Insight machine. For any voter, the Insight machine might accept and  
8 scan the voter's first card and deposit it in the machine's internal storage bin, but then  
9 reject the voter's second card in the same contest because of an overvote. In that  
10 circumstance, under the Department's current protocol for one-card contests, the poll  
11 worker offers the voter a chance to fix any errors on the ballot. When voters choose to  
12 remake their ballots, the correction might take several minutes or longer, and under  
13 current practice, other voters can scan their ballots into the Insight during that time.  
14 But in the multiple-card contest scenario, the Insight would have already accepted the  
15 voter's first card for the contest, so allowing the voter to remake the second card could  
16 undermine the machine's tabulation or result in the cards being separated, and also  
17 could result in long lines for voters at the polling place.

- 18 • Fourth, multiple-card contests could cause additional logistical problems on Election  
19 Day simply because of the size and weight of the added cards. While each contest now  
20 occupies a single card, a 22-candidate contest would require eight three-column cards  
21 (or four two-sided cards) per voter (one card with three columns for choices 1-3,  
22 another card for choices 4-6, and so on). That could double or triple the amount of  
23 paper the Department would have to manage, transport to and from polling places, and  
24 store before and after the election. In general elections with a four- or five-card ballot,  
25 the Department already faces several challenges storing and moving ballot cards  
26 because: the current space allocated for ballot staging is at maximum capacity; City  
27 staff and poll workers cannot lift heavy ballot bags that sometimes exceed 70 pounds;  
28 and because the vehicles used to transport those bags can only handle a limited amount

1 of weight. If the number of cards in an election doubled or tripled, the Department  
2 would be required to hire more staff and rent more vehicles and storage space, which  
3 would significantly increase the cost and logistical complexity of running each election.  
4 Additionally, the extra cards would add a burden on poll workers because the storage  
5 bins inside the Insight machines would fill to capacity much more quickly, requiring  
6 frequent replacement of those bins – which, under current procedures, can only be  
7 handled by certain high-level Election Day workers. Finally, increasing the number of  
8 ballot cards would create significant problems for Deputy Sheriffs, who retrieve and  
9 transport ballots from multiple polling places to the City’s ballot collection center after  
10 the close of the polls.

- 11 • Fifth, for similar reasons, a doubling or tripling of the number of ballot cards would  
12 make voting by mail more difficult. Large portions of the City’s voters now vote by  
13 mail. For instance, in November 2009, 68.19% of participating voters voted by mail,  
14 and in November 2008, 46.01% voted by mail. The Department sends over 179,000  
15 vote-by-mail ballots to “permanent absentee” voters in advance of every election. The  
16 Department pays approximately one dollar in mailing costs for each vote-by-mail ballot  
17 we send to voters. If the number of ballot cards increased significantly, the costs of  
18 mailing would increase and the Department would need to purchase larger envelopes to  
19 handle the larger load. Ballots composed of more than 5 cards would exceed the  
20 capacity of the Department’s current mailing vendor’s automated insertion system for  
21 vote-by-mail ballots, requiring additional manual steps to complete ballots prior to  
22 mailing at a greater cost.
- 23 • Sixth, using multiple ballot cards per contest would create additional challenges when  
24 the Department orders ballot paper. As noted above, the Department orders ballot  
25 paper about 100 days prior to Election Day, even though candidates’ declarations  
26 indicating that they will participate in the race are not due until 83 or 87 days before the  
27 election. So the Department must estimate the number of ballot cards it will need for  
28 an election before knowing the number of candidates in each contest. Currently, that

1 does not pose a significant difficulty because the Department knows that each RCV  
2 contest will occupy only one ballot card, and we can order ballot paper based on that  
3 assumption. But if the Department were required to use the multiple-card format  
4 discussed above, each contest could range in size from one to eight (or more) ballot  
5 cards, depending on the number of candidates. Without knowing the number of  
6 candidates in RCV races at the time we order ballot paper, we would have to rely on  
7 rough estimates, which would likely lead to the Department over-ordering ballot paper  
8 for the upcoming election, resulting in potential waste of City funds.

9 53. *Insufficient Memory:* If it were possible to design a ballot card (or multiple cards)  
10 allowing voters to rank each candidate in San Francisco elections, I am concerned that the City's  
11 voting system lacks adequate memory to record and tabulate all the votes. The memory pack in each  
12 optical scan machine and the memory card in each Edge is customized for each election, based on the  
13 number of candidates and measures on the ballot, the precinct in which the machine will be used, and  
14 the number of different ballot types for that precinct. Currently, the memory packs in the City's  
15 Insight machines do not have the capacity to handle the amount of data that would be required if the  
16 Department allowed each voter to choose and rank an unlimited number of candidates in a ranked-  
17 choice election, particularly where the number of choices could exceed 20 per race. Upgrading the  
18 system to accommodate a large number of choices could take months and be costly for the City.

19 54. *State and Federal Certification:* Even if they are technically and logistically possible,  
20 changes to the City's voting system – including changes to the ballot images, the tabulation database,  
21 the RCV calculation algorithm, the memory packs, or the voting machine hardware – would require  
22 new certification from the Secretary of State. Additionally, changes to the Edge would require new  
23 certification from the United States Election Assistance Commission (“EAC”). Sequoia would be  
24 required to apply for certification after making the necessary changes to the voting system. The  
25 Secretary of State has certified the City's current voting system for the November 2010 election,  
26 subject to a number of conditions, and the EAC has certified the Edge to record votes but not to  
27 tabulate results in RCV contests. I cannot predict whether the Secretary of State or the EAC would  
28

1 certify a system with the changes necessary to provide voters an unlimited number of rankings in RCV  
2 contests. I also cannot predict how long either certification process would take.

3       55. *Voter confusion:* Beyond the hardware, software and logistical limitations, I have  
4 serious concerns about the voter confusion that would result from a ballot card with 23 columns, a  
5 card with a 23-by-23 matrix of ranked choices, or a series of multiple ballot cards for a single contest.  
6 Based on my experience observing voter responses to ballot cards and supervising Department staff  
7 working directly with voters, and based on the feedback the Department received regarding the sample  
8 ballots in the 2005 pilot project, I would be very concerned that such a system would cause significant  
9 confusion, undermining the City's mission to provide the residents of San Francisco with free, fair and  
10 functional elections.

11       56. *L&A Testing:* A system in which a voter could rank as many as two dozen candidates  
12 also would impose significant hardships on – and potentially undermine – the Department's L&A  
13 testing process. As discussed above, the Department cannot begin to design the scripts for the L&A  
14 test until after the ballot design is complete, approximately 70 days before the election. The testing  
15 process does not begin until approximately 50 days before the election, and the Department's L&A  
16 testing must be complete by at least 7 days before the election. That allows, at the most, 43 days to  
17 complete the tests, correct any problems that the tests uncover, then complete the tests again on the  
18 corrected system. Creating scripts and running L&A testing for an election with RCV contests is more  
19 challenging and time-consuming than for elections without RCV. With the possibility of ranking 22  
20 or more candidates, the L&A testing would become far more complicated and time-consuming than it  
21 currently is. To test the system comprehensively, the scripts would have to include more ballot cards  
22 and more rankings, and the variety of possible permutations for the tabulation system probably would  
23 uncover more errors in the system, each of which would take time to correct. And if the system used  
24 multiple cards per contest, the testing would take longer because of the need to run each card through  
25 the system during the testing process. On the whole, I anticipate that the L&A testing in advance of  
26 elections with such large contests would necessarily be less thorough because of the immovable time  
27 constraints.

28

1           57.    *Post-election canvass:* A larger number of rankings in each RCV contest would also  
2 impact the post-election canvass. Under State law and the Secretary of State's conditional certification  
3 of the Sequoia voting system, the Department must hand-count ballots from at least one percent of the  
4 City's precincts – all within the 28 days prior to the deadline for certifying the election results.  
5 Adding more rankings – particularly if there were a large number of candidates in City-wide RCV  
6 contests – could significantly complicate the hand-counting process, and would require the  
7 Department to hire more staff to complete the canvass in a timely manner.

8           **Holding a Runoff Election In December 2010 Would Pose Significant Difficulties for the**  
9           **Department**

10           58.    If the City returned to a runoff system for the November 2010 election, the  
11 Department's resources would be stressed during the period between the general and runoff elections.  
12 Handling a general election and a runoff election in a five-week period is possible but difficult and  
13 costly for the City. Holding a runoff election in a Citywide contest would cost the City over \$3  
14 million, and holding a runoff election in a contest within any one of the City's eleven Supervisorial  
15 districts would cost the City approximately \$300,000.

16           59.    In San Francisco's elections prior to 2004, the period between a general election and a  
17 runoff usually was usually five weeks. That period would overlap with the Department's post-election  
18 canvass before the Department certifies the results of the general election. At the same time, the  
19 Department's staff would be required to prepare for an immediate second election. During that short  
20 period, the Department would be required to prepare, proof and order ballots, perform L&A testing,  
21 recruit and train poll workers, arrange for and prepare polling places, and mail ballots to vote-by-mail  
22 (absentee) voters. This doubling of responsibilities for the Department's staff during an already busy  
23 time would require the Department to hire additional temporary staff and certainly would require the  
24 payment of extra overtime to the Department's permanent staff.

25           60.    Until 2004, when the Department implemented RCV, the City held local runoff  
26 elections – including runoffs in 1999, 2000, 2001, 2002 and 2003. During this time, each polling  
27 place had a single optical scan machine. Today, as described above, each polling place has two  
28 machines – an Insight and an Edge. The addition of the Edge, with its visual and audio ballots,

1 essentially means that two more versions of the ballot need to be created, proofed, and tested prior to  
2 an election, and then processed during the post-election canvass. This would make the administration  
3 of a runoff more challenging and expensive for the Department because the use of the Edge makes  
4 L&A testing and the post-election canvass more time-consuming and labor-intensive.

5 61. In addition to staff costs, holding a second election in December would require the City  
6 to hire poll workers, rent vehicles to transport ballots and equipment on, before and after the day of the  
7 runoff, and pay staff of other City departments like the Sheriff's Office and the Department of Parking  
8 and Traffic.

9 62. Additionally, holding a runoff would pose challenges for the Department's Voter  
10 Outreach and Education division. That division identifies, registers and educates qualified voters and  
11 works to increase public awareness and participation in the election process. It is staffed by two full-  
12 time multi-lingual employees and up to four temporary staff during the period immediately before the  
13 election. This staff is responsible for community workshops, production of written materials,  
14 including brochures and a regular newsletter, and online materials. Since the passage of Proposition A  
15 in 2002, the Department has worked extensively to educate the public about the operation of RCV,  
16 preparing and distributing posters, brochures, public service announcements, and video presentations.  
17 In 2004 alone, the Department spent more than \$750,000 to provide voters with information about  
18 RCV, including over 700 outreach events. In addition to the Voter Information Pamphlet, which the  
19 Department sends to every voter, the Department sent a City-wide mailing to all registered voters in  
20 2004 with information about RCV. Among other things, the Department now produces a brochure  
21 entitled "Ranked-Choice Voting Explained," which is available in paper or online at the Department's  
22 website. The Department's website provides further materials for voters interested in RCV. The  
23 website includes an interactive program describing how to mark the ranked-choice ballot correctly, at  
24 <http://www.sfelections.org/demo/>, and a picture of a sample ballot, at  
25 [http://www.sfgov.org/site/uploadedfiles/elections/Voting/demonstration\\_ballot\(1\).pdf](http://www.sfgov.org/site/uploadedfiles/elections/Voting/demonstration_ballot(1).pdf).

26 63. If the Court ordered the City to return to a non-RCV runoff system for this November's  
27 election, the change would strain the resources of the Voter Outreach and Education division. Without  
28 adequate outreach and education, there is a risk that voters could come to the polling place unprepared

1 to vote for a single candidate. The strain on the Department and the potential for voter confusion  
2 would be exacerbated if the Court preliminarily enjoins the operation of RCV for the November 2010  
3 election – requiring the Department to provide voter education on the change – and later denies the  
4 plaintiffs’ request for permanent injunctive relief, requiring further voter education on the return back  
5 to RCV.

#### 6 **Feedback from Voters**

7 64. For many years, the Department has received feedback from voters in a number of  
8 ways. Voters regularly contact the Department via email, telephone or in person to express concerns  
9 or ask questions about different aspects of San Francisco elections. I sometimes handle these inquiries  
10 personally, but usually the Department’s staff handles the inquiries under my supervision. On  
11 Election Day, the Department maintains a phone bank for voters and poll workers to call with  
12 concerns or problems at the polling places. The Department records, reviews and responds, if  
13 appropriate, to hundreds of calls at each election. Although I do not personally review or respond to  
14 every one of those calls, I review the call log at various times throughout Election Day and my staff  
15 reports any significant or common concerns to me during the day. Until I received a copy of the  
16 filings in this lawsuit, I cannot recall receiving any specific communication from a voter complaining  
17 that the City’s RCV system did not give them the ability to rank more than three candidates.

18  
19 I declare under penalty of perjury, under the laws of the State of California, that the foregoing  
20 is true and correct and that if called as a witness I could competently testify thereto.

21  
22 Executed this 26th day of February, 2010 at San Francisco, California.

23  
24 \_\_\_\_\_  
/s/  
JOHN ARNTZ

**ATTESTATION PURSUANT TO GENERAL ORDER NO. 45**

Pursuant to General Order No. 45 of the Northern District of California, I attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/s/) within this e-filed document.

By: \_\_\_\_\_ /s/  
Jonathan Givner

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# **EXHIBIT 1**

OFFICIAL BALLOT / 正式選票 / BOLETA OFICIAL  
 MUNICIPAL ELECTION / 市選 / ELECCIONES MUNICIPALES  
 CITY AND COUNTY OF SAN FRANCISCO / 三藩市市縣 / CIUDAD Y CONDADO DE SAN FRANCISCO  
 NOVEMBER 6, 2007 / 2007年11月6日 / 6 DE NOVIEMBRE DE 2007

Detach / 撕下 / Desprenda

Detach / 撕下 / Desprenda

OFFICIAL BALLOT / 正式選票 / BOLETA OFICIAL

MUNICIPAL ELECTION / 市選 / ELECCIONES MUNICIPALES  
 CITY AND COUNTY OF SAN FRANCISCO / 三藩市市縣 / CIUDAD Y CONDADO DE SAN FRANCISCO  
 NOVEMBER 6, 2007 / 2007年11月6日 / 6 DE NOVIEMBRE DE 2007

SUPERVISORIAL DISTRICT I

**INSTRUCTIONS TO VOTERS:** You may rank up to three choices. Mark your first choice in the first column by completing the arrow pointing to your choice, as shown in the picture. To indicate a second choice, select a different candidate in the second column. To indicate a third choice, select a different candidate in the third column. To vote for a qualified write-in candidate, write the person's name on the blank line provided and complete the arrow. To rank fewer than three candidates, or if there are fewer than three candidates for a contest, leave any remaining columns blank.

**選民指南:** 你可以最多投票三個選擇。在第一列中標記你的第一個選擇。將箭頭指向你選擇的節節去線然後按左。如圖所示。標記第二個選擇時，在第二列中選擇一位不同的候選人。標記第三個選擇時，在第三列中選擇一位不同的候選人。如果你想投票給寫入的候選人，在提供的空白處寫上他的姓名，並標記箭頭指向他。如果投票少於三個候選人，或者一個競選官職少於三個候選人，你不用標記所有欄目，多餘欄目可留為空白。

**INSTRUCCIONES PARA LOS ELECTORES:** Puede seleccionar hasta tres opciones por orden de preferencia. Para marcar su primera opción en la primera columna, complete la flecha que apunta hacia su selección, tal como se indica en la imagen. Para indicar una segunda opción, seleccione un candidato distinto en la segunda columna. Para indicar una tercera opción, seleccione un candidato distinto en la tercera columna. Para votar por un candidato calificado no listado, escriba el nombre de la persona en el espacio en blanco provisto, y complete la flecha. Para seleccionar menos de tres candidatos por orden de preferencia, o si hay menos de tres candidatos en una contienda, deje las columnas restantes en blanco.

CITY AND COUNTY / 市、縣 / CIUDAD Y CONDADO

VOTE YOUR FIRST, SECOND AND THIRD CHOICES (投票你的第一、第二和第三選擇)  
 VOTE POR SU PRIMERA, SEGUNDA Y TERCERA SELECCIÓN

MAYOR 市長 ALCALDE	MAYOR 市長 ALCALDE	MAYOR 市長 ALCALDE
FIRST CHOICE 第一選擇 PRIMERA SELECCIÓN	SECONO CHOICE 第二選擇 SEGUNDA SELECCIÓN	THIRD CHOICE 第三選擇 TERCERA SELECCIÓN
Vote for One 為一人投票 Vote por Uno	Vote for One - Must be different from your first choice 為一人投票 - 必須與你的第一選擇不同 Vote por Uno - Debería ser diferente de su primera selección	Vote for One - Must be different from your first and second choices 為一人投票 - 必須與你的第一及第二選擇不同 Vote por Uno - Debería ser diferente de su primera y segunda selección
<p>GEORGE DAVIS 葛治達維斯 Mayor</p>	<p>GEORGE DAVIS 葛治達維斯 Mayor</p>	<p>GEORGE DAVIS 葛治達維斯 Mayor</p>
<p>GRASSHOPPER ALEC KAPLAN 葛拉士霍普阿力克卡普蘭 Tavernier</p>	<p>GRASSHOPPER ALEC KAPLAN 葛拉士霍普阿力克卡普蘭 Tavernier</p>	<p>GRASSHOPPER ALEC KAPLAN 葛拉士霍普阿力克卡普蘭 Tavernier</p>
<p>JOHN RINALDI 約翰里納爾迪 Shawman</p>	<p>JOHN RINALDI 約翰里納爾迪 Shawman</p>	<p>JOHN RINALDI 約翰里納爾迪 Shawman</p>
<p>N. BROWN N. 布朗 Dorendata</p>	<p>N. BROWN N. 布朗 Dorendata</p>	<p>N. BROWN N. 布朗 Dorendata</p>
<p>AHMSA PORTER SUMCHAI 安姆沙波特爾蘇姆柴 Physician Doctors</p>	<p>AHMSA PORTER SUMCHAI 安姆沙波特爾蘇姆柴 Physician Doctors</p>	<p>AHMSA PORTER SUMCHAI 安姆沙波特爾蘇姆柴 Physician Doctors</p>
<p>MICHAEL POWERS 邁克爾波爾斯 Nightclub Owner Proprietor of a Club Nightclub</p>	<p>MICHAEL POWERS 邁克爾波爾斯 Nightclub Owner Proprietor of a Club Nightclub</p>	<p>MICHAEL POWERS 邁克爾波爾斯 Nightclub Owner Proprietor of a Club Nightclub</p>
<p>WILMA PANG 維爾瑪龐格 College Professor Docentes Universitaria</p>	<p>WILMA PANG 維爾瑪龐格 College Professor Docentes Universitaria</p>	<p>WILMA PANG 維爾瑪龐格 College Professor Docentes Universitaria</p>
<p>GAVIN NEWSOM 加文紐斯姆 Mayor of San Francisco Alcalde de San Francisco</p>	<p>GAVIN NEWSOM 加文紐斯姆 Mayor of San Francisco Alcalde de San Francisco</p>	<p>GAVIN NEWSOM 加文紐斯姆 Mayor of San Francisco Alcalde de San Francisco</p>
<p>LONNIE S. HOLMES 朗尼S. 荷爾斯 Juvenile Probation Manager Gerente de Libertad Condicional de Menores</p>	<p>LONNIE S. HOLMES 朗尼S. 荷爾斯 Juvenile Probation Manager Gerente de Libertad Condicional de Menores</p>	<p>LONNIE S. HOLMES 朗尼S. 荷爾斯 Juvenile Probation Manager Gerente de Libertad Condicional de Menores</p>
<p>HAROLO M. NOOGASIAN 哈羅洛M. 諾加斯安 Farmer/College Farmer Agricultor/Agrocultor Universitario</p>	<p>HAROLO M. NOOGASIAN 哈羅洛M. 諾加斯安 Farmer/College Farmer Agricultor/Agrocultor Universitario</p>	<p>HAROLO M. NOOGASIAN 哈羅洛M. 諾加斯安 Farmer/College Farmer Agricultor/Agrocultor Universitario</p>
<p>JOSH WOLF 喬治沃爾夫 Journalist Periodista</p>	<p>JOSH WOLF 喬治沃爾夫 Journalist Periodista</p>	<p>JOSH WOLF 喬治沃爾夫 Journalist Periodista</p>
<p>QUINTIN MECKE 昆廷梅克 Program Director Director de Programa</p>	<p>QUINTIN MECKE 昆廷梅克 Program Director Director de Programa</p>	<p>QUINTIN MECKE 昆廷梅克 Program Director Director de Programa</p>
WRITE IN / 填寫姓名 / NO: STADO	WRITE IN / 填寫姓名 / NO: STADO	WRITE IN / 填寫姓名 / NO: STADO



38-C1-D1-1

VOTE BOTH SIDES OF BALLOT  
請在選票兩面投票  
VOTE EN AMBOS LADOS DE LA BOLETA

Card 1

Front

# **EXHIBIT 2**

# City and County of San Francisco

## Voter Information Pamphlet and Sample Ballot

Department of Elections: 554-4375  
El Departamento de Elecciones: 554-4356  
選務處: 554-4367  
[www.sfgov.org/election](http://www.sfgov.org/election)

### Consolidated Primary Election

### March 5, 2002



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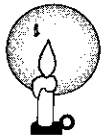
### SAN FRANCISCO VOTER INFORMATION PAMPHLET

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# WORDS YOU NEED TO KNOW

by the Ballot Simplification Committee

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LISTED BELOW ARE DEFINITIONS OF TERMS:

**ABSENTEE BALLOTS (RIGHTS OF VOTERS)** — Absentee Ballots are ballots that are mailed to voters, or given to voters in person at the Department of Elections. Absentee Ballots can be mailed back to the Department of Elections, deposited at the Department of Elections Office, or turned in at any San Francisco polling place.

**BONDS (PROPOSITION F)** — A bond is a promise by the City to pay back money borrowed, plus interest, by a specific date. If the City needs to raise a large amount of money to pay for a library, sewer line, school, or other project or program, it may borrow the money by selling bonds.

**CHARTER AMENDMENT (PROPOSITIONS A,B,C,D,E)** — The Charter is the City's constitution. The Charter cannot be changed without a vote of the people.

**COLA (COST OF LIVING ADJUSTMENT) (PROPOSITION B)** — An amount added to an original pension to compensate for inflation.

**COMPOUNDED COLA (COST OF LIVING ADJUSTMENT) (PROPOSITION B)** — The COLA for each year is added to the amount of the original pension when calculating the COLA for future years.

**GENERAL OBLIGATION BONDS (PROPOSITION F)** — These bonds are used to pay for large public projects that do not raise revenue. For example, these bonds have been used to construct museums, police stations, jails, libraries, and other public facilities. Normally, a two-thirds majority of the voters must approve the sale of general obligation bonds. If the bonds are issued by a school district, they require a 55% majority vote for approval. General obligation bonds are repaid by property tax money.

**ORDINANCE (PROPOSITIONS F, G)** — A law of the City and County, which is passed by the Board of Supervisors, or passed by the voters in an election. Ordinances approved by the voters can only be changed by the voters.

**PROPOSITION (PROPOSITIONS A THROUGH G)** — A Proposition is any Measure that has been submitted to voters for approval or disapproval.

**QUALIFIED WRITE-IN CANDIDATES (RIGHTS OF VOTERS)** — A Qualified Write-in Candidate is a person who has turned in the required papers and signatures to the Department of Elections. Although the name of this person will not appear on the ballot, voters can vote for this person by writing the name of the person in the space on the ballot provided for write-in votes. The Department of Elections counts write-in votes only for qualified write-in candidates.

**RUNOFF (PROPOSITION A)** — A final election to resolve an earlier election that did not produce a winner with more than 50% of the vote.

## Instant Runoff

A

## PROPOSITION A

Shall the City use Instant run-off voting to elect City officers with a majority of votes without separate run-off elections?

YES ←    
NO ←  

## Digest

by Ballot Simplification Committee

**THE WAY IT IS NOW:** When the offices of the Mayor, City Attorney, District Attorney, Public Defender, Sheriff, Assessor-Recorder, Treasurer, and Board of Supervisors are up for election, voters may select only one candidate for each of these offices. If no candidate receives more than 50% of the votes cast for the office, the two candidates who receive the highest number of votes compete in a run-off election at a later date.

**THE PROPOSAL:** Proposition A is a Charter amendment that would require the City to use an instant run-off voting method that would eliminate separate run-off elections. A winner would still have to receive more than 50% of the vote.

With this method, each voter would have the opportunity to rank at least a first, second, and third choice among the candidates for each office. The votes would be counted in rounds. If one candidate received more than 50% of the first-choice votes in the first round, then that candidate would be elected. If no candidate received more than 50% of the first-choice votes, the candidate who received the

fewest first-choice votes would be eliminated. All voters whose first choice was eliminated would have their vote transferred to their second-choice candidate. This process of transferring votes to the voter's next-choice candidate and eliminating candidates with the fewest votes would be repeated until one candidate received more than 50% of the votes.

The City would start using the instant run-off voting method in November 2002. If the Department of Elections were not ready to use the new method in November 2002, the City would start using it in November 2003.

**A "YES" VOTE MEANS:** If you vote yes, you want the City to use an instant run-off voting method to elect City officers and eliminate separate run-off elections.

**A "NO" VOTE MEANS:** If you vote no, you do not want the City to use an instant run-off voting method to elect City officers and eliminate separate run-off elections.

## Controller's Statement on "A"

City Controller Edward Harrington has issued the following statement on the fiscal impact of Proposition A:

Should the proposed charter amendment be approved by the voters, in my opinion, it would save the City a net amount of approximately \$1.6 million annually beginning in Fiscal Year 2002-03 by eliminating the need for run-off elections. Instant run-off voting may require additional ballot pages, voter education, and modifications to the City's voting technology. However, these costs would be more than offset by the savings associated with eliminating run-off elections.

## How Supervisors Voted on "A"

On July 9, 2001 the Board of Supervisors voted 10 to 1 to place Proposition A on the ballot.

The Supervisors voted as follows:

**Yes:** Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**No:** Yee

THIS MEASURE REQUIRES 50%+1 AFFIRMATIVE VOTES TO PASS.

ARGUMENTS FOR AND AGAINST THIS MEASURE IMMEDIATELY FOLLOW THIS PAGE. THE FULL TEXT BEGINS ON PAGE 46  
SOME OF THE WORDS USED IN THE BALLOT DIGEST ARE EXPLAINED ON PAGE 36



# Instant Runoff

## PROPONENT'S ARGUMENT IN FAVOR OF PROPOSITION A

Proposition A will allow San Francisco to elect candidates supported by a popular majority without needing expensive, low-turnout December runoff elections. This will

**SAVE \$2 MILLION TAX DOLLARS PER YEAR,  
RAISE VOTER TURNOUT and  
REDUCE NEGATIVE CAMPAIGNING**

Last December's runoff had a voter turnout of only FIFTEEN PERCENT -- the lowest in San Francisco's history. December is an awful time for an election. Voters are busy with holiday plans, and don't even realize the runoff is happening. Voter turnout usually declines.

Runoffs are costly to taxpayers. The December runoff for city attorney cost nearly \$2 MILLION, an average of \$29 per voter. This money could be better spent on other city services threatened with cutbacks in our ailing economy.

Previous runoff elections have seen excessive negative campaigning and "hit" pieces. Such mudslinging is common when the field is reduced to two candidates, and candidates can win by attacking their lone opponent rather than attracting voters.

The purpose of the runoff—to ensure majority support for winners—is a good one, but huge declines in voter turnout, high costs, and negative campaigning undermine this worthy goal.

Proposition A implements instant runoff voting to fulfill the goal of electing majority winners without the inconvenience of a second election.

The "instant" runoff works much like December's "delayed" runoff. Voters indicate their favorite candidate, just like now. But at the same time they also rank their runoff choices, 1, 2, 3. This eliminates the need for a separate runoff election.

By doing it in one election, we produce winners who have a majority of the vote and save millions of tax dollars. And we avoid the considerable headaches of a second election during the busy holiday season.

Proposition A will make our elections more **EFFICIENT** and **LESS EXPENSIVE**.

*San Francisco Board of Supervisors*

### How Supervisors Voted to Submit this Argument

The Supervisors voted as follows on December 17, 2001:

**Yes:** Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick

**No:** Newsom, Peskin, Sandoval, Yee

## REBUTTAL TO PROPONENT'S ARGUMENT IN FAVOR OF PROPOSITION A

We agree with the Proponents on just one point – "December is an awful time for an election."

Where we differ is that the cure being proposed is far worse than the disease, and that the less drastic alternatives of changing the dates for primaries and run-off elections would ensure higher voter turnout, without the adverse side-effects that would occur under Instance Run-off Voting. These side-effects were articulated, in a paid argument by the former members of the Citizens Advisory Committee on Elections.

Additionally, we do not believe that the Board should be experimenting with San Franciscans' hard fought right to vote. Primaries and run-off elections have served our nation well for most of its history. Preference Voting (IRV) was in vogue in the 1930's and 1940's in some parts of the United States but has been abandoned almost every place where it has been tried. It is still used for school board elections in New York City, where the

turnouts typically are about 10-12%. So much for the Proponents' argument for increasing turnouts.

We urge you to join a broad coalition of community leaders who have united to oppose Proposition A, including: Dennis Antenore, Christopher L. Bowman, Ed Canapary, Donald A. Casper, Doug Comstock, Mike DeNunzio, Larry Griffin, Kathleen A. Grogan, Susan Horsfall, Tom Hsieh, Jr., Marcel Kapulica, Charles Marsteller, Jane Morrison, David Spero, and Jim Stearns.

Vote No on Proposition A.

*Supervisor Gavin Newsom*

*Supervisor Leland Yee, Ph.D.*

*Julio Ramos, J.D., Member, SF Community College Board*



# Instant Runoff



## OPPONENT'S ARGUMENT AGAINST PROPOSITION A

Responding to low voter turnout in the December 2000 run-off election, the majority of the Board of Supervisors placed Proposition A on the ballot. Unfortunately, Proposition A is not reform but a return to the days of power brokers and back-room deals.

Proposition A is brought to you by the same people who proposed "Preference Voting" which was resoundingly defeated by San Francisco voters in 1996. They have relabeled their flawed product "Instant Run-off Voting", and have convinced the Board of Supervisors on its "merits" by arguing that "IRV" will reduce the cost to taxpayers and eliminate negative campaigning.

What they don't say is that Proposition A will enrich for-profit slate card organizations, increase the cost of campaigns, reduce meaningful debate on issues and hide ideological differences, and effectively disenfranchise language minorities and people with limited education. Rather than have the majority rule, Proposition A could actually reduce the actual number of voters who decide elections to a smaller portion than currently go to the polls in run-off elections.

So, how do we address low voter turnout in December run-off

elections? There are several alternatives that the Board of Supervisors should have entertained.

First, move the primary for District Supervisors to March in even-numbered years, when city voters decide the nominees for State and Federal offices, and hold the run-off election in the high-voter turnout General Election in November.

Second, move the primary in odd-numbered years, to the Tuesday eight days or fifteen days after Labor Day in September, and hold the run-off election in November.

Third, move the primary in odd-numbered years to the weekend or second weekend after Labor Day when most people aren't working.

There's better ways to reform the system.

Vote No on Proposition A.

*Christopher L. Bowman*

Member

Citizens Advisory Committee on Elections, 1993-2001

## REBUTTAL TO OPPONENT'S ARGUMENT AGAINST PROPOSITION A

**The Democratic Party, The Green Party, many leading Independents and over two dozen organizations are backing Proposition A** because it is a "good government" measure that will capitalize on November elections when voter turn-out is higher, reduce negative campaigning, save millions of dollars, and make inconvenient December runoffs unnecessary.

**The opposing argument is from a leader in the Republican Party**, one of the few organizations opposing this measure. The distortions in the Republicans' ballot argument are many. Proposition A doesn't increase the cost of campaigns, or enrich slate cards or power brokers; it **ELIMINATES** the need for candidates to raise more money for a second election, that's why leading campaign finance reformers like **Common Cause** support it. Prop A doesn't reduce the number of voters deciding elections; it makes the decisive election in **NOVEMBER**, when voter turnout is **HIGHEST**. That's why citizen groups like **California Public Interest Research Group** and **Senior Action Network** support it.

Contrary to claims, the Board of Supervisors **DID** explore other options, and decided that **instant runoff voting (IRV)** is the best, cheapest and most convenient method; and **IRV** has

NEVER been voted on in San Francisco.

Also, Proposition A will not disenfranchise language minorities. In fact, the Asian-American Legal Defense and Education Fund, a prominent voting rights organization, has written, "Instant runoff voting could be used in San Francisco to benefit language minority communities in the November elections."

Visit [www.ImproveTheRunoff.org](http://www.ImproveTheRunoff.org) for a demonstration of how **IRV** works and for more information.

*Matt Gonzalez*

San Francisco Board of Supervisors

### **How Supervisors Voted to Submit this Argument**

Supervisor Gonzalez submitted this rebuttal argument on behalf of the Board of Supervisors. On December 17, 2001, the Supervisors voted as follows to authorize Supervisor Gonzalez to prepare and submit the rebuttal argument on their behalf.

**Yes:** Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee



# Instant Runoff

## PAID ARGUMENTS IN FAVOR OF PROPOSITION A

As a former member of the Citizens' Advisory Committee on Elections and former Common Cause staffer, I've worked on election reforms for 15 years. After studying Proposition A and hearing both sides, I'm convinced that it's a smart way to encourage and increase voter involvement. Join me in voting to improve our elections. **Vote YES on A.**

*Dan Kalb*  
County Central Committee member  
Sierra Club Chapter Director

The true source of funds used for the printing fee of this argument is Dan Kalb.

---

December is a terrible time of the year for an election. Vote YES on Proposition A, since it will consolidate the runoff to November and save \$2 million per year that could be spent on health care. **Let this be the last time we go to the polls in December.**

*California Nurses Association*

The true source of funds used for the printing fee of this argument is the California Nurses Association.

---

Vote YES on Proposition A to improve runoff elections. This good government reform will *increase voter participation, save tax dollars and reduce the influence of special interest money in politics.*

*California Public Interest Research Group (CALPIRG)*

The true source of funds used for the printing fee of this argument is the California Public Interest Research Group.

---

December elections guarantee low voter turnout. **Instant runoff voting efficiently combines the November and December elections and saves taxpayers \$2 million per year. One election, not two.**

*Sierra Club*

The true source of funds used for the printing fee of this argument is the Sierra Club.

Seniors are leading the movement to recover democracy in our civic institutions. Proposition A will save \$2 million in tax dollars, raise voter turnout and reduce negative campaigning and mudslinging. **Vote YES on this good government measure.**

*Senior Action Network*

The true source of funds used for the printing fee of this argument is Barbara Blong.

---

A **YES** vote on *Prop A* will consolidate elections, saving Seniors and all taxpayers time and money. We'll have better, issue-oriented campaigns – not the now-standard duplicity and negativity.

*California Legislative Council for Older Americans*

The true source of funds used for the printing fee of this argument is California Legislative Council for Older Americans.

---

This measure will encourage democratic participation, help elect consensus **building** leaders, and save millions in taxpayer dollars.

*Joel Ventresca*

Sunset District 4 Supervisor Candidate (November 2002)  
President, Coalition for San Francisco Neighborhoods (1992-94)

The true source of funds used for the printing fee of this argument is Ventresca for Supervisor.

The largest contributor to the true source recipient committee is Joel Ventresca.

---

**California Common Cause** urges you to vote Yes on A. This important reform will **increase voter participation, decrease negative campaigning**, and save taxpayers money. It also supports **campaign finance reform**, since candidates won't have to raise money for a second election in December.

*California Common Cause*

The true source of funds used for the printing fee of this argument is California Common Cause.

# Instant Runoff



## PAID ARGUMENTS IN FAVOR OF PROPOSITION A

This is a well-crafted proposal that employs a ranked ballot system similar to that used in American cities such as Cambridge, MA and nations such as Australia, Britain and Ireland. In Australia it has contributed to the highest voter turnout in the world.

*Center for Voting and Democracy*

The true source of funds used for the printing fee of this argument is the Center for Voting and Democracy.

---

On behalf of over 500,000 senior citizens, the **Congress of California Seniors** heartily endorses Proposition A. This measure will enhance voter participation and save millions of dollars, and that's good for young and old alike.

*Congress of California Seniors*

The true source of funds used for the printing fee of this argument is Pete Martineau.

---

The political establishment doesn't want Proposition A to pass because it will change the way campaigns are run and make it more difficult to manipulate the outcome.

VOTE YES ON A!

*Jennifer Clary*

The true source of funds used for the printing fee of this argument is Jennifer Clary.

---

**The San Francisco Democratic Party supports Proposition A.**

*Wade Crowfoot*

Secretary, SF Democratic Central Committee

The true source of funds used for the printing fee of this argument is Wade Crowfoot.

---

It is critical that our electoral system be designed to maximize voter participation. Please join me in supporting Proposition A.

*Jeff Adachi*

Candidate for Public Defender

The true source of funds used for the printing fee of this argument is Adachi for Public Defender.

The three largest contributors to the true source of recipient committee are: 1. Peter Keane 2. Esther Marks 3. John Woo.

Vote **Yes on A** for Higher Turnout Elections

Proposition A will strengthen the democratic process and save taxpayers millions of dollars by replacing runoff elections with a better system. Instead of returning to the polls for a December runoff, voters will rank candidates in order of their preference when they vote in November.

Historically, voter turnout is very low in December runoff elections. This means that many candidates are elected by only a fraction of the people who live in San Francisco. Instant runoff voting eliminates December runoffs, so more people will be involved in choosing San Francisco's leaders. That means more people in office who truly represent those they are elected to serve.

Instant runoff voting is a system used successfully around the world. It is a system that makes sense for San Francisco.

[www.spur.org](http://www.spur.org)

*San Francisco Planning and Urban Research Association (SPUR)*

The true source of funds used for the printing fee of this argument is the SPUR Urban Issues Committee.

The three largest contributors to the true source recipient committee are: 1. Jim Chappell 2. Frankie Lee 3. John Weeden.

---

Instant runoff voting means higher turnouts—which means more tenant power at the polls. Vote YES on Proposition A to protect and expand tenants' rights.

*San Francisco Tenants Union*

The true source of funds used for the printing fee of this argument is San Francisco Tenants Union.

---

The Florida fiasco showed that our elections need improvement. Proposition A will **raise participation, save tax dollars, reduce negative campaigning and lessen the influence of money** in politics.

*National Lawyers Guild  
SF/Bay Area*

The true source of funds used for the printing fee of this argument is National Lawyers Guild.

---

Arguments printed on this page are the opinion of the authors and have not been checked for accuracy by any official agency.



# Instant Runoff

## PAID ARGUMENTS IN FAVOR OF PROPOSITION A

Proposition A empowers voters to rank their 1st, 2nd, and 3rd choice instead of picking the lesser of 2 evils. Proposition A also acts as campaign finance reform because candidates won't have to raise money for a second runoff election. Vote YES!

### *San Francisco Green Party*

The true source of funds used for the printing fee of this argument is San Francisco Green Party.

The three largest contributors to the true source recipient committee are: 1. Dave Heller 2. John Marc Chandonia 3. Berry Hermanson.

---

Runoff elections discourage voter participation. Proposition A would **raise voter participation** and **save millions of dollars**. Those savings could support San Francisco's new public-financed election system that gives all candidates a fair and equal chance. Vote **YES on A**.

### *San Francisco Common Cause*

The true source of funds for the printing fee of this argument is Fred Ridel.

---

The following organizations endorse Proposition A:  
Common Cause  
San Francisco Democratic Party  
San Francisco Planning and Urban Research Association (SPUR)  
Congress of California Seniors  
Sierra Club  
Senior Action Network  
League of Conservation Voters  
California Public Interest Research Group (CALPIRG)  
California Nurses Association  
Green Party  
California Legislative Council for Older Americans  
and many more.

### *FairVoteSF*

The true source of funds used for the printing fee of this argument is FairVote SF.

The three largest contributors to the true source recipient committee are: 1. Center for Voting and Democracy 2. Betty Traynor 3. Nancy Couperus.

The following individuals endorse Proposition A:

- Board of Supervisors President Tom Ammiano
- Supervisor Mark Leno
- Supervisor Jake McGoldrick
- Supervisor Matt Gonzalez
- Supervisor Tony Hall
- Board of Education member Eric Mar
- Board of Education member Mark Sanchez
- BART Board director Tom Radulovich
- Former Board President Harry Britt
- Former Congressman Tom Campbell
- Former Congressman Dan Hamburg
- Former Congressman John Anderson
- Former Acting Secretary of State Tony Miller
- Henry Louie
- Arthur Chang
- and many more

### *FairVoteSF*

The true source of funds used for the printing fee of this argument is FairVote SF.

The three largest contributors to the true source recipient committee are: 1. Center for Voting and Democracy 2. Betty Traynor 3. Nancy Couperus.

---

Proposition A will support positive campaigns about issues, not personal attacks. It will lead to coalition-building. This is the way to elect politicians who care about safer streets and a more livable city for everyone. We have used instant runoff voting for our Board elections and it works. Vote Yes on A.

### *San Francisco Bicycle Coalition*

The true source of funds used for the printing fee of this argument is San Francisco Bicycle Coalition.

# Instant Runoff



## PAID ARGUMENTS AGAINST PROPOSITION A

### KEEP YOUR RIGHT TO VOTE

Instant runoff is not the answer to increasing voter turnout.

Our Democracy must be measured by more than dollars and cents. Let's create more opportunity to vote: weekend polls, more absentee voting education, move election days to avoid December holidays.

Runoffs provide vigorous debate and a thorough examination by the voters.

Vote No on A and keep your right to vote. It's your right, fight to keep it.

*Tom A. Hsieh  
Dan Dunnigan  
Michael R. Farrah, Jr.*

The true source of funds used for the printing fee of this argument is Tom Hsieh for SF DCCC.

The three largest contributors to the true source recipient committee are: 1. Gavin Newsom 2. Barbara Kaufman 3. May Lee.

---

### Vote No on Proposition A

Protect "one person one vote." This confusing scheme gives one person three votes. It could cost three times more in mistakes than it would save in dollars. For this reason, no major City in the USA uses an instant runoff. Vote to keep elections simple.

*Mike DeNunzio*  
Member, Republican Central Committee\*  
\* for identification purposes only

The true source of funds used for the printing fee of this argument is Mike DeNunzio.

---

Instant runoff equals constant confusion.

Haven't we learned our lesson from Florida? Let's fix the voting system we have before we try a confusing experiment.

Under Proposition A, the winner will be decided by a computer, using "preferences," not the voters' final choice. Don't take away our right to choose.

Vote No on A.

*Dennis Antenore  
Jane Morrison  
Calvin Welch*

The true source of funds used for the printing fee of this argument are Dennis Antenore, Jane Morrison, Calvin Welch.

Proposition A is called "Instant Runoffs", but it is only instant for the politicians who we get stuck with for four years. They say it will save money, but it will cost an arm and a leg for state-of-the-art emergent technology. They say they want an independent Department of Elections, but then they try to micro-manage the department before the new Election Commission is even seated.

Matt Gonzalez rails against "duplicity", but then they get this proposition put on the ballot in an off-season election. I love Matt Gonzalez but this idea just plain sucks.

It's hard to tabulate. It's difficult to verify in a re-count. It randomizes elections. It's anything but transparent. You can probably think up your own reasons to vote against it and if you wanted to spend your whole Christmas budget on it you could get it published just like this.

There's a much better system, the September/November system that also eliminates December runoffs and the leprechauns in Gonzalez's office will probably put it on the ballot as soon as you vote this one down. It'll give you a month-and-a-half to study the finalists before you have to make your final choice.

Even though Matt Gonzalez is a Green, that doesn't mean he can protect your right to vote. Only you can do that. Vote no on A.

*William Duffey*  
A Voter

The true source of funds used for the printing fee of this argument is William Duffey.

---

Prop A lets special interests sneak into office.

Today, when special interests spend millions on campaigns, voters have time to evaluate that information. Under Prop A, the vote will be over before we even know who spent the money. That's not reform! Vote No on A!

*David Spero*

The true source of funds used for the printing fee of this argument is David Spero.

---

Elections are confusing enough without subjecting voters to two systems on the same ballot: State elections under one system, City elections under a confusing new system.

Talk about discouraging voter turnout!

*Doug Comstock*

The true source of funds used for the printing fee of this argument is Doug Comstock.



# Instant Runoff

## PAID ARGUMENTS AGAINST PROPOSITION A

### Nothing "Instant" About It

The Elections Department already struggles with close elections, complicated by late absentee ballots. Proposition A will make it even worse.

Here's why. With public financing and district elections, there'll be dozens of candidates for each office. On election night, many will be separated in rank by just a handful of votes.

In these cases, the Department of Elections won't know which candidates to eliminate until every single vote is counted - including late absentees and provisional ballots that must be painstakingly checked one by one. This process takes days, sometimes weeks.

So, the "instant" runoff process might take days, or even longer. Because of the confusion, complications, and inevitable legal challenges, our faith in the validity of election results - already tenuous - will be severely undermined.

Proposition A is a seriously flawed piece of legislation with too many unintended consequences.

Please vote No on Prop A.

*Jim Stearns*

The true source of funds used for the printing fee of this argument is Jim Stearns.

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### VOTE NO ON PROPOSITION A

Democracy is worth the price! San Francisco has had enough problems with our elections. Let's not complicate matters further with a confusing scheme.

Separate run-off elections allow the voters an important second look.

Vote NO on Proposition A.

*San Francisco Republican Party*

*Donald A Casper, Chairman*

*Cynthia Amelon                      Elsa Cheung, Vice-Chair*

*Mike DeNunzio, Vice-Chair      Howard Epstein, Assembly Candidate*

*Terence Faulkner                      Sue Woods*

The true source of funds used for the printing fee of this argument are the San Francisco Republican County Central Committee and the above signers.

The three largest contributors to the true source recipient committee are: 1. San Francisco Coalition for Affordable Public Services 2. Alfreda Cullinan 3. Sally L. Saunders.

The Board of Supervisors blew it when they placed Proposition A on the ballot.

Instead of failing to recognize that "Preference Voting" and "Instant Run-Off Voting" was new to California and that there was a need to test the waters with a pilot program, with an evaluation component to see if it accomplished what proponents said it would accomplish and determine whether it empowered or disenfranchised women, minorities, and mainstream voters, the Board decided to require that every office (other than the Board of Education and Community College Board) be elected starting in November, 2002 using "Instant Run-Off Voting". The Board truly took a leap of faith by its actions.

As a result, we are entering uncharted territory. Given the very real defects of the new system, we could end up with an all male, all white Board of Supervisors, and a number of fringe candidates elected to City-wide office. If we do, there will be no recourse but to repeal "Instant Run-Off Voting" at the next election after the cost and effort of collecting 45,000 signatures through an Initiative to amend the Charter.

In the interim, think of all the damage that could be done. Yes, we would save \$1,600,000 a year by avoiding run-off elections, but if the radicals take over City Government, we could be paying hundreds of times that cost in higher taxes and increased spending.

Let Berkeley and Oakland experiment with "Instant Run-Off Voting".

Vote No on Proposition A.

*Christopher L. Bowman*

*Susan Horsfall*

The true source of funds used for the printing fee of this argument are Susan Horsfall, Christopher L. Bowman, Kathleen A. Grogan.

# Instant Runoff



## PAID ARGUMENTS AGAINST PROPOSITION A

The authors of Proposition A, the Center for Democracy and Voting, are the same people who gave you "Preference Voting" in 1996 which was overwhelmingly defeated by San Francisco's voters.

They have repackaged "Preference Voting" as "Instant Run-off Voting", but the intent is the same - to gain a bridgehead in a major American city so that they can replicate their efforts throughout the United States.

Why is this such a bad thing?

The agenda of the Center for Democracy and Voting is to supplant traditional American Democracy with "Proportional Representation". "P/R" is a system commonly found in many nations in Europe and other westernized countries. And by and large, it has been a failure, creating unstable coalition governments in which minor fringe and religious-based parties hold the balance of power. That's why the San Francisco Green Party and the Libertarians support Proposition A. They believe it will increase their chances of winning election even though they constitute jointly less than 5% of the electorate.

Vote No on Proposition A.

*Kathleen A. Grogan  
Christopher L. Bowman  
David Looman*

The true source of funds used for the printing fee of this argument are Kathleen A. Grogan, Christopher L. Bowman, David Looman.

The Citizens Advisory Committee on Elections studied the issue of Preference Voting and "Instance Run-off Voting" over the past six years and almost to a person felt the measures would be confusing to the average voter and subject to manipulation

I join my former colleagues in urging you to vote No on Proposition A. Vote No on an idea whose time has come and gone.

*Marcel Kapulica, Member  
CACE, 1994-2001*

The true source of funds used for the printing fee of this argument is Marcel Kapulica.

As former members of San Francisco's Citizens Advisory Committee on Elections, we oppose Proposition A for the following reasons:

First, "for profit" slate card organizations would approach candidates in each supervisorial district up for election and demand that they pay to be listed on their slate card - possibly \$15,000 to be listed first, \$10,000 to be listed second, and \$5,000 to be listed third, thereby enriching the "for profit" slate organizations, and significantly adding to the costs of running campaigns. Women and minority candidates who have difficulty raising money would be particularly handicapped under such a system.

Second, there could be collusion between various candidates to be listed on each other's campaign literature as their second or third choices. The cost of that collusion would be to reduce the level of meaningful debate on the issues and to hide ideological differences. The losers would be the voters and the media who would be unable to discern one candidate from another.

Third, language minorities and people with limited education already have difficulty understanding the intricacies of our electoral system. Why add one more complication? It's hard enough to focus on one or two candidates - how about trying to rank 17 candidates (who ran in District VI in 2000)? You might be faced with that if Proposition A passes.

Finally, because many voters will not exercise their right to rank all the candidates, only the small minority of voters who are highly organized and disciplined will exercise their rights, and it will be **they**, not minorities, the poor, or mainstream voters who will decide the election. For all these reasons, we urge you to vote No on Proposition A.

*Kathleen A. Grogan  
Larry Griffin  
Christopher L. Bowman  
Susan Horsfall  
Ed Canapary*

The true source of funds used for the printing fee of this argument are Former Members of the CACE.

The new voting system proposed by Prop A is confusing, untried, untested and unreliable. That's the reason no city in America uses it!

Vote no on A.

*Sue Bierman  
Mary Jung  
Gary Gartner*

The true sources of funds used for the printing fee of this argument are Sue Bierman, Mary Jung, Gary Gartner.

## TEXT OF PROPOSED CHARTER AMENDMENT PROPOSITION A

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of said city and county by amending Section 13.101, repealing the current Section 13.102, and adding a new Section 13.102, to provide for the election of the Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender, and members of the Board of Supervisors using a ranked-choice, or "instant run-off," ballot, to require that City voting systems be compatible with a ranked-choice ballot system, and setting a date and conditions for implementation.

The Board of Supervisors hereby submits to the qualified voters of said city and county an election to be held on March 5, 2002, a proposal to amend the Charter of said city and county by amending Section 13.101, repealing the current Section 13.102, and adding a new Section 13.102, so that the same shall read as follows:

Note: Additions are single-underline italics  
Times New Roman;  
deletions are ~~strikethrough italics~~  
Times New Roman.

Section 1. The San Francisco Charter is hereby amended, by amending Section 13.101, to read as follows:

### SEC. 13.101. TERMS OF ELECTIVE OFFICE.

Except in the case of an appointment or election to fill a vacancy, the term of office of each elected officer shall commence at 12:00 noon on the eighth day of January following the date of the election.

Subject to the applicable provisions ~~for municipal runoff elections of Section 13.102~~, the elected officers of the City and County shall be elected as follows:

At the general municipal election in 1995 and every fourth year thereafter, a Mayor, a Sheriff and a District Attorney shall be elected.

At the statewide general election in 1996 and every fourth year thereafter, four members of the Board of Education and four members of the Governing Board of the Community College District shall be elected.

At the general municipal election in 1997 and every fourth year thereafter, a City Attorney and a Treasurer shall be elected.

At the statewide primary election in 1998 and every fourth year thereafter, an Assessor-Recorder and Public Defender shall be elected.

At the statewide general election in 1998 and every fourth year thereafter, three members of the Board of Education and three members of the Governing Board of the Community College District shall be elected.

The election and terms of office of members of the Board of Supervisors shall be governed by Section 13.110.

Section 2. The San Francisco Charter is hereby amended, by repealing current Section

13.102, as follows:

### ~~SEC. 13.102. MUNICIPAL RUNOFF ELECTIONS.~~

~~If no candidate for any elective office of the City and County, except the Board of Education and the Governing Board of the Community College District, receives a majority of the votes cast at an election for such office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a municipal runoff election. If no candidate for Board of Supervisors receives a majority of the votes cast within the district, the two candidates from the district receiving the most votes shall qualify to have their names placed on the ballot for a district runoff election. A runoff election for the office of Mayor, Sheriff, District Attorney, City Attorney and Treasurer, or a district runoff election for Supervisor shall be held on the second Tuesday of the next ensuing December. A runoff election for Assessor-Recorder and Public Defender shall be held at the next general election.~~

Section 3. The San Francisco Charter is hereby amended, by adding a new Section 13.102, to read as follows:

### SEC. 13.102. INSTANT RUNOFF ELECTIONS.

(a) For the purposes of this section: (1) a candidate shall be deemed "continuing" if the candidate has not been eliminated; (2) a ballot shall be deemed "continuing" if it is not exhausted; and (3) a ballot shall be deemed "exhausted," and not counted in further stages of the tabulation, if all of the choices have been eliminated or there are no more choices indicated on the ballot. If a ranked-choice ballot gives equal rank to two or more candidates, the ballot shall be declared exhausted when such multiple rankings are reached. If a voter casts a ranked-choice ballot but skips a rank, the voter's vote shall be transferred to that voter's next ranked choice.

(b) The Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender, and members of the Board of Supervisors shall be elected using a ranked-choice, or "instant runoff," ballot. The ballot shall allow voters to rank a number of choices in order of preference equal to the total number of candidates for each office; provided, however, if the voting system, vote tabulation system, or similar or related equipment used by the City and County cannot feasibly accommodate choices equal to the total number of candidates running for each office, then the Director of Elections may limit the number of choices a voter may rank to no fewer than three. The ballot shall in no way interfere with a voter's ability to cast a vote for a write-in candidate.

(c) If a candidate receives a majority of the first choices, that candidate shall be declared elected. If no candidate receives a majority, the

candidate who received the fewest first choices shall be eliminated and each vote cast for that candidate shall be transferred to the next-ranked candidate on that voter's ballot. If, after this transfer of votes, any candidate has a majority of the votes from the continuing ballots, that candidate shall be declared elected.

(d) If no candidate receives a majority of votes from the continuing ballots after a candidate has been eliminated and his or her votes have been transferred to the next-ranked candidate, the continuing candidate with the fewest votes from the continuing ballots shall be eliminated. All votes cast for that candidate shall be transferred to the next-ranked continuing candidate on each voter's ballot. This process of eliminating candidates and transferring their votes to the next-ranked continuing candidates shall be repeated until a candidate receives a majority of the votes from the continuing ballots.

(e) If the total number of votes of the two or more candidates credited with the lowest number of votes is less than the number of votes credited to the candidate with the next highest number of votes, those candidates with the lowest number of votes shall be eliminated simultaneously and their votes transferred to the next-ranked continuing candidate on each ballot in a single counting operation.

(f) A tie between two or more candidates shall be resolved in accordance with State law.

(g) The Department of Elections shall conduct a voter education campaign to familiarize voters with the ranked-choice or "instant runoff" method of voting.

(h) Any voting system, vote tabulation system, or similar or related equipment acquired by the City and County shall have the capability to accommodate this system of ranked-choice or "instant run-off" balloting.

(i) Ranked-choice, or "instant runoff" balloting shall be used for the general municipal election in November 2002 and all subsequent elections. If the Director of Elections certifies to the Board of Supervisors and the Mayor no later than July 1, 2002 that the Department of Elections will not be ready to implement ranked-choice balloting in November 2002, then the City shall begin using ranked-choice, or "instant runoff," balloting at the November 2003 general municipal election.

If ranked-choice, or "instant runoff" balloting is not used in November of 2002, and no candidate for any elective office of the City and County, except the Board of Education and the Governing Board of the Community College District, receives a majority of the votes cast at an election for such office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a runoff election held on the second Tuesday in December of 2002.



# **EXHIBIT 3**

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7

**FILED**  
San Francisco County Superior Court

SEP 17 2003

GORDON PARK, Jr. Clerk  
BY: *[Signature]*  
Deputy Clerk

**IMAGED**  
SEP 17 2003

8 Attorneys for Defendants and Respondents  
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SAN FRANCISCO  
12 UNLIMITED CIVIL JURISDICTION

13 CENTER FOR VOTING AND  
DEMOCRACY; CALIFORNIA  
14 CONGRESS OF SENIORS; SAN  
FRANCISCO LABOR COUNCIL, AFL-  
15 CIO; CALIFORNIA PUBLIC INTEREST  
RESEARCH GROUP; CHINESE  
16 PROGRESSIVE ASSOCIATION;  
ENRIQUE ASIS; GWENN CRAIG;  
17 ARTHUR CHANG; TRACY BAXTER,

18 Plaintiffs/Petitioners,

19 vs.

20 JOHN ARNTZ, Director of Elections,  
City and County of San Francisco; ALIX  
21 ROSENTHAL, President of the San  
Francisco Elections Commission;  
22 MICHAEL MENDELSON, ROBERT  
KENEALY, THOMAS SCHULTZ,  
23 RICHARD SHADOIAN, BRENDA  
STOWERS, ARNOLD TOWNSEND,  
24 San Francisco Elections Commissioners;  
SAN FRANCISCO DEPARTMENT OF  
25 ELECTIONS; SAN FRANCISCO  
ELECTIONS COMMISSION,  
26

27 Defendants/Respondents.  
28

Case No. CPF-03-503431

~~PROPOSED~~ ORDER DENYING  
PETITION FOR WRIT OF MANDATE

1 Pursuant to this Court's August 11, 2003 Order to Show Cause Re: Preliminary  
2 Injunction/Writ of Mandate, the request for preliminary injunctive relief and for the issuance of a  
3 writ of mandate of petitioners and plaintiffs Center for Voting and Democracy; California  
4 Congress of Seniors; San Francisco Labor Council, AFL-CIO; California Public Interest  
5 Research Group; Chinese Progressive Association; Enrique Asis; Gwenn Craig; Arthur Chang;  
6 and Tracy Baxter (collectively "petitioners"), came on for hearing before this Court on August  
7 20, 2003. Petitioners were represented by their counsel, Lowell Finley. Respondents and  
8 defendants John Arntz, Alix Rosenthal, Michael Mendelson, Robert Kenealy, Thomas Schultz,  
9 Richard Shadoian, Brenda Stowers, Arnold Townsend, San Francisco Department of Elections,  
10 and San Francisco Elections Commission (collectively "respondents") were represented by their  
11 counsel, Deputy City Attorneys Wayne Snodgrass, Julia Moll, and Chad Jacobs.

12 Based on the pleadings and papers filed by petitioners and respondents, and upon the  
13 arguments of counsel presented at the hearing, this Court hereby orders as follows:

14 1. By agreement of the parties, petitioners have dropped their request for preliminary  
15 injunctive relief. The Court therefore need not, and does not, rule upon that request.

16 2. This Court has considered and bases its ruling only on non-hearsay evidence. The  
17 hearsay evidence that the Court has not considered includes the Declaration of James Robert  
18 Latham, Jr., and exhibits thereto.

19 3. In adjudicating the petition for writ of mandate, this Court must strive to preserve  
20 the integrity of the elections process and the orderly conduct of the election. Although  
21 respondents will violate Section 13.102 of the Charter of the City and County of San Francisco  
22 by proceeding with the municipal general election on November 4, 2003 without implementing  
23 instant runoff voting for that election, California law requires this Court to give considerable  
24 deference to the judgment of elections officials as to whether judicial intervention in the  
25 preparation for and conduct of an election threatens those officials' ability to conduct a fair,  
26 transparent, orderly, and verifiable election. Respondents have presented significant evidence,  
27 including the testimony of elections officials, that compelling respondents to employ instant  
28 runoff voting at the November 4, 2003 municipal election would place respondents' ability to



# **EXHIBIT 4**

# State of California

SECRETARY OF STATE

**APPROVAL OF USE OF  
SEQUOIA VOTING SYSTEMS'  
SYSTEM 4.0 VOTING SYSTEM  
(December 4, 2009 Revision)**

I, DEBRA BOWEN, Secretary of State of the State of California, do hereby certify that:

- I. Sequoia Voting Systems, Inc. of Denver, Colorado ("Vendor"), has requested approval for use in California elections of its SYSTEM 4.0 voting system comprised of WinEDS Software version 4.0.116; WinEDS Extended Services Software version 1.0.47; WinEDS Election Reporting Software version 4.0.44; Optech Insight Plus, Hardware version A or higher, with Optech Insight Plus HPX Firmware version K1.44.080501.1500 and Optech Insight Plus APX Firmware version K2.16.080626.1320; Memory Pack Reader (MPR), Hardware version D, Firmware version 3.01.080422.0522; 400-C Central Count scanner, Hardware version 3.00P, with WinETP (400-C) Software version 1.16.6 submitted on or about July 9, 2008.
- II. The request for approval of the voting system as described in Paragraph 1, was considered at a public hearing held September 26, 2008, in Sacramento, California.
- III. STATE FUNCTIONAL TESTING RESULTS
  1. I, as Secretary of State, tasked Freeman, Craft, McGregor Group (FCMG) to perform functional testing of the voting system, including the system's ability to accurately record, tabulate and report votes in Ranked Choice Voting elections. FCMG did not perform accessibility or Red Team penetration testing because System 4.0 used the same hardware as the WinEDS 3.1.012 voting system (System 3.1.012), which had undergone accessibility and Red Team testing as part of the Top-To-Bottom Review (TTBR) in 2007. The reports of results of the accessibility and Red Team testing of System 3.1.012 apply equally to System 4.0.
  2. FCMG found that System 4.0 passed all state functional test requirements, including tests of the system's capacity to accurately record, tabulate and report votes in Ranked Choice Voting elections, using the Ranked Choice Voting rules in the Charter of the City and County of San Francisco.

#### IV. STATE SOURCE CODE TESTING RESULTS

1. I, as Secretary of State, tasked atsec information security corporation (Source Code Reviewers), working under contract to FCMG, to conduct an analysis of the source code of the Sequoia 4.0 Voting System, with the goal of assessing the security and integrity of the system, and in particular, of identifying any security vulnerabilities that could be exploited to alter vote recording, vote results, or critical election data such as audit logs, or to conduct a "denial of service" attack on the voting system.
2. The Source Code Reviewers assessed whether the System 4.0 source code resolves high-level security architecture issues and specific security defects of the Sequoia System 3.1.012 voting system identified in the TTBR reports on the testing of that system.
3. The Source Code Reviewers found that the previously reported security architecture issues remain issues in version 4.0. Specific architectural issues are identified in paragraphs 4-9 below.
4. The Source Code Reviewers found no effective mechanism to protect the integrity of data that is transferred between components of the system via removable media.
5. The Source Code Reviewers found a potential vulnerability for SQL injection attacks that would allow unauthorized access to election data stored in the database or execution of malicious code on the database server machine to crash the system.
6. The Source Code Reviewers found that a user can exploit a system weakness to gain access to the database without going through the WinEDS user interface, and then add, delete and modify any data in the database.
7. The Source Code Reviewers found that cryptographic methods are improperly used.
8. The Source Code Reviewers found that access control management in System 4.0 is still cumbersome, subject to user error and also can be circumvented.
9. The Source Code Reviewers found that while password management has been improved in System 4.0, because of an architecture defect, the strengthening of password management does not necessarily lead to a strengthened access control system.
10. The Source Code Reviewers also found that most of the specific security defects identified in the TTBR reports on the Sequoia System 3.1.012 voting system are also present in System 4.0. Specific security defects are identified in paragraphs 11-13 below.
11. The Source Code Reviewers verified that 9 of the 47 defects that were previously reported in the TTBR have been sufficiently resolved in the System 4.0 source code to mitigate the identified vulnerability. Code modifications for two defects partially resolve

the reported issues. Code modifications for two defects do not sufficiently mitigate the reported vulnerabilities they are intended to resolve. Resolution of 10 issues could not be determined by static review of the source code. Based on the code review, the reviewers found that approximately 24 of the 47 issues identified in the TTBR in the Sequoia System 3.1.012 voting system have not been addressed by code modifications in System 4.0.

12. The Source Code Reviewers found that a new mechanism was included in the build of System 4.0 submitted for California approval. The new mechanism verifies successful completion of the initialize or zero operation on the Optech Insight Plus precinct optical scanner and should prevent occurrence of an error that had been detected in a test of a previous build by the State of Washington.

13. The Source Code Reviewers found that System 4.0 does not properly protect the integrity of ballot data or ballot images stored in the 400-C Central Count Scanner and Optech Insight Plus precinct scanner. Except for a simple cyclic redundancy check (CRC), there is no security on the data in the MemoryPack. As a result, program code or data could be easily manipulated by an attacker.

14. The Source Code Reviewers conducted a thorough review of the two new modules (WinEDS Extended Services and WinEDS Election Reporting) included in System 4.0. They found the modules are susceptible to SQL injection attacks via unauthorized access to election data stored in the database or execution of malicious code on the database server machine to crash the system; rely on user action to ensure data integrity rather than implementing a system safeguard; and provide inadequate error handling. Exploitation of any of these weaknesses could result in data corruption and/or incomplete or false results.

15. Overall, the Source Code Reviewers concluded that, while progress has been made, System 4.0 remains vulnerable to multiple attack scenarios. Those attack scenarios center around interception and modification of data that the system has no reliable ways to detect.

## V. BUFFER SIZE INCREASE TESTING RESULTS

1. In October 2008, shortly after the original approval for use of System 4.0, Sequoia requested approval to modify two lines of code to increase the size of the ballot image data buffer (also referred to as the Cast Vote Records or CVR) in WinEDS. Sequoia had discovered that, when the size of ballot image data in the MemoryPack exceeds 1024 bytes (1KB), the tally data load exceeds the WinEDS buffer size. In order to correct the error, Sequoia sought approval to modify the source code to increase the ballot image data buffer to 4096 bytes (4KB).

2. The Secretary of State's Office of Voting Systems Technology Assessment (OVSTA) conducted functional testing of the modified code, identified as WinEDS version 4.0.116B, at the City and County of San Francisco using San Francisco's ballot definition



for the November 4, 2008, General Election. In addition, Secretary of State staff conducted a code comparison of the recently approved WinEDS version 4.0.116 code to the modified WinEDS version 4.0.116B trusted source code. Staff verified that only the lines of code increasing the ballot image data buffer size had been changed. Staff also reviewed a testing report on the modifications submitted to by iBeta Quality Assurance (iBeta), a federally certified voting system test lab. Secretary of State staff determined that the modification does not impair the accuracy and efficiency of the system. In accordance with Section 19213 of the California Elections Code, the Secretary of State approved changing the version of WinEDS in the Sequoia System 4.0 to WinEDS version 4.0.116B.

## VI. LOGIC AND ACCURACY TESTING RESULTS

1. In October 2009, a year after the original approval for use of System 4.0, the City and County of San Francisco conducted Logic and Accuracy testing of its System 4.0 (with WinEDS version 4.0.116B) blended voting system in preparation for its use in the November 3, 2009, Municipal Election. The tests revealed two software errors in the Sequoia Edge 2. The first error affected the Chinese character ballot review screen on the Edge 2, causing a voter who intended to return to a specific contest screen by pressing the name of the contest on the review screen to be returned to the wrong contest screen. The second error affected the audio ballot in ranked choice contests only. Regardless of language selection, the audio feature did not inform a voter reviewing his or her completed ballot of the rank the voter had assigned to any write-in candidate in a ranked choice contest.
2. The results of the Logic and Accuracy testing established that neither of the two software errors affected the accuracy with which votes were entered, recorded or tabulated.
3. Sequoia developed mitigation measures for the two software errors. The mitigation measures can be implemented without software code changes that would require comprehensive new federal and state testing. The Secretary of State, San Francisco Elections Director and Alameda County Registrar of Voters observed and tested the mitigation measures as incorporated by Sequoia in a modified version of the ballot image definition for San Francisco's November 3, 2009, Municipal Election. They requested and Sequoia implemented several modifications to enhance the effectiveness of the mitigation measures. The mitigation measures are described in paragraphs 30 through 33 of Section VII, below.

## VII. APPROVAL

Sequoia Voting Systems, Inc.'s System 4.0 voting system, with WinEDS version 4.0.116B and all other components as described in Paragraph 1, is hereby approved, subject to a separate administrative approval for its use in a blended system incorporating the Sequoia AVC Edge, firmware version 5.0.24, with VeriVote Printer, primarily for

accessible voting for voters with disabilities. Separate administrative approval is required for each county that wishes to use the blended system. The administrative approval for each county will specify the election(s) or period of time for which approval is granted and any additional, county-specific conditions. Use of System 4.0 is also subject to the following terms and conditions:

1. The jurisdiction is prohibited from installing any software applications or utilities on any component of the voting system that have not been identified by the Vendor and approved by the Secretary of State.
2. Prior to sale or use of the system in California, the Vendor must provide to each jurisdiction approved to use the system the revised version of its Use Procedures, entitled "Optech Insight, AVC Edge 5.0, & Optech 400C California Procedures," including all appendices and addendums, which the Secretary of State hereby approves. The revised Use Procedures, a public document, address issues identified in the functional, source code and accessibility testing reports from the state testing of the voting system. Compliance with the Use Procedures by the Vendor and jurisdiction is a condition of the approval of this voting system. Compliance with all requirements set forth in the Use Procedures is mandatory, whether or not a particular requirement is identified in this Approval document.
3. No substitution or modification of the voting system shall be made with respect to any component of the voting system, including the Use Procedures, until the Secretary of State has been notified in writing and has determined that the proposed change or modification does not impair the accuracy or efficiency of the voting systems sufficient to require a re-examination and approval.
4. The Vendor and jurisdiction must implement the specifications for the hardware and operating system platform for all applicable components of the voting system, as set forth on pages Addendum-1 through Addendum-3 of the Use Procedures. The Vendor and jurisdiction must comply with the requirements for "hardening" the configuration of that platform, as set forth in Appendix R, Addendum-5 and Addendum-6 of the Use Procedures, including, but not limited to:
  - BIOS configuration;
  - Essential services that are required and non-essential services that must be disabled;
  - Essential ports that are required and non-essential ports that must be disabled and, if feasible, removed or physically blocked;
  - Audit logging configuration;
  - Definition of user security roles and associated permissions to assure all users have only the minimum required permissions for their role;
  - Password policies, including password strength, expiration, and maximum attempts, along with all related user account control settings; and

- Specifications for the installation, configuration and use of all utilities and software applications necessary for operation of the voting system (e.g., security software, data compression utilities, Adobe Acrobat, etc.), as set forth on pages Addendum-2 and Addendum-3 of the Use Procedures under the heading "COTs Components."
5. Immediately after any repair or modification of any voting system component that requires opening the housing, the integrity of the firmware and/or software must be verified using the automated mechanisms described above, or all software must be reinstalled by the jurisdiction from a read-only version of the approved firmware and/or software supplied directly by the federal testing laboratory or Secretary of State before the equipment can be put back into service.
  6. No network connections to any device not directly used and necessary for voting system functions may be established. Communication by or with any component of the voting system by wireless or modem transmission is prohibited at any time. No component of the voting system, or any device with network connectivity to the voting system, may be connected to the Internet, directly or indirectly, at any time.
  7. Upon request, members of the public must be permitted to observe and inspect, without physical contact, the integrity of all externally visible security seals used to secure voting equipment in a time and manner that does not interfere with the conduct of the election or the privacy of any voter.
  8. Where voting equipment is used to record and tabulate vote results in a polling place, upon close of the polls, the poll workers are required to print two copies of the accumulated vote results and one audit log from each device. Each poll worker must sign every copy. One copy of the vote results from each device must be publicly posted outside the polling place. The second copy, along with the audit log, must be included with the official election material that is returned to the jurisdiction headquarters on election night.
  9. No poll worker or other person may record the time at which or the order in which voters vote in a polling place.
  10. Poll workers are not permitted to participate in any post-election manual count auditing of precinct results from a precinct in which they were a poll worker.
  11. Elections officials must comply with additional post election manual count auditing requirements set forth in emergency regulations promulgated by the Secretary of State and any successor emergency or permanent regulations. Any post election auditing requirements imposed as a condition of this certification shall be paid for by the Vendor. Elections officials are required to conduct the audits and the Vendor is required to reimburse the jurisdiction.

12. Each polling place must be equipped with a method or log to record all problems and issues with the voting equipment in the polling place as reported by voters or observed by poll workers. Such records must include the following information for each event:
  - Date and time of occurrence;
  - Voter involved, if any;
  - Equipment involved;
  - Brief description of occurrence;
  - Actions taken to resolve issue, if any; and
  - Elections official(s) who observed and/or recorded the event.
13. All such event logs or reports must be made available to the public for inspection and review upon request. Prior to or concurrent with the certification of the election, the elections official must submit a report to the Secretary of State. The report shall disclose all reported problems experienced with the voting system and identify the actions taken, if any, to resolve the issues.
14. Training of poll workers must include each of the topics identified on pages N-18 through N-20 of the Use Procedures.
15. All voters voting on paper ballots in a polling place must be provided a privacy sleeve for their ballot and instructed on its use in accordance with Elections Code section 14272.
16. A warning must be posted in each voting booth stating that, pursuant to Elections Code sections 18564, 18565, 18566, 18567, 18568 and 18569, tampering with voting equipment or altering vote results constitutes a felony, punishable by imprisonment.
17. With respect to any piece of voting equipment for which the chain of custody has been compromised or for which the integrity of the tamper-evident seals has been compromised, the following actions must be taken:
  - The chief elections official of the jurisdiction must be notified immediately;
  - The equipment must be removed from service immediately and replaced if possible;
  - Any votes cast on the device prior to its removal from service must be subject to a 100% manual tally, by the process described in Elections Code section 15360, as part of the official canvass. Notice to the public of this manual tally may be combined with the notice required by any other manual tally required in this order or by Elections Code section 15360;
  - Any memory card containing data from that device must be secured and retained for the full election retention period;

- An image of all device software and firmware must be stored on write-once media and retained securely for the full election retention period; and
  - All device software and firmware must be reinstalled from a read-only version of the approved firmware and software supplied directly by the federal testing laboratory or the Secretary of State before the equipment is placed back into service.
18. If a voting device experiences a fatal error from which it cannot recover gracefully (i.e., the error is not handled through the device's internal error handling procedures with or without user input), such that the device must be rebooted or the device reboots itself to restore operation, the following actions must be taken:
- The chief elections official of the jurisdiction must be notified immediately;
  - The equipment must be removed from service immediately and replaced as soon as possible;
  - Any votes cast on the device prior to its removal from service must be subject to a 100% manual tally, by the process described in Elections Code section 15360, over and above the normal manual tally conducted during the official canvass as defined in Elections Code section 336.5. Notice to the public of this manual tally may be combined with the notice required by any other manual tally required in this order or by Elections Code section 15360;
  - Any memory card containing data from that device must be secured and retained for the full election retention period;
  - An image of all device software and firmware must be stored on write-once media and retained securely for the full election retention period;
  - The Vendor or jurisdiction shall provide an analysis of the cause of the failure;
  - Upon request by the Secretary of State, the Vendor or jurisdiction shall retain the device for a reasonable period of time to permit forensic analysis; and
  - All device software and firmware must be reinstalled from a read-only version of the approved firmware and software supplied directly by the federal testing laboratory or the Secretary of State before the equipment is placed back into service.
19. The Secretary of State reserves the right, with reasonable notice to the Vendor and to the jurisdiction using the voting system, to modify the Use Procedures used with the voting system and to impose additional requirements with respect to the use of the system if the Secretary of State determines that such modifications or additions are necessary to enhance the accuracy, reliability or security of the voting system. Such modifications or additions shall be deemed to be incorporated herein as if set forth in full.
20. Any jurisdiction using this voting system shall, prior to such use in each election, file with the California Secretary of State a copy of its Election Observer Panel Plan.

21. The Vendor agrees in writing to provide, and shall provide, to the Secretary of State, or to the Secretary of State's designee, within 30 days of the Secretary of State's demand for such, a working version of the voting system, including all hardware, firmware and software of the voting system, as well as the source code for any software or firmware contained in the voting system, including any commercial off the shelf software or firmware that is available and disclosable by the Vendor, provided that the Secretary of State first commits to the Vendor in writing to maintain the confidentiality of the contents of such voting system or source code so as to protect the proprietary interests of the Vendor in such voting system or source code. The terms of the commitment to maintain confidentiality shall be determined solely by the Secretary of State, after consultation with the Vendor. The voting system shall not be installed in any California jurisdiction until the Vendor has signed such an agreement. Any reasonable costs associated with the review of the source code for any software or firmware contained in the voting system shall be borne by the Vendor.
22. The Secretary of State reserves the right to monitor activities before, during and after the election at any precinct or registrar of voters' office, and may, at his or her discretion, test voting equipment.
23. Elections officials must develop appropriate security procedures for use when representatives of qualified political parties and bona fide associations of citizens and media associations, pursuant to their rights under Elections Code section 15004, check and review the preparation and operation of vote tabulating devices and attend any or all phases of the election. The security procedures must permit representatives to observe at a legible distance the contents of the display on the vote tabulating computer or device. This requirement may be satisfied by positioning an additional display monitor or monitors in a manner that allows the representatives to read the contents displayed on the vote tabulating computer or device while also observing the vote tabulating computer or device and any person or persons operating the vote tabulating computer or device
24. By order of the Secretary of State, voting systems approved for use in California shall comply with all applicable state and federal requirements, including, but not limited to, those voting system requirements as set forth in the California Elections Code and the Help America Vote Act of 2002 and those requirements incorporated by reference in the Help America Vote Act of 2002. Further, voting systems shall also comply with all state and federal voting system guidelines, standards, regulations and requirements that derive authority from or are promulgated pursuant to and in furtherance of the California Elections Code and the Help America Vote Act of 2002 or other applicable state or federal law when appropriate.
25. Voting system manufacturers or their agents shall assume full responsibility for any representation they make that a voting system complies with all applicable state and federal requirements, including, but not limited to, those voting system requirements as set forth in the California Elections Code and the Help America

- Vote Act of 2002 and those requirements incorporated by reference in the Help America Vote Act of 2002. In the event such representation is determined to be false or misleading, voting system manufacturers or their agents shall be responsible for the cost of any upgrade, retrofit or replacement of any voting system or its component parts found to be necessary for certification or otherwise not in compliance.
26. Any voting system purchased with funds allocated by the Secretary of State's office shall meet all applicable state and federal standards, regulations and requirements, including, but not limited to, those voting system requirements as set forth in the California Elections Code and the Help America Vote Act of 2002 and those requirements incorporated by reference in the Help America Vote Act of 2002.
  27. The Vendor must establish a California County User Group and hold at least one annual meeting where all California users and Secretary of State staff are invited to attend and review the system and ensure voter accessibility.
  28. In addition to depositing the source code in an approved escrow facility, the Vendor must deposit with the Secretary of State a copy of the system source code, binary executables and tools and documentation, to allow the complete and successful compilation and installation of a system in its production/operational environment with confirmation by a verification test by qualified personnel using only this content. The Secretary of State reserves the right to perform a full independent review of the source code at any time.
  29. The Vendor must provide printing specifications for paper ballots to the Secretary of State. The Secretary of State will certify printers to print ballots for this system based upon their demonstrated ability to do so. The Vendor may not require exclusivity in ballot printing and must cooperate fully in certification testing of ballots produced by other ballot printers.
  30. As a condition of any grant of administrative approval for a jurisdiction to use the System 4.0 blended system, the Secretary of State will require implementation of the mitigation measures for the Sequoia AVC Edge described in the following paragraphs. The Secretary of State has determined the mitigation measures are sufficient to address the software errors described in paragraph 1 of Section VI above and to ensure the system will record each voter's selections exactly as intended.
  31. In a jurisdiction whose ballot includes Chinese or another character-based language, the ballot definition file for the Edge shall be modified as specified below for all contests (whether or not they employ ranked choice voting) and for all languages to mitigate the risk of voter confusion that could result from a software error that causes the voter to be returned to the wrong contest screen after touching the name of a contest on the ballot review screen:

- A new screen shall be added that appears after all contests on the ballot are voted and immediately before the ballot review screen appears. Text: "The next screen is the review screen. If you would like to make a change from the review screen, touch the "Back" button to return to the contest."
  - The header on the ballot review screen shall be changed to instruct the voter to press the back button to make changes in a contest. Text: "To make a change, touch the "Back" button to return to the contest."
  - The text of the yellow button at the bottom of the ballot review screen shall be changed from "Return" to "Back."
  - The text of the instruction to review the required paper record of the ballot or make changes first shall be changed to refer to the back button. Text: "Touch here to review the required paper record of your ballot, or touch "Back" to return to the ballot and make changes."
  - Instructions on the final screen (prior to casting the ballot) shall be changed to instruct the voter to use the back button to make changes in a contest. Text: "Please review the paper record. You may now cast your ballot or touch "Back" to return to the ballot and make changes."
  - The text of the blue button on the final screen (prior to casting the ballot) shall be changed from "Make Changes" to "Back."
  - The text of the yellow button on the final screen (prior to casting the ballot) shall be changed to read: "Touch here to cast your ballot, or touch "Back" to return to the ballot and make changes."
  - The "final chance" instruction shall be changed to refer to the back button. Text: "This will be your final chance to make changes. Touch "Back" now to return to the ballot and make changes."
32. The audio portion of the ballot definition style in all languages on the Edge shall be modified for ranked choice voting contests to mitigate the risk of voter confusion that could result from a software error that provides no audio confirmation of the voter's ranking of any write-in candidate. The following text shall be added at the end of the instructions for voting in each ranked choice contest: "For a write-in candidate the rank will be read after you accept your entry. The rank will not be repeated during the review."
33. Paragraph 32 shall not apply to a jurisdiction that requests and is granted approval to define the ballot in such a way that each possible ranking in a ranked choice voting contest is presented as though it were a separate contest. In that case, the



audio portion of the ballot definition shall include the number of the ranking each time the audio refers to the voter's options or selection for that rank.



**IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California, this 4<sup>th</sup> day of December, 2009.**

*Debra Bowen*

**DEBRA BOWEN**  
Secretary of State

# **EXHIBIT 5**

OFFICIAL BALLOT / BALOTA OFICIAL / 正式選票

CONSOLIDATED GENERAL ELECTION / ELECCIONES GENERALES CONSOLIDADAS / 聯合普選  
CITY AND COUNTY OF SAN FRANCISCO / CIUDAD Y CONDADO DE SAN FRANCISCO / 三藩市市縣  
NOVEMBER 2, 2004 / 2 DE NOVIEMBRE DE 2004 / 2004年11月2日

OFFICIAL BALLOT / BALOTA OFICIAL / 正式選票

CONSOLIDATED GENERAL ELECTION / ELECCIONES GENERALES CONSOLIDADAS / 聯合普選  
CITY AND COUNTY OF SAN FRANCISCO / CIUDAD Y CONDADO DE SAN FRANCISCO / 三藩市市縣  
NOVEMBER 2, 2004 / 2 DE NOVIEMBRE DE 2004 / 2004年11月2日

SUPERVISORIAL DISTRICT 5

**INSTRUCTIONS TO VOTERS:** Mark your first choice in the first column by completing the arrow pointing to your choice, as shown in the picture. To indicate a second choice, select a different candidate in the second column. To indicate a third choice, select a different candidate in the third column. To vote for a qualified write-in candidate, write the person's name on the blank line provided and complete the arrow.

**INSTRUCCIONES PARA LOS ELECTORES:** Para marcar su primera opción en la primera columna, complete la flecha que apunta hacia su selección, tal como se indica en la imagen. Para indicar una segunda opción, seleccione un candidato distinto en la segunda columna. Para indicar una tercera opción, seleccione un candidato distinto en la tercera columna. Para votar por un candidato calificado no listado, escriba el nombre de la persona en el espacio en blanco provisto, y complete la flecha.

**選民指南:** 在第一列中標記你的第一選擇，將指向你的選擇的箭頭畫線連接起來，如圖所示。標記第二個選擇時，在第二列中選擇一位不同的候選人。標記第三個選擇時，在第三列中選擇一位不同的候選人。投票資格寫入候選人名時，在提供的空白處填寫此人的姓名，並將箭頭畫線連接起來。

MEMBER, BOARD OF SUPERVISORS / MIEMBRO / CONSEJO DE SUPERVISORES / 市參議員		
DISTRICT 5 - DISTRITO 5 - 第五選區		
VOTE YOUR FIRST, SECOND AND THIRD CHOICES / VOTE POR SU PRIMERA, SEGUNDA Y TERCERA SELECCIÓN / 投票資格寫入候選人名		
FIRST CHOICE PRIMERA SELECCIÓN 第一選擇	SECONO CHOICE SEGUNDA SELECCIÓN 第二選擇	THIRD CHOICE TERCERA SELECCIÓN 第三選擇

Vote In One Vote por Uno 請選一名	ROSS MIRKARIMI 羅斯·米爾卡里米 District Attorney Investigator Investigador en la Fiscalía del Distrito	MICHAEL E. O'CONNOR 麥克·歐康諾 Small Business Owner Dueño de Pequeño Negocio	PHILLIP HOUSE 菲利浦·豪斯 Attorney Abogado	ROBERT HAALAND 羅伯特·哈蘭德 Labor Union Organizer Organizador Laboral Sindical	EMMETT GILMAN 艾默特·吉爾曼 Attorney Abogado	JULIAN DAVIS 朱利安·戴維斯 Doctoral Student Estudiante de Doctorado	LISA FELOSTEIN 麗莎·費洛斯坦 Community Housing Executive Ejecutiva de Vivienda Comunitaria	SUSAN C. KING 蘇珊·C·金 Non-Profit Fundraising Director Directora de Recaudación de Fondos sin Fines de Lucro	DAN KALB 丹·卡爾布 Environmental Policy Director Director de Normativa Oficial Ambiental	TYS SNIFFEN 泰斯·斯尼芬 Small Business Owner Dueño de Pequeño Negocio	FRANCIS SOMSEL 法蘭西斯·桑塞爾 Business Development Consultant Consultor en Desarrollo de Negocio	JIM SIEGEL 吉姆·西格爾 Small Business Owner Dueño de Pequeño Negocio	PHOENIX STREETS 菲尼克斯·斯特里茨 Regulatory Purge Defender Defensor del Retorno Puro	ANDREW SULLIVAN 安德魯·沙利文 Internet Service Executive Ejecutivo de Servicios Internet	PATRICK M. CIOCCA 派翠克·M·奇奧卡 Attorney/Restaurateur/Host Abogado / Anticipo de Restaurante	BRETT WHEELER 布萊特·惠勒 Professor Profesor	VIVIAN WILDER 維維安·威爾德 Consumer Advisor Consejero para el Consumidor	NICK WAUGH 尼克·沃格 Labor Rights Advisor Consejero en Derechos Laborales	ROB ANDERSON 羅布·安德森 Dishwasher Lavador de Platos	H. BROWN H·布朗 Teacher Profesor	JOSEPH BLUE 約瑟夫·布魯 Loan Consultant Consultor en Préstamos	BILL BARNES 比爾·巴爾內斯 District Supervisor's Representative Representante de Supervisor en el Distrito
WRITE-IN / ESCRIBE EN / 寫入																						

Vote In One - Must Be different than your first choice Vote por Uno - Debera ser diferente de su primera selección 請選一名 - 必須與第一選擇不同	ROSS MIRKARIMI 羅斯·米爾卡里米 District Attorney Investigator Investigador en la Fiscalía del Distrito	MICHAEL E. O'CONNOR 麥克·歐康諾 Small Business Owner Dueño de Pequeño Negocio	PHILLIP HOUSE 菲利浦·豪斯 Attorney Abogado	ROBERT HAALAND 羅伯特·哈蘭德 Labor Union Organizer Organizador Laboral Sindical	EMMETT GILMAN 艾默特·吉爾曼 Attorney Abogado	JULIAN DAVIS 朱利安·戴維斯 Doctoral Student Estudiante de Doctorado	LISA FELOSTEIN 麗莎·費洛斯坦 Community Housing Executive Ejecutiva de Vivienda Comunitaria	SUSAN C. KING 蘇珊·C·金 Non-Profit Fundraising Director Directora de Recaudación de Fondos sin Fines de Lucro	DAN KALB 丹·卡爾布 Environmental Policy Director Director de Normativa Oficial Ambiental	TYS SNIFFEN 泰斯·斯尼芬 Small Business Owner Dueño de Pequeño Negocio	FRANCIS SOMSEL 法蘭西斯·桑塞爾 Business Development Consultant Consultor en Desarrollo de Negocio	JIM SIEGEL 吉姆·西格爾 Small Business Owner Dueño de Pequeño Negocio	PHOENIX STREETS 菲尼克斯·斯特里茨 Regulatory Purge Defender Defensor del Retorno Puro	ANDREW SULLIVAN 安德魯·沙利文 Internet Service Executive Ejecutivo de Servicios Internet	PATRICK M. CIOCCA 派翠克·M·奇奧卡 Attorney/Restaurateur/Host Abogado / Anticipo de Restaurante	BRETT WHEELER 布萊特·惠勒 Professor Profesor	VIVIAN WILDER 維維安·威爾德 Consumer Advisor Consejero para el Consumidor	NICK WAUGH 尼克·沃格 Labor Rights Advisor Consejero en Derechos Laborales	ROB ANDERSON 羅布·安德森 Dishwasher Lavador de Platos	H. BROWN H·布朗 Teacher Profesor	JOSEPH BLUE 約瑟夫·布魯 Loan Consultant Consultor en Préstamos	BILL BARNES 比爾·巴爾內斯 District Supervisor's Representative Representante de Supervisor en el Distrito
WRITE-IN / ESCRIBE EN / 寫入																						

Vote In One - Must Be different than your first and second choices Vote por Uno - Debera ser diferente de su primera y segunda selección 請選一名 - 必須與第一及第二選擇不同	ROSS MIRKARIMI 羅斯·米爾卡里米 District Attorney Investigator Investigador en la Fiscalía del Distrito	MICHAEL E. O'CONNOR 麥克·歐康諾 Small Business Owner Dueño de Pequeño Negocio	PHILLIP HOUSE 菲利浦·豪斯 Attorney Abogado	ROBERT HAALAND 羅伯特·哈蘭德 Labor Union Organizer Organizador Laboral Sindical	EMMETT GILMAN 艾默特·吉爾曼 Attorney Abogado	JULIAN DAVIS 朱利安·戴維斯 Doctoral Student Estudiante de Doctorado	LISA FELOSTEIN 麗莎·費洛斯坦 Community Housing Executive Ejecutiva de Vivienda Comunitaria	SUSAN C. KING 蘇珊·C·金 Non-Profit Fundraising Director Directora de Recaudación de Fondos sin Fines de Lucro	DAN KALB 丹·卡爾布 Environmental Policy Director Director de Normativa Oficial Ambiental	TYS SNIFFEN 泰斯·斯尼芬 Small Business Owner Dueño de Pequeño Negocio	FRANCIS SOMSEL 法蘭西斯·桑塞爾 Business Development Consultant Consultor en Desarrollo de Negocio	JIM SIEGEL 吉姆·西格爾 Small Business Owner Dueño de Pequeño Negocio	PHOENIX STREETS 菲尼克斯·斯特里茨 Regulatory Purge Defender Defensor del Retorno Puro	ANDREW SULLIVAN 安德魯·沙利文 Internet Service Executive Ejecutivo de Servicios Internet	PATRICK M. CIOCCA 派翠克·M·奇奧卡 Attorney/Restaurateur/Host Abogado / Anticipo de Restaurante	BRETT WHEELER 布萊特·惠勒 Professor Profesor	VIVIAN WILDER 維維安·威爾德 Consumer Advisor Consejero para el Consumidor	NICK WAUGH 尼克·沃格 Labor Rights Advisor Consejero en Derechos Laborales	ROB ANDERSON 羅布·安德森 Dishwasher Lavador de Platos	H. BROWN H·布朗 Teacher Profesor	JOSEPH BLUE 約瑟夫·布魯 Loan Consultant Consultor en Préstamos	BILL BARNES 比爾·巴爾內斯 District Supervisor's Representative Representante de Supervisor en el Distrito
WRITE-IN / ESCRIBE EN / 寫入																						

# **EXHIBIT 6**

DEMOCRATIC BALLOT / BALOTA DEMOCRATICA / 投票單  
CITY AND COUNTY OF SAN FRANCISCO / CIUDAD Y CONDADO DE SAN FRANCISCO / 三藩市市縣

SUPERVISORIAL DISTRICT 7

INSTRUCTIONS TO VOTERS: Complete the arrow pointing to your choice, as shown in the picture.  
INSTRUCCIONES PARA ELECTORES: Completa la flecha que señala su selección, tal como se indica en la imagen.  
選民指南: 請將指向你選擇的箭頭畫線連接起來, 如圖所示。



INSTRUCTIONS TO VOTERS: To vote for candidates in the Ranked Choice Voting (RCV) election for City and County of San Francisco offices, within each contest appearing on your ballot...

You include one or more qualified write-in candidates in your ranking by writing each person's name in one of the blank spaces provided for that purpose after the names of the other candidates for the same office...

Your second choice will not hurt your first choice, your third choice will not hurt your first two choices, and so on.

INSTRUCCIONES PARA LOS ELECTORES: Para votar por candidatos postulados a cargos en la ciudad y el condado de San Francisco por la elección con Votación por orden de preferencia (Ranked Choice Voting, RCV), realice lo siguiente en cada contenido que figure en la balota...

En cada contenido de 1. selección, marque una línea para conectar las barras a la derecha de su primera opción. NUNCA MARQUE MÁS DE UNA preferencia por candidato. Para votar por el siguiente candidato en su orden de preferencia, conecte las barras del contenido de 2. selección a la derecha del nombre del candidato que sigue como su segunda opción...

選民指南: 在採用優先選擇投票制 (以下簡稱 RCV) 的選舉中投票。San Francisco 市將舉辦公職候選人, 讓在選票上所列的每一種辦公職內: 在於您的第一選擇候選人右側的 1 個序號標記後畫一條線, 將其選票投給。用於任何一位候選人的優先選擇標記均不得超過一個...

PARTISAN OFFICES / CARGOS PARTIDISTAS / 政黨公職

MEMBER, COUNTY CENTRAL COMMITTEE, ASSEMBLY DISTRICT 13 / MIEMBRO DEL COMITÉ CENTRAL DEL CONDADO, ASAMBLEA DEL DISTRITO 13 / 縣中央委員會委員, 第 13 州眾選區

Vote for no more than Nine / Vote por no más de Nueve / 最多九人

DAVID RHODES / 大衛·羅茲

Libertarian / 自由黨

IAN J. GRIMES / 伊安·J·格萊姆

Peace & Freedom / 和平與自由黨

CAROLE MOODEN / 凱洛·米頓

Democratic / 民主黨

ANDREW O. FELDER / 安德魯·O·費爾德

Republican / 共和黨

TOM LANTOS / 湯姆·蘭托斯

Democratic / 民主黨

NARLANO HARRISON / 哈蘭諾·哈里斯

Libertarian / 自由黨

PAT GRAY / 派特·格雷

Green / 綠黨

MIKE GARZA / 麥克·加爾扎

Republican / 共和黨

MARK LENO / 馬克·萊諾

Democratic / 民主黨

WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

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WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

CITY AND COUNTY / CIUDAD Y CONDADO / 市縣

MEMBER, BOARD OF SUPERVISORS / MIEMBRO, CONSEJO DE SUPERVISORES / 市參議員

DISTRICT 7 - DISTRITO 7 - 第 7 選區

Vote your 1st, second, third and fourth choices / Vote por su primera, segunda, tercera y cuarta selección / 投票給第一、第二、第三和第四

JOSE MEDINA / 何塞·梅迪納

Environmental / 環境黨

MVRNA VIRAY LIM / 林翠蓮

Small Business / 小企業黨

ANITA GRIER / 安妮塔·格萊爾

Educator / 教育黨

FIL M. SILVERIO / 菲爾·M·西爾維奧

City / 城市黨

MATT JUNI-DARLINGTON / 馬特·朱尼-達林頓

Teacher / 教師黨

GERARDO SANDOVAL / 傑拉多·桑多瓦爾

Incumbent / 現任黨

ROLANDO A. BONILLA / 羅蘭度·博尼拉

Incumbent / 現任黨

TOM VUEN / 湯姆·文恩

Police / 警察黨

JAKE MCGOLDRICK / 傑克·麥高德里克

San Francisco Superior / 三藩市高等法院法官

DAVID NELLER / 大衛·奈勒

Small Business / 小企業黨

WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

WRITE-IN / NO LISTADO / 寫入

DISTRICT ATTORNEY / ABOGADO FISCAL / 地方檢察長

Vote your first, second, third and fourth choices / Vote por su primera, segunda, tercera y cuarta selección / 投票給第一、第二、第三和第四

DON J. GRUNMANN / 唐·J·格倫曼

Doctor of Chiropractic / 中醫師

JAMES P. "JIM" GRAY / 詹姆斯·P·"吉姆"·格雷

Judge / 法官

MARSHA FEINLAND / 瑪莎·芬蘭

Public School Teacher / 公立學校教師

BARBARA BOXER / 芭芭拉·博克瑟

U.S. Senator / 美國參議員

BILL JONES / 比爾·瓊斯

Farmer/Businessman / 農民/商人

NANCY PELOSI / 南希·佩洛西

Member of Congress / 國會議員

NOWARD EPSTEIN / 諾瓦德·艾普斯坦

Small Business Owner / 小企業業主

LELANO Y. YEE / 余漢英

Assemblymember / 州議員

CHRIS MAOEN / 克萊斯·毛恩

Publishing Technology Consultant / 出版技術顧問

JENNIFER OEPALMA / 珍妮弗·奧帕爾馬

Attorney / 律師

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# **EXHIBIT 7**

