

ORIGINAL

1 NIELSEN, MERKSAMER, PARRINELLO,
 2 MUELLER & NAYLOR, LLP
 3 JAMES R. PARRINELLO, ESQ. (S.B. NO. 63415)
 4 CHRISTOPHER E. SKINNELL, ESQ. (S.B. NO. 227093)
 5 2350 Kerner Boulevard, Suite 250
 6 San Rafael, California 94901
 7 Telephone: (415) 389-6800
 8 Facsimile: (415) 388-6874
 9 Email: jparrinello@nmgovlaw.com
 10 Email: cskinnell@nmgovlaw.com

FILED

FEB - 4 2010

M

RICHARD W. WILKINS
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

11 *Attorneys for Plaintiffs*
 12 RON DUDUM, MATTHEW
 13 SHERIDAN, ELIZABETH MURPHY,
 14 KATHERINE WEBSTER, MARINA
 15 FRANCO and DENNIS FLYNN

16 IN THE UNITED STATES DISTRICT COURT
 17 FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMC

CV 10

504

SI

18 RON DUDUM, MATTHEW SHERIDAN,
 19 ELIZABETH MURPHY, KATHERINE
 20 WEBSTER, MARINA FRANCO and
 21 DENNIS FLYNN,

Case No.

**COMPLAINT FOR
INJUNCTIVE AND
DECLARATORY RELIEF**

Plaintiffs,

vs.

22 JOHN ARNTZ, Director of Elections of the
 23 City and County of San Francisco; the
 24 CITY & COUNTY OF SAN FRANCISCO, a
 25 municipal corporation; the SAN
 26 FRANCISCO DEPARTMENT OF
 27 ELECTIONS; the SAN FRANCISCO
 28 ELECTIONS COMMISSION; and DOES 1-
 20,

Defendants.

INTRODUCTION

1
2 1. This is an action brought in the public interest to enjoin the conduct of
3 San Francisco municipal elections in violation of the constitutional and voting
4 rights of Plaintiffs and those similarly-situated.

5 2. Since 2004 the City and County of San Francisco has used an “instant
6 runoff” (sometimes called “ranked-choice”) voting system to conduct its elections
7 for the Board of Supervisors, Mayor, Sheriff, District Attorney, City Attorney,
8 Treasurer, Assessor-Recorder, and Public Defender. S.F. CHARTER § 13.102. While
9 instant runoff voting systems are used in a handful of jurisdictions around the
10 country, the instant runoff voting system being implemented in San Francisco is
11 unorthodox and—at the time it was adopted—unprecedented in that it allows a
12 voter to “rank” only three candidates even though there often are more than three
13 candidates running for a particular office. San Francisco’s novel system violates
14 the constitutional rights of voters because it arbitrarily and illegally extinguishes a
15 voter’s right to vote once his or her three ranked candidates are eliminated from
16 contention. The result has been that in election after election thousands of voters
17 have illegally had their votes “exhausted” and been denied the right to participate
18 in subsequent rounds of balloting while other voters have been allowed to
19 participate fully. As such the instant runoff voting system used in San Francisco
20 violates the equal protection and due process clauses of the Fourteenth
21 Amendment, the First Amendment, and 42 U.S.C. § 1983.

22 **GENERAL ALLEGATIONS**

23 **Background**

24 3. In March 2002, the voters of San Francisco adopted Proposition A,
25 which amended the City Charter to replace the City’s traditional municipal election
26 system (providing for a general election in November and a runoff election, if
27 necessary, in December) with an instant runoff voting system.

28 ///

1 4. Under San Francisco's instant runoff voting system, all voting for
2 municipal offices takes place on a single day. Each voter is allowed to rank a
3 maximum of three candidates for each office: a first choice, a second choice, and a
4 third choice (assuming at least three candidates run, of course). S.F. CHARTER §
5 13.102.

6 5. Even if there are more than three candidates running for a particular
7 office, a voter is still only permitted to rank his or her top three choices.
8 Proposition A provided for ranking all candidates, but authorized the San
9 Francisco Director of Elections to limit the choices to "no fewer than three" if "the
10 voting system, vote tabulation system or similar related equipment used by the
11 City and County cannot feasibly accommodate choices equal to the total number of
12 candidates running for each office[.]" S.F. CHARTER § 13.102(b). The Director of
13 Elections has so limited the number of candidates that voters may rank.

14 6. After the ballots are cast, an initial tally is conducted by the Elections
15 Department. If a candidate receives a majority of the first-place votes, he or she is
16 elected. If no candidate receives a majority of the first-place votes, the so-called
17 "instant runoff" occurs. The candidate in last place, who received the fewest
18 number of first-place votes, is eliminated, and each vote for that last-place
19 candidate is transferred to the voter's second choice candidate. All other voters'
20 first-place votes continue to be counted as such.¹ The votes are thus re-tabulated
21 in the "instant runoff," *i.e.*, the second round of voting.

22 7. If no candidate exceeds 50% of the votes counted in this second
23 round, the candidate in last place is eliminated, and each vote for that last-place
24

25 ¹ If the votes for the bottom two (or more) candidates do not add up to the number
26 of votes received by the next lowest candidate, more than one can be eliminated in a
27 single round. For example, in a race with five candidates if the first round produced 10
28 votes for the first place candidate, 7 for the second place candidate, then 6 votes, 1 vote,
and 1 vote for the remaining three candidates, the two bottom candidates would be
eliminated because their combined total does not add up to six votes.

1 candidate is transferred to the next-ranked candidate on that voter's ballot (now
2 the voter's second or potentially third choice).

3 8. The "instant runoff" process continues, round after round, until one
4 candidate gets a majority of the "continuing" votes cast. Any voter who has already
5 voted for three last-place finishers does not get to vote in that round or in any later
6 round of the instant runoff. This is because, under San Francisco's novel instant
7 runoff voting system, a voter's ballot is deemed "exhausted" and of no further
8 effect once his or her three ranked choices are used up, and that voter is not
9 allowed to participate in subsequent rounds of the instant runoff. The Charter
10 unequivocally mandates, "the [exhausted] ballot *shall not be counted* in further
11 stages of the tabulation" S.F. CHARTER § 13.102(a)(3) (emphasis added).

12 9. Plaintiffs are informed and believe, and on that basis allege, that when
13 San Francisco's voters adopted the charter amendment in March 2002, no other
14 jurisdiction in the United States conducted elections in an instant runoff voting
15 system that limited the number of candidates that could be ranked. Prior to 2002,
16 the few jurisdictions that used instant runoff voting permitted voters to rank every
17 candidate who appeared on the ballot.²

18 **San Francisco's Instant Runoff Voting System in**
19 **Action: Election Results From 2004-2008**
20 **Demonstrate That Thousands of Citizens' Votes**
21 **Were "Exhausted" and Rendered Of No Force or**
22 **Effect**

23
24 10. Proposition A was implemented for the first time in November 2004.
25 Since that time, tens of thousands of ballots have been "exhausted" in election after
26

27 ² This complaint challenges only the three-candidate limitation imposed by the City &
28 County of San Francisco, and not instant runoff voting generally—the constitutionality of which
remains an open question in the law.

1 election. Attached hereto, and incorporated herein by this reference, are the
2 instant runoff voting results in San Francisco since the system began to be used,
3 for those elections in which two or more rounds of tabulation were required. These
4 attached results are true and correct copies of the official results posted on the
5 website of the San Francisco Department of Elections. A few examples are
6 discussed below.

7 11. In the 2004 supervisorial election for District 5, 13,144 ballots were
8 exhausted by the final (19th) round of balloting; 4,781 were exhausted in District 1
9 by the fourth and final runoff round; and in District 11 there were 6,595 exhausted
10 ballots by the sixth and final runoff round. In other words, 37.44%, 16.61%, and
11 28.46% of voters, respectively, were denied the right to vote in the final runoff
12 round of the balloting in those supervisorial districts.

13 12. Similarly, in 2006, 6,010 ballots were exhausted by the fourth and
14 final runoff round for the supervisorial election in District 4—30.33% of the total
15 votes cast. And in District 6, there were 2,269 exhausted ballots by the final round,
16 equaling 12.65% of the total ballots cast.

17 13. And most recently, in 2008, there were 5,294 exhausted ballots in the
18 final round of balloting in supervisorial District 11—21.46% of the ballots cast. And
19 in District 3, 4,291 ballots were exhausted by the deciding seventh round, 14.26%
20 of the total ballots cast.

21 **In Passing Proposition A, San Francisco Voters**
22 **Were Promised A Voting System That Would**
23 **Provide For The Election of Candidates Who**
24 **Garnered A Majority of the Votes Cast, Just Like**
25 **the Primary-Runoff System.**
26

27 14. Under San Francisco law, the city's Ballot Simplification Committee
28 prepared a Digest (or summary) of Proposition A which was mailed to all voters.

1 Comparing the proposed instant runoff voting system to the City's existing
2 general/runoff voting system, the Digest assured told voters that a majority vote
3 still would be required to win election, stating, for example, "A winner would still
4 have to receive more than 50% of the vote," and "This process of transferring votes
5 to the voter's next-choice candidate and eliminating candidates with the fewest
6 votes would be repeated until one candidate received more than 50% of the votes."
7 This was not accurate—under Proposition A's instant runoff voting system as
8 implemented, a candidate need not receive 50% of the votes cast to win election,
9 but only 50% of the "continuing" (or non-exhausted) votes. Thus, the Digest
10 obscured the fact that many voters' ballots would be deemed "exhausted" and of no
11 force or effect in later rounds of instant runoff voting.

12
13 **San Francisco's Novel Instant Runoff Voting**
14 **System Regularly Results In Elections Being Won**
15 **By Less Than A Majority of Total Votes Cast, And**
16 **the Number of "Exhausted" Ballots Regularly**
17 **Exceeds the Vote Differential Between 1st and 2d**
18 **Place Finishers.**

19 15. A collateral effect of this constitutional deprivation caused by the
20 City's allowing voters to rank only 3 candidates is that, in many elections, the
21 victorious candidate garners less than a majority of total votes cast and, adding
22 insult to constitutional injury, the number of exhausted votes exceeds the vote
23 differential between first and second place finishers in the last round of "instant
24 runoff" voting, often by a substantial amount. In fact, during the 2008 instant
25 runoff voting elections for Supervisor, four (4) of the seven winners received less
26 than a majority of the total votes cast; and "exhausted" votes exceeded the winning
27 margin in each of those four supervisorial elections.

28 ///

1 16. In 2004, 35,109 ballots were cast for the office of supervisor in
2 District 5. Ross Mirkarimi received 13,211 votes in the final (19th) round of the
3 instant runoff, 5,939 more than the 2d place finisher. His vote total was a majority
4 of the 26,111 remaining (“continuing, non-exhausted”) ballots, but it was only
5 37.6% of the actual ballots cast. This is because 13,144 voters’ ballots had been
6 “exhausted” by that round, and those citizens had no vote which was counted in
7 the final round—more than twice the total margin of victory.

8 17. In 2006, 19,814 ballots were cast for supervisor in District 4. Ed Jew
9 received 8,388 votes in the final (4th) round, only 801 more than the 2d place
10 finisher. His vote total was a majority of the 15,975 continuing ballots, but not a
11 majority of actual ballots cast (in fact, only 42.3% of same)—6,010 ballots were
12 “exhausted” by the 4th round of the instant runoff, and no vote was counted for the
13 citizens whose ballots were “exhausted” before the 4th and final round—more than
14 seven times the total margin of victory.

15 18. Most recently, in November 2008, there were 24,673 ballots cast in
16 District 11. John Avalos won after four rounds by 1,133 votes over the 2d place
17 finisher (10,225 vs. 9,092); his 10,225 total votes in the final round were only 41%
18 of the actual ballots cast. By the 4th round, there were 5,294 “exhausted” ballots
19 that were not counted—more than 4.5 times the total margin of victory.

20 19. As a direct result of restricting voters to ranking a maximum of three
21 candidates even though more candidates were running for a particular office, the
22 San Francisco instant runoff voting system has caused thousands of voters’ ballots
23 to be “exhausted” and rendered of no force or effect, and in numbers which were
24 great enough to affect the outcome of elections. Further, it repeatedly resulted in
25 the election of candidates who gathered less than a majority of the actual ballots
26 cast—in contradiction of what the voters who passed Proposition A were promised.

27 ///

28 ///

Abridgment Of The Right To Vote

1
2 20. The limitation imposed by the Director of Elections and being
3 implemented in San Francisco, providing that voters may rank only three
4 candidates regardless of the number of candidates seeking office, has the effect of
5 disenfranchising a substantial number of voters in municipal elections. While
6 some voters are permitted to have a vote counted in each and every round of
7 balloting and tabulation, certain other voters—because they chose less popular
8 candidates in the early rounds—are denied the ability to have any vote counted at
9 all in later rounds of balloting. This situation is analogous to a hypothetical case
10 under the traditional general/runoff system in which those voters who voted in the
11 general election for the least popular candidate (or two or three) were denied the
12 right to cast a ballot in the runoff. The unconstitutionality of such a system would
13 be patent, and the same defects are present under San Francisco's novel system.

PARTIES

14
15 21. Plaintiff MATTHEW SHERIDAN is a resident and duly registered
16 voter in the City of San Francisco, in the 2d Supervisorial District. Mr. SHERIDAN
17 has voted in several recent San Francisco municipal elections at which instant
18 runoff voting was implemented, and he plans to vote in the November 2010
19 election for Supervisor in District 2 and at the 2011 mayoral election. Four
20 candidates have already filed a "Candidate Intention Statement" (FPPC Form 501)
21 with the San Francisco Ethics Commission, stating their intention to be a
22 candidate for supervisor in District 2 at the November 2010 election. With more
23 than five months remaining until the candidate filing period opens, it is highly
24 likely that additional candidates could file for that seat, creating a serious danger
25 of the "exhaustion" of some number of ballots.

26 22. Plaintiff RON DUDUM is a resident and duly registered voter in the
27 City of San Francisco, in the 4th Supervisorial District. Mr. DUDUM has voted in
28 several recent San Francisco municipal elections at which instant runoff voting

1 was implemented, and he plans to vote in the November 2010 election for
2 Supervisor in District 4 and at the 2011 mayoral election. Moreover, Mr. DUDUM
3 was one of six candidates for Supervisor in District 4 in 2006. After four rounds of
4 counting instant “runoffs” Mr. DUDUM finished 2d in that race with 7,587 votes to
5 8,388 votes for Ed Jew—a difference of only 801 votes. A total of 2,636 ballots
6 were “exhausted” after the third round of counting—more than three times Mr.
7 Jew’s margin of victory. If voters had been permitted to rank every candidate on
8 the ballot, Mr. DUDUM might have won that election.

9 23. Plaintiff ELIZABETH MURPHY is a resident and duly registered voter
10 in the City of San Francisco, in the 4th Supervisorial District. Ms. MURPHY has
11 voted in several recent San Francisco municipal elections at which instant runoff
12 voting was implemented, and she plans to vote in the November 2010 election for
13 Supervisor in District 4 and at the 2011 mayoral election.

14 24. Plaintiff Katherine WEBSTER is a resident and duly registered voter
15 in the City of San Francisco, in the 6th Supervisorial District. Ms. WEBSTER has
16 voted in several recent San Francisco municipal elections at which instant runoff
17 voting was implemented, and she plans to vote in the November 2010 election for
18 Supervisor in District 6 and at the 2011 mayoral election. *Twenty* candidates have
19 already filed a “Candidate Intention Statement” (FPPC Form 501) with the San
20 Francisco Ethics Commission, stating their intention to be a candidate for
21 supervisor in District 6 at the November 2010 election. With more than five
22 months remaining until the candidate filing period opens, it is possible that
23 additional candidates could file for that seat. Given this high number of
24 candidates, it is virtually certain that some number of ballots will be “exhausted”
25 before the round of tabulation at which the ultimate winner is declared.

26 25. Plaintiff MARINA FRANCO is a resident and duly registered voter in
27 the City of San Francisco, in the 8th Supervisorial District. Ms. FRANCO has voted
28 in several recent San Francisco municipal elections at which instant runoff voting

1 was implemented, and she plans to vote in the November 2010 election for
2 Supervisor in District 8 and at the 2011 mayoral election. Five candidates have
3 already filed a "Candidate Intention Statement" (FPPC Form 501) with the San
4 Francisco Ethics Commission, stating their intention to be a candidate for
5 supervisor in District 8 at the November 2010 election. With more than five
6 months remaining until the candidate filing period opens, it is highly likely that
7 additional candidates could file for that seat, creating a serious danger of the
8 "exhaustion" of some number of ballots.

9 26. Plaintiff DENNIS FLYNN is a resident and duly registered voter in the
10 City of San Francisco, in the 10th Supervisorial District. Mr. FLYNN has voted in
11 several recent San Francisco municipal elections at which instant runoff voting
12 was implemented, and he plans to vote in the November 2010 election for
13 Supervisor in District 10 and at the 2011 mayoral election. *Ten* candidates have
14 already filed a "Candidate Intention Statement" (FPPC Form 501) with the San
15 Francisco Ethics Commission, stating their intention to be a candidate for
16 supervisor in District 10 at the November 2010 election. With more than five
17 months remaining until the candidate filing period opens, it is possible that
18 additional candidates could file for that seat. Given this high number of
19 candidates, it is virtually certain that some number of ballots will be "exhausted"
20 before the round of tabulation at which the ultimate winner is declared.

21 27. Each of the foregoing Plaintiffs also intends to vote for Mayor in
22 November 2011. As of the date of this filing, three candidates have already
23 declared for that office, nearly 18 months prior to the candidate filing deadline,
24 and almost two years before the election. Given that Mayor Newsom will be forced
25 from office by term limits, and is ineligible to seek the office again, it is virtually
26 inevitable that additional candidates will file as well.

27 28. Defendant JOHN ARNTZ is the duly appointed Director of Elections
28 of the City & County of San Francisco, in that capacity is responsible for the

1 conduct of San Francisco municipal elections. Section 13.102 of the San Francisco
2 Charter delegates to Defendant ARNTZ the authority to limit the number of
3 candidates for which a voter may express a preference in San Francisco municipal
4 elections using instant runoff voting to “no fewer than three” if “the voting system,
5 vote tabulation system or similar related equipment used by the City and County
6 cannot feasibly accommodate choices equal to the total number of candidates
7 running for each office[.]” S.F. CHARTER § 13.102(b). Defendant ARNTZ has
8 exercised this delegated authority to limit voters to ranking only three candidates.
9 Defendant ARNTZ is sued in his official capacity only.

10 29. Defendant CITY & COUNTY OF SAN FRANCISCO (“CITY”) is a
11 municipal corporation organized and existing under and by virtue of the laws of
12 the State of California. This action challenges the constitutionality of a provision
13 of the City’s Charter, adopted by the City’s voters in 2002.

14 30. Defendant SAN FRANCISCO DEPARTMENT OF ELECTIONS is an
15 agency of Defendant CITY, created by the CITY’s Charter, to “conduct all public
16 federal, state, district and municipal elections in the City and County. The
17 department [is] administered by the Director of Elections, who [is] vested with the
18 day-to-day conduct and management of the Department and of voter registration
19 and matters pertaining to elections in the City and County. The Director []
20 report[s] to the Elections Commission.” S.F. CHARTER § 13.104.

21 31. Defendant SAN FRANCISCO ELECTIONS COMMISSION is an
22 agency of the CITY, created by the CITY’s Charter, “to oversee all public federal,
23 state, district and municipal elections in the City and County. The Commission [is
24 charged with] set[ting] general policies for the Department of Elections and [is]
25 responsible for the proper administration of the general practices of the
26 Department These duties shall include but not be limited to approving written
27 plans prior to each election, submitted by the Director of Elections, detailing the
28 policies, procedures, and personnel that will be used to conduct the election”

1 S.F. CHARTER § 13.103.5.

2 32. Plaintiffs are unaware of the true names and capacities of Defendants
3 DOES 1 through 20, and sue such Defendants by fictitious names. Plaintiffs are
4 informed and believe, and based upon such information and belief allege, that each
5 of the fictitiously named Defendants is in some manner responsible for the actions
6 described in this Complaint. When the true identities and capacities of these
7 Defendants have been determined, Plaintiff will seek leave to amend this
8 Complaint to insert such identities and capacities.

9 **JURISDICTION AND VENUE**

10 33. This lawsuit alleges violation of Plaintiffs' rights under the Fourteenth
11 Amendment of the Constitution of the United States of America and 42 U.S.C. §
12 1983. Accordingly, this Court has "federal question" jurisdiction over Plaintiffs'
13 claims by virtue of 28 U.S.C. § 1331.

14 34. Venue is proper in the Northern District of California pursuant to 28
15 U.S.C. § 1391(b) because the events and omissions giving rise to Plaintiffs' claims
16 occurred in the City and County of San Francisco, which is located within the
17 Northern District.

18 **FIRST CLAIM FOR RELIEF**

19 **(Violation of the Equal Protection Clause of the Fourteenth**
20 **Amendment of the United States Constitution and 42 U.S.C. § 1983)**

21 **(By All Plaintiffs Against All Defendants)**

22 35. The allegations of paragraphs 1 through 34 above are incorporated by
23 reference as though fully set forth herein.

24 36. Defendants' actions, as described herein, violate Plaintiffs' rights to
25 equal protection under the laws as guaranteed by the Fourteenth Amendment to
26 the United States Constitution, both facially and as-applied, because some voters
27 are permitted to have votes cast in all rounds of the instant runoff under the
28

1 instant runoff voting system, while other voters—whose ballots are “exhausted”—
2 are deprived of the right to vote in later and dispositive rounds.

3 37. Plaintiffs will be irreparably harmed by the conduct of an election that
4 infringes upon their equal protection rights, and Plaintiffs have no speedy or
5 adequate remedy at law. Consequently, Plaintiffs are entitled to preliminary and
6 permanent injunctive relief to restrain all Defendants from proceeding with instant
7 runoff voting unless voters are permitted to rank as many candidates as there are
8 running for any given municipal office.

9 38. Furthermore, an actual controversy now exists between Plaintiffs and
10 Defendants as to whether Defendants’ decision to limit voters to ranking only three
11 candidates for any given municipal office, regardless of the number of how many
12 candidates run, threatens to or does violate Plaintiffs’ equal protection rights. The
13 parties therefore require a declaration from the Court regarding whether
14 Defendants’ actions, as alleged herein, violate the federal Equal Protection Clause.

15 **SECOND CLAIM FOR RELIEF**

16 **(Violation of the First Amendment of the**
17 **United States Constitution and 42 U.S.C. § 1983)**

18 **(By All Plaintiffs Against All Defendants)**

19 39. The allegations of paragraphs 1 through 38 above are incorporated by
20 reference as though fully set forth herein.

21 40. Defendants’ actions, as described herein, violate Plaintiffs’ voting
22 rights as guaranteed by the First Amendment to the United States Constitution,
23 both facially and as-applied, because some voters are permitted to have votes cast
24 in all rounds of the instant runoff under the instant runoff voting system, while
25 other voters—whose ballots are “exhausted”—are deprived of the right to vote in
26 later and dispositive rounds.

27 41. Plaintiffs will be irreparably harmed by the conduct of an election that
28 infringes upon their First Amendment rights, and Plaintiffs have no speedy or

1 adequate remedy at law. Consequently, Plaintiffs are entitled to preliminary and
2 permanent injunctive relief to restrain all Defendants from proceeding with instant
3 runoff voting unless voters are permitted to rank as many candidates as there are
4 running for any given municipal office.

5 42. Furthermore, an actual controversy now exists between Plaintiffs and
6 Defendants as to whether Defendants' decision to limit voters to ranking only three
7 candidates for any given municipal office, regardless of the number of how many
8 candidates run, threatens to or does violate Plaintiffs' First Amendment rights.
9 The parties therefore require a declaration from the Court regarding whether
10 Defendants' actions, as alleged herein, violate the First Amendment.

11 **THIRD CLAIM FOR RELIEF**

12 **(Violation of the Due Process Clause of the Fourteenth Amendment**
13 **of the United States Constitution and 42 U.S.C. § 1983)**

14 **(By All Plaintiffs Against All Defendants)**

15 43. The allegations of paragraphs 1 through 42 above are incorporated by
16 reference as though fully set forth herein.

17 44. Defendants' actions, as described herein, violate Plaintiffs' rights to
18 due process as guaranteed by the Fourteenth Amendment to the United States
19 Constitution because the instant runoff voting system as implemented in San
20 Francisco results in patent and fundamental unfairness.

21 45. Plaintiffs will be irreparably harmed by the conduct of an election that
22 infringes upon their due process rights, and Plaintiffs have no speedy or adequate
23 remedy at law. Consequently, Plaintiffs are entitled to preliminary and permanent
24 injunctive relief to restrain all Defendants from proceeding with instant runoff
25 voting unless voters are permitted to rank as many candidates as there are running
26 for any given municipal office.

27 46. Furthermore, an actual controversy now exists between Plaintiffs and
28 Defendants as to whether Defendants' decision to limit voters to ranking only three

1 candidates for any given municipal office, regardless of the number of how many
2 candidates run, threatens to or does violate Plaintiffs' due process rights. The
3 parties therefore require a declaration from the Court regarding whether
4 Defendants' actions, as alleged herein, violate the federal Due Process Clause.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiffs pray as follows:

7 1. For immediate issuance of a preliminary injunction prohibiting
8 Defendants, and all persons acting pursuant to their direction and control, from
9 taking any steps to conduct the November 2010 municipal elections and any other
10 elections in San Francisco using instant runoff voting where voters are prohibited
11 from ranking every candidate on the ballot for each office;

12 2. For a permanent injunction prohibiting Defendants, and all persons
13 acting pursuant to their direction and control, from taking any steps to conduct
14 any elections in San Francisco using instant runoff voting where voters are
15 prohibited from ranking every candidate on the ballot for each office;

16 3. For a declaration that Defendants have impermissibly infringed on
17 Plaintiffs' rights under the Equal Protection Clause of the Fourteenth Amendment
18 to the United States Constitution, 42 U. S. C. § 1983, both facially and as-applied;

19 4. For a declaration that Defendants have impermissibly infringed on
20 Plaintiffs' rights under the First Amendment to the United States Constitution, 42
21 U. S. C. § 1983, both facially and as-applied;

22 5. For a declaration that Defendants have impermissibly infringed on
23 Plaintiffs' rights under the Due Process Clause of the Fourteenth Amendment to
24 the United States Constitution, 42 U. S. C. § 1983, both facially and as-applied;

25 6. For reasonable attorneys fees pursuant to 42 U.S.C. § 1988(b);

26 7. For costs of suit;

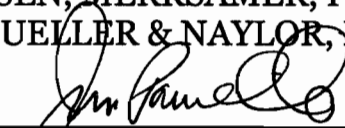
27 ///

28 ///


1 8. For any and all such other relief that the Court deems just and
2 equitable.

3 Dated: February 3, 2010

NIELSEN, MERKSAMER, PARRINELLO,
MUELLER & NAYLOR, LLP

4
5 By:  _____

6 James R. Parrinello

7
8 By:  _____

9 Christopher E. Skinnell

10 *Attorneys for Plaintiffs*

EXHIBIT A

Dudum v. Arntz
US District Court, Northern District of California

[LISTEN](#)
[TEXT ONLY](#)
[PRINT](#)
[A](#)
[A](#)
[A](#)

RCV District 1 Nov 2004
City and County of San Francisco
Consolidated General Election
November 2, 2004

District 1 - Ranked-Choice Voting

Go To: [Election Results](#) | [Neighborhood Statistics](#) | [RCV-1](#) | [RCV-2](#) | [RCV-3](#) | [RCV-5](#) | [RCV-7](#) | [RCV-9](#) | [RCV-11](#)

Official Results

<i>Candidate</i>	<i>Pass 1</i>	<i>Pass 2</i>	<i>Pass 3</i>	<i>Pass 4</i>
JAKE MCGOLDRICK (Winner 54.013%)	11815	12084	12304	14011
DAVID HELLER	2012	2297	2531*	
LEANNA DAWYDIAK	1380*			
JEFFREY S. FREEBAIRN	132*			
LILLIAN SING	8989	9309	10036	11929
ROSE TSAI	1595	1727*		
MATT TUCHOW	2864	3159	3417*	
WRITE-IN		*		
Eligible Ballots	28787	28576	28288	25940
Exhausted Ballots	1934	2145	2433	4781
Total Ballots	30721	30721	30721	30721

RUN DATE:11/30/04 09:45 AM

LISTEN
TEXT ONLY
PRINT
 A
 A
 A

RCV District 5 Nov 2004
City and County of San Francisco
Consolidated General Election
November 2, 2004

District 5 - Ranked-Choice Voting

Go To: [Election Results](#) | [Neighborhood Statistics](#) |
[RCV-1](#) | [RCV-2](#) | [RCV-3](#) | [RCV-5](#) | [RCV-7](#) | [RCV-9](#) | [RCV-11](#)

Official Results

Candidate	Pass 1	Pass 2	Pass 3	Pass 4	Pass 5	Pass 6	Pass 7	Pass 8	Pass 9	Pass 10	Pass 11	Pass 12	Pass 13	Pass 14	Pass 15	Pass 16	Pass 17	Pass 18	Pass 19	
ROSS																				
MIRKARIMI (Winner 50.596%)	9947	9950	9952	9969	9996	10034	10094	10158	10261	10387	10472	10635	10766	10946	11262	11659	11921	12287	13211	
MICHAEL E. O'CONNOR	868	870	873	882	906	930	944	973	1012	1036	1079	1127*								
PHILLIP HOUSE	62	62*																		
ROBERT HAALAND	5124	5126	5130	5146	5180	5192	5226	5254	5318	5384	5461	5538	5628	5740	5956	6319	6409	6636	7272	
EMMETT GILMAN	393	394	398	405	407	423*														
JULIAN DAVIS	418	422	429	443	462	467	481*													
LISA FELDSTEIN	3257	3265	3274	3289	3309	3323	3381	3430	3484	3566	3671	3765	3851	4070	4313	4636	4759	5064	5628	
SUSAN C. KING	977	980	984	1007	1034	1051	1072	1116	1147	1206	1237	1293	1371*							
DAN KALB	1398	1400	1400	1412	1430	1449	1466	1493	1540	1582	1610	1698	1739	1867*						
TYS SNIFFEN	686	687	688	692	707	719	730	746*												
FRANCIS SOMSEL	368	368	370	379	381*															
JIM SIEGEL	1540	1542	1543	1551	1565	1608	1639	1657	1743	1763	1820	1866	2053	2111	2184	2242*				
PHOENIX STREETS	657	658	660	673	699	714	731	752	771*											
ANDREW SULLIVAN	2477	2478	2479	2494	2501	2550	2570	2580	2639	2663	2716	2771	2831	2870	2982	3068	3601*			
PATRICK M. CIOCCA	91	91	91*																	

LISTEN
 TEXT ONLY
 PRINT
 ▲
 ▲
 ▲

RCV District 7 Nov 2004
City and County of San Francisco
Consolidated General Election
November 2, 2004

District 7 - Ranked-Choice Voting

Go To: [Election Results](#) | [Neighborhood Statistics](#) |
[RCV-1](#) | [RCV-2](#) | [RCV-3](#) | [RCV-5](#) | [RCV-7](#) | [RCV-9](#) | [RCV-11](#)

Official Results

<i>Candidate</i>	<i>Pass 1</i>	<i>Pass 2</i>	<i>Pass 3</i>	<i>Pass 4</i>	<i>Pass 5</i>	<i>Pass 6</i>	<i>Pass 7</i>	<i>Pass 8</i>	<i>Pass 9</i>	<i>Pass 10</i>	<i>Pass 11</i>
MICHAEL PATRICK MALLEN	975	1004	1017	1040	1066	1110*					
SHAWN REIFSTECK	1108	1136	1187	1210	1236	1286	1388*				
CHRISTINE LINNENBACH	6784	6817	6865	6962	7078	7231	7452	7782	8490	9160	10491
PAT LAKEY	763	783	804	823	840*						
DAVID PARKER	348*										
MILTON "RENNIE" O'BRIEN	2372	2410	2481	2525	2588	2691	2847	3090	3300	3799*	
VERNON C. GRIGG III	2091	2104	2114	2151	2186	2252	2323	2451*			
SHEELA KINI	349	367*									
SVETLANA KAFF	546	573	592	605*							
SEAN R. ELSBERND (Winner 56.872%)	10505	10547	10568	10667	10740	10884	11018	11198	11827	12446	13834
GREGORY CORRALES	2560	2589	2618	2658	2721	2767	2878	2946	3110*		
ISAAC WANG	2728	2757	2785	2813	2868	2926	3007	3110	3263	3533*	
ART BELENSON	510	517	528*								
WRITE-IN	*										
Eligible Ballots	31639	31604	31559	31454	31323	31147	30913	30577	29990	28938	24325
Exhausted Ballots	3266	3301	3346	3451	3582	3758	3992	4328	4915	5967	10580
Total Ballots	34905	34905	34905	34905	34905	34905	34905	34905	34905	34905	34905

RUN DATE:11/30/04 10:17 AM

[LISTEN](#)
[TEXT ONLY](#)
[PRINT](#)

[A](#)
[A](#)
[A](#)

RCV District 11 Nov 2004
City and County of San Francisco
Consolidated General Election
November 2, 2004

District 11 - Ranked-Choice Voting

Go To: [Election Results](#) | [Neighborhood Statistics](#) |
[RCV-1](#) | [RCV-2](#) | [RCV-3](#) | [RCV-5](#) | [RCV-7](#) | [RCV-9](#) | [RCV-11](#)

Official Results

Candidate		Pass 1	Pass 2	Pass 3	Pass 4	Pass 5	Pass 6
JOSE MEDINA		2869	2989	3359	3867	4683*	
MYRNA VIRAY LIM		4280	4884	5248	5719	6760	7628
ANITA GRIER		2806	3080	3522	3829*		
FIL M. SILVERIO		307*					
REBECCA REYNOLDS SILVERBERG		1816	1946*				
GERARDO SANDOVAL	(Winner 58.333%)	7477	7637	7919	8553	9256	10679
ROLANDO A. BONILLA		2293	2356	2571*			
TOM YUEN		1328*					
WRITE-IN		*					
	Eligible Ballots	23176	22892	22619	21968	20699	18307
	Exhausted Ballots	1726	2010	2283	2934	4203	6595
	Total Ballots	24902	24902	24902	24902	24902	24902

RUN DATE:11/30/04 10:33AM

LISTEN
TEXT ONLY
PRINT

A
A
A

RCV District 4 Nov 2006
City and County of San Francisco
Consolidated General Election
November 7, 2006
RCV District 4

Go To:

- | [Neighborhood Statistics](#) |
- | [RCV Assessor-Recorder](#) | [RCV Public Defender](#) |
- | [RCV Dist 2](#) | [RCV Dist 4](#) | [RCV Dist 6](#) | [RCV Dist 8](#) | [RCV Dist 10](#) |

OFFICIAL RESULTS

RUN DATE: 12/05/06 11:43 AM

Race and Candidate	Pass 1	Pass 2	Pass 3	Pass 4		Pre-RCV Count	Pre-RCV Diff.
MEMBER, BOARD OF SUPERVISORS DIST. 4							
RON DUDUM	5,134	5,521	6,305	7,587		5,072	62
ED JEW (Winner 52.507%)	5,184	5,441	6,455	8,388		5,125	59
JAYNRY MAK	4,569	5,012	5,851*			4,504	65
DOUG CHAN	3,236	3,414*				3,192	44
HOUSTON ZHENG	234*					225	9
DAVID FERGUSON	1,455*					1,419	36
WRITE-IN	2*					2	0
Eligible Ballots	19,814	19,388	18,611	15,975	Undervotes	2,253	
Exhausted Ballots	2,171	2,597	3,374	6,010	Overvotes	193	
Total Ballots	21,985	21,985	21,985	21,985	Total	21,985	

To understand the difference between the Pre-RCV and RCV vote totals:

1. A number of undervotes reported were, in fact, advanceable ballots (Difference column)
2. The RCV algorithm advances those ballots and sums them in Pass1.
3. The candidate(s) with the lowest vote total is selected for elimination (indicated with an asterisk *)

Ballot Definitions:

- The number of **Eligible Ballots** (for Pass 1) is the number of ballots with a mark for a candidate in the 1st choice, plus those whose marks were advanced.
- The number of **Exhausted Ballots** is the number of undervotes minus the number of advanced ballots, plus the number of overvotes (invalid votes for multiple candidates).
- The number of **Total Ballots** is all cards, marked in any way, or blank.

For more information, please go to www.sfgov.org/election/rcv

LISTEN
TEXT ONLY
PRINT
A
A
A

RCV District 6 Nov 2006
City and County of San Francisco
Consolidated General Election
November 7, 2006
RCV District 6

Go To:

| [Neighborhood Statistics](#) |
| [RCV Assessor-Recorder](#) | [RCV Public Defender](#) |
| [RCV Dist 2](#) | [RCV Dist 4](#) | [RCV Dist 6](#) | [RCV Dist 8](#) | [RCV Dist 10](#) |

OFFICIAL RESULTS

RUN DATE: 12/05/06 11:50 AM

Race and Candidate	Pass 1	Pass 2	Pass 3	Pass 4	Pass 5		Pre-RCV Count	Pre-RCV Diff.
MEMBER, BOARD OF SUPERVISORS DIST. 6								
VILIAM DUGOVIC	340	348	358*				330	10
GEORGE DIAS	230	231*					222	8
MATT DRAKE	679	688	725	830	869		669	10
CHRIS DALY (Winner 50.822%)	8,746	8,763	8,803	8,871	8,968		8,654	92
DAVY JONES	389	402	421	463	506		372	17
ROBERT JORDAN	125*						119	6
MANUEL JIMENEZ, JR.	317	328	375	399*			311	6
ROB BLACK	7,115	7,134	7,173	7,215	7,303		7,051	64
WRITE-IN		*					0	0
Eligible Ballots	17,941	17,894	17,855	17,778	17,646	Undervotes	2,027	
Exhausted Ballots	1,974	2,021	2,060	2,137	2,269	Overvotes	160	
Total Ballots	19,915	19,915	19,915	19,915	19,915	Total	19,915	

To understand the difference between the Pre-RCV and RCV vote totals:

1. A number of undervotes reported were, in fact, advanceable ballots (Difference column)
2. The RCV algorithm advances those ballots and sums them in Pass1.
3. The candidate(s) with the lowest vote total is selected for elimination (indicated with an asterisk *)

Ballot Definitions:

- The number of **Eligible Ballots** (for Pass 1) is the number of ballots with a mark for a candidate in the 1st choice, plus those whose marks were advanced.
- The number of **Exhausted Ballots** is the number of undervotes minus the number of advanced ballots, plus the number of overvotes (invalid votes for multiple candidates).
- The number of **Total Ballots** is all cards, marked in any way, or blank.

For more information, please go to www.sfgov.org/election/rcv

[LISTEN](#)
[TEXT ONLY](#)
[PRINT](#)
 A
 A
 A

Ranked-Choice Voting Report - District 1
City and County of San Francisco
Consolidated Presidential General Election
November 4, 2008
Ranked-Choice Voting
Board of Supervisors, District 1

Go To:

[| Election Summary | Neighborhood Statistics |](#)
[| RCV 1 | RCV 3 | RCV 4 | RCV 5 | RCV 7 | RCV 9 | RCV 11 |](#)

The Election Summary Report provides the accumulated totals of first-choice rankings. The Ranked-Choice Voting Report for Round 1 combines the accumulated totals of first-choice rankings as well as the second- or third-choice selections transferred to the first-choice ranking selections when the first-choice ranking was skipped as required under San Francisco Charter Sec. 13.102: "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."

For information about candidates and measures see [Candidates & Campaigns](#).

Official Results as of 12/2/2008 3:13 PM

	Round 1			Round 2		
	Votes	%	Transfer	Votes	%	Transfer
ERIC MAR	11649	40.51%	+1503	13152	50.67%	0
ALICIA WANG	4218	14.67%	-4218	0	0.00%	0
JASON JUNGREIS	614	2.14%	-614	0	0.00%	0
BRIAN J. LARKIN	998	3.47%	-998	0	0.00%	0
SUE LEE	9753	33.92%	+3052	12805	49.33%	0
SHERMAN R. D'SILVA	257	0.89%	-257	0	0.00%	0
GEORGE FLAMIK	325	1.13%	-325	0	0.00%	0
FIDEL CHRYS GAKUBA	363	1.26%	-363	0	0.00%	0
NICHOLAS C. BELLONI	537	1.87%	-537	0	0.00%	0
WRITE-IN	42	0.15%	-42	0	0.00%	0
Exhausted by Over Votes	242		+18	260		0

Under Votes	2696		0	2696		0
Exhausted Ballots	0		+2781	2781		0
Continuing Ballots	28756	100.00%		25957	100.00%	
TOTAL	31694		0	31694		0
REMARKS	*Tie resolved in accordance with election law.					

Additional Versions of Ranked-Choice Voting Results:

| [RCV-1.pdf](#) | [RCV-1.xls](#) | [RCV-1 Ballot Image.zip](#) |

LISTEN
TEXT ONLY
PRINT
A
A
A

**Ranked-Choice Voting Report - District 3
City and County of San Francisco
Consolidated Presidential General Election
November 4, 2008
Ranked-Choice Voting
Board of Supervisors, District 3**

Go To:
| [Election Summary](#) | [Neighborhood Statistics](#) |
| [RCV 1](#) | [RCV 3](#) | [RCV 4](#) | [RCV 5](#) | [RCV 7](#) | [RCV 9](#) | [RCV 11](#) |

The Election Summary Report provides the accumulated totals of first-choice rankings.
The Ranked-Choice Voting Report for Round 1 combines the accumulated totals of first-choice rankings as well as the second- or third-choice selections transferred to the first-choice ranking selections when the first-choice ranking was skipped as required under San Francisco Charter Sec. 13.102: "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."

For information about candidates and measures see [Candidates & Campaigns](#).
Official Results as of 12/2/2008 3:13 PM

	Round 1		Round 2		Round 3		Round 4		Round 5		Round 6		Round 7								
	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer						
DENISE MCCARTHY	3172	11.66%	+169	3341	12.37%	+231	3572	13.30%	+143	3715	14.06%	+512	4227	16.25%	+406	4633	18.42%	-4633	0	0.00%	0
LYNN JEFFERSON	1235	4.54%	+130	1365	5.05%	+106	1471	5.48%	+179	1650	6.24%	-1650	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0
JOSEPH ALIOTO, JR.	6285	23.11%	+115	6400	23.69%	+255	6655	24.79%	+458	7113	26.92%	+310	7423	28.53%	+752	8175	32.50%	+1118	9293	40.63%	0
MIKE DENUNZIO	1335	4.91%	+51	1386	5.13%	+80	1466	5.46%	-1466	0	0.00%	0	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0
TONY GANTNER	1195	4.39%	+40	1235	4.57%	-1235	0	0.00%	0	0	0.00%	0	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0
DAVID CHIU	10270	37.76%	+242	10512	38.91%	+288	10800	40.22%	+119	10919	41.32%	+227	11146	42.84%	+1202	12348	49.09%	+1234	13582	59.37%	0
CLAUDINE CHENG	2515	9.25%	+264	2779	10.29%	+107	2886	10.75%	+141	3027	11.46%	+196	3223	12.39%	-3223	0	0.00%	0	0.00%	0	
WILMA PANG	952	3.50%	-952	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0
MARK QUESSEY	204	0.75%	-204	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0
WRITE-IN	35	0.13%	-35	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0

Exhausted by Over Votes	284	+4	288	+2	290	+3	293	+1	294	+12	306	+10	316	0
Under Votes	2604	0	2604	0	2604	0	2604	0	2604	0	2604	0	2604	0
Exhausted Ballots	0	+176	176	+166	342	+423	765	+404	1169	+851	2020	+2271	4291	0
Continuing Ballots	27198	100.00%	27018	100.00%	26850	100.00%	26424	100.00%	26019	100.00%	25156	100.00%	22875	100.00%
TOTAL	30086	0	30086	0	30086	0	30086	0	30086	0	30086	0	30086	0
REMARKS	*Tie resolved in accordance with election law.													

Additional Versions of Ranked-Choice Voting Results:
 | RCV-3.pdf | RCV-3.xls | RCV-3 Ballot Image.zip |

[LISTEN](#)
[TEXT ONLY](#)
[PRINT](#)

▲
 ▲
 ▲

Ranked-Choice Voting Report - District 9
City and County of San Francisco
Consolidated Presidential General Election
November 4, 2008
Ranked-Choice Voting
Board of Supervisors, District 9

Go To:

| [Election Summary](#) | [Neighborhood Statistics](#) |
 | [RCV 1](#) | [RCV 3](#) | [RCV 4](#) | [RCV 5](#) | [RCV 7](#) | [RCV 9](#) | [RCV 11](#) |

The Election Summary Report provides the accumulated totals of first-choice rankings. The Ranked-Choice Voting Report for Round 1 combines the accumulated totals of first-choice rankings as well as the second- or third-choice selections transferred to the first-choice ranking selections when the first-choice ranking was skipped as required under San Francisco Charter Sec. 13.102: "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."

For information about candidates and measures see [Candidates & Campaigns](#).

Official Results as of 12/2/2008 3:13 PM

	Round 1			Round 2			Round 3		
	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer
EVA ROYALE	1842	6.95%	-1842	0	0.00%	0	0	0.00%	0
VERN MATHEWS	469	1.77%	-469	0	0.00%	0	0	0.00%	0
MARK SANCHEZ	7648	28.88%	+975	8623	34.53%	+2214	10837	46.17%	0
ERIC STOREY	806	3.04%	-806	0	0.00%	0	0	0.00%	0
TOM VALTIN	862	3.25%	-862	0	0.00%	0	0	0.00%	0
DAVID CAMPOS	9468	35.75%	+919	10387	41.59%	+2250	12637	53.83%	0
ERIC QUEZADA	5352	20.21%	+612	5964	23.88%	-5964	0	0.00%	0
WRITE-IN	39	0.15%	-39	0	0.00%	0	0	0.00%	0

Exhausted by Over Votes	313		+18	331		+21	352		0
Under Votes	2085		0	2085		0	2085		0
Exhausted Ballots	0		+1494	1494		+1479	2973		0
Continuing Ballots	26486	100.00%		24974	100.00%		23474	100.00%	
TOTAL	28884		0	28884		0	28884		0
REMARKS	*Tie resolved in accordance with election law.								

Additional Versions of Ranked-Choice Voting Results:
 | [RCV-9.pdf](#) | [RCV-9.xls](#) | [RCV-9 Ballot Image.zip](#) |

LISTEN
 TEXT ONLY
 PRINT
 ▲
 ▲
 ▲

Ranked-Choice Voting Report - District 11
City and County of San Francisco
Consolidated Presidential General Election
November 4, 2008
Ranked-Choice Voting
Board of Supervisors, District 11

Go To:
[Election Summary](#) | [Neighborhood Statistics](#) |
[RCV 1](#) | [RCV 3](#) | [RCV 4](#) | [RCV 5](#) | [RCV 7](#) | [RCV 9](#) | [RCV 11](#) |

The Election Summary Report provides the accumulated totals of first-choice rankings. The Ranked-Choice Voting Report for Round 1 combines the accumulated totals of first-choice rankings as well as the second- or third-choice selections transferred to the first-choice ranking selections when the first-choice ranking was skipped as required under San Francisco Charter Sec. 13.102: "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."

For information about candidates and measures see [Candidates & Campaigns](#).

Official Results as of 12/2/2008 3:13 PM

	Round 1			Round 2			Round 3			Round 4		
	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer
JULIO RAMOS	3646	14.78%	+675	4321	18.21%	-4321	0	0.00%	0	0	0.00%	0
AHSHA SAFAI	5965	24.18%	+762	6727	28.35%	+884	7611	33.94%	+1481	9092	47.07%	0
MYRNA LIM	4462	18.08%	+591	5053	21.30%	+876	5929	26.44%	-5929	0	0.00%	0
ELI M. HORN	394	1.60%	-394	0	0.00%	0	0	0.00%	0	0	0.00%	0
JOHN AVALOS	6964	28.23%	+661	7625	32.14%	+1262	8887	39.63%	+1338	10225	52.93%	0
MARY GOODNATURE	459	1.86%	-459	0	0.00%	0	0	0.00%	0	0	0.00%	0
RANDY KNOX	2337	9.47%	-2337	0	0.00%	0	0	0.00%	0	0	0.00%	0
ADRIAN BERMUDEZ	415	1.68%	-415	0	0.00%	0	0	0.00%	0	0	0.00%	0
WRITE-IN	30	0.12%	-30	0	0.00%	0	0	0.00%	0	0	0.00%	0
A. JACKSON MATTESON	1	0.00%	-1	0	0.00%	0	0	0.00%	0	0	0.00%	0
Exhausted by Over Votes	410		+24	434		+13	447		+25	472		0
Under Votes	1826		0	1826		0	1826		0	1826		0
Exhausted Ballots	0		+923	923		+1286	2209		+3085	5294		0
Continuing Ballots	24673	100.00%		23726	100.00%		22427	100.00%		19317	100.00%	
TOTAL	26909		0	26909		0	26909		0	26909		0
REMARKS	*Tie resolved in accordance with election law.											

Additional Versions of Ranked-Choice Voting Results:
[RCV-11.pdf](#) | [RCV-11.xls](#) | [RCV-11 Ballot Image.zip](#) |