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Case No. 10-17198

# In the United States Court of Appeals For the Ninth Circuit

#### RON DUDUM, et al.,

Plaintiffs and Appellants,

v.

#### JOHN ARNTZ, et al.,

Defendants and Appellees,

## APPELLANTS' SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE

On Appeal from the United States District Court for the Northern District of California The Honorable Richard Seeborg, Presiding District Court Case No. 3:10-cv-00504-RS

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MARINA FRANCO & DENNIS FLYNN

## A. <u>DOCUMENTS FOR WHICH APPELLANTS REQUEST</u> <u>JUDICIAL NOTICE</u>.

Pursuant to Rule 201 of the Federal Rules of Evidence, Appellants respectfully request that the Court take judicial notice of the following documents:

- 1. The official Instant Runoff results for the five San Francisco supervisorial elections conducted November 2, 2010, which results were posted on the website of the City's Department of Elections on November 24, 2010.
- 2. The official Instant Runoff results for the Oakland and San Leandro Mayoral elections conducted November 2, 2010, which results were posted on the website of the Alameda County Registrar on November 19, 2010.

## B. JUDICIAL NOTICE OF IS APPROPRIATE UNDER FEDERAL RULE OF EVIDENCE 201.

"Under Rule 201(f), an appellate court can properly take judicial notice of any matter which the trial court could have so noticed . . . ."

United States v. Camp, 723 F.3d 741, 744 n.\*\* (9th Cir. 1984).

Federal Rule of Evidence 201(b)(2) provides for judicial notice of facts that "capable of accurate and ready determination by resort to sources

whose accuracy cannot reasonably be questioned." Each of these documents meets this test.

Judicial notice of election results posted on a government website is appropriate under Federal Rule of Evidence 201(b)(2). *Martinez v. Bush*, 234 F. Supp. 2d 1275, 1307 n.36 (S.D. Fla. 2002) (taking judicial notice of elections results from the Florida Department of State website); *Rodriguez v. Pataki*, 308 F. Supp. 2d 346, 454 n.174 (S.D.N.Y.) (three-judge court), *summarily aff'd*, 543 U.S. 997 (2004) (taking judicial notice of results posted on N.Y. State Bd. of Elections website). *See also Romero v. City of Pomona*, 883 F.2d 1418, 1420 n.1 (9th Cir. 1987) ("we may take judicial notice of the results of these elections, contained in the reports of a public body, Fed.R.Evid. 203(b)(2)[.]"), *overruled in part on other grounds*, *Townsend v. Holman Consulting Corp.*, 914 F.2d 1136 (9th Cir. 1990) (en banc).

With respect to all of the attached documents, "[f]ederal courts consider records from government websites to be self-authenticating under Rule 902(5)." *Paralyzed Veterans of Am.*, 2008 U.S. Dist. LEXIS 69542 at \*22. Moreover, a court "may presume that public records are authentic and trustworthy. The burden of establishing otherwise falls on the opponent of the evidence, who must come 'forward with enough negative

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factors to persuade a court that a report should not be admitted." *Gilbrook* v. City of Westminster, 177 F.3d 839, 858 (9th Cir. 1999) (quoting Johnson v. City of Pleasanton, 982 F.2d 350, 352 (9th Cir. 1992)). Nevertheless, the authenticity of these documents is further corroborated by the Declaration of Christopher Skinnell, attached hereto.

For the foregoing reasons, Appellants hereby respectfully ask that the Court take judicial notice of the above-listed documents.

Respectfully submitted,

Dated: December 27, 2010 NIELSEN

NIELSEN, MERKSAMER, PARRINELLO, MUELLER & NAYLOR, LLP

11:00

By:

Christopher E. Skinnell

Attorneys for Plaintiff/Appellants

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# DECLARATION OF CHRISTOPHER E. SKINNELL IN SUPPORT OF APPELLANTS' SUPPLEMETNAL REQUEST FOR JUDICIAL NOTICE

#### I, CHRISTOPHER E. SKINNELL, declare as follows:

- 1. I am one of the attorneys for Appellants in this action, which challenges the constitutionality of San Francisco's instant runoff voting system, used in municipal elections, on the ground that it violates the voting rights of Appellants and other San Francisco voters.
- 2. On November 30, 2010, I visited the website of the San Francisco Department of Elections, <a href="http://www.sfelections.org/results/20101102/">http://www.sfelections.org/results/20101102/</a>, where I viewed and printed the official Instant Runoff results for the five San Francisco supervisorial elections conducted November 2, 2010, which results were posted on the Department's website on November 24, 2010. True and correct copies of those results are attached hereto as Exhibit A.
- 3. On November 30, 2010, I visited the website of the Alameda County Registrar of Voters, <a href="http://www.co.alameda.ca.us/rov/rcv/results/index.htm">http://www.co.alameda.ca.us/rov/rcv/results/index.htm</a>, where I viewed and the official Instant Runoff results for the Oakland and San Leandro Mayoral elections conducted November 2, 2010, which results were posted

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on the Registrar's website on November 19, 2010. Because that site is

formatted with an imbedded frame, printing the site directly obscures the

final runoff rounds. Instead, I copied and pasted the content of the pages

into Microsoft Word. A true and correct copy of the results that I copied

and pasted without alteration are attached hereto as Exhibit B.

I declare under penalty of perjury under the laws of the State of

California that the foregoing is true and correct of my own personal

knowledge except for those matters stated on information and belief and, as

to those matters, I believe them to be true. If called as a witness, I could

competently testify thereto.

Executed on December 27, 2010, at San Rafael, California.

Chroppen Shill

CHRISTOPHER SKINNELL

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Dudum v. Arntz, Case No. 10-17198 Appellants' Request for Judicial Notice <u>EXHIBIT A</u> Case: 10-17198 12/28/2010 Page: 2 of 6 ID: 7594594 DktEntry: 20-2

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City and County of San Francisco

Department of Elections

#### Official Ranked-Choice Results Report November 2, 2010 Consolidated Statewide Direct Primary Election Board of Supervisors, District 2

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."

		Round 1			Round 2	
	Votes	%	Transfer	Votes	%	Transfer
JANET REILLY	9898	41.08%	+1270	11168	49.43%	0
VILMA B. GUINTO PEORO	160	0.66%	-160	0	0.00%	0
BARBARA BERWICK	537	2.23%	-537	0	0.00%	0
MARK FARRELL	9700	40.26%	+1726	11426	50.57%	0
ABRAHAM SIMMONS	2074	8.61%	-2074	0	0.00%	0
KAT ANDERSON	1707	7.08%	-1707	0	0.00%	0
WRITE-IN	18	0.07%	-18	0	0.00%	0
Exhausted by Over Votes	86		+11	97		0
Under Votes	4731		0	4731		0
Exhausted Ballots	0		+1489	1489		0
Continuing Ballots	24094	100.00%		22594	100.00%	
TOTAL	28911		0	28911		0
REMARKS	*Tie resolv	ed in accord	dance with ele	ction law.		

Detailed Reports: RCV-D2.pdf | RCV-D2.xls | RCV-D2 Ballot Image.zip

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City and County of San Francisco

Department of Elections

#### Official Ranked-Choice Results Report November 2, 2010 Consolidated Statewide Direct Primary Election Board of Supervisors, District 4

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."

One of the candidates in the contest has received a majority of first-choice selections from the ballots counted.

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## Official Ranked-Choice Results Report November 2, 2010 Consolidated Statewide Direct Primary Election Board of Supervisors, District 6

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."

	Round 1			Round 2				Round	3		Round	4		Round	5		Round	6		Round	7		Round	8		Round 9	)		Round 1	0		Round 1	1		Round 1	2
,	Votes	%	Transfer	Votes	%	Transfe	r Votes	%	Transfer	Votes	%	Transfer																								
DEAN CLARK	602	2.85%	0	602	2.86%	+10	612	2.91%	+11	623	2.97%	+6	629	3.00%	+33	662	3.16%	+35	697	3.34%	+16	713	3.44%	-713	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
DEBRA WALKER	5669	26.89%	+1	5670	26.92%	+19	5689	27.05%	+27	5716	27.22%	+25	5741	27.38%	+22	5763	27.55%	+18	5781	27.72%	+76	5857	28.29%	+137	5994	29.28%	+107	6101	30.19%	+600	6701	35.64%	+827	7528	45.92%	0
JAMES KEYS	960	4.55%	0	960	4.56%	+6	966	4.59%	+8	974	4.64%	+6	980	4.67%	+15	995	4.76%	+7	1002	4.81%	+41	1043	5.04%	+59	1102	5.38%	+46	1148	5.68%	-1148	0	0.00%	0	0	0.00%	0
JANE KIM	6621	31.40%	+2	6623	31.45%	+12	6635	31.55%	+11	6646	31.65%	+28	6674	31.83%	+23	6697	32.01%	+23	6720	32.23%	+80	6800	32.85%	+108	6908	33.75%	+131	7039	34.83%	+728	7767	41.31%	+1098	8865	54.08%	0
H. BROWN	182	0.86%	0	182	0.86%	+5	187	0.89%	+11	198	0.94%	+7	205	0.98%	-205	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
GEORGE VAZHAPPALLY	242	1.15%	0	242	1.15%	+19	261	1.24%	+9	270	1.29%	+7	277	1.32%	+7	284	1.36%	-284	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
THERESA SPARKS	3605	17.10%	0	3605	17.12%	+6	3611	17.17%	+12	3623	17.25%	+19	3642	17.37%	+13	3655	17.47%	+16	3671	17.61%	+48	3719	17.96%	+62	3781	18.47%	+101	3882	19.21%	+452	4334	23.05%	-4334	0	0.00%	0
FORTUNATE "NATE" PAYNE	150	0.71%	0	150	0.71%	-150	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
ELAINE ZAMORA	637	3.02%	0	637	3.02%	+3	640	3.04%	+9	649	3.09%	+8	657	3.13%	+16	673	3.22%	+22	695	3.33%	+19	714	3.45%	+32	746	3.64%	-746	0	0.00%	0	0	0.00%	0	0	0.00%	0
JIM MEKO	407	1.93%	0	407	1.93%	+13	420	2.00%	+4	424	2.02%	+12	436	2.08%	+11	447	2.14%	+51	498	2.39%	-498	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
MATT ASHE	185	0.88%	+1	186	0.88%	+2	188	0.89%	+3	191	0.91%	-191	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
MATT DRAKE	947	4.49%	0	947	4.50%	+8	955	4.54%	+7	962	4.58%	+24	986	4.70%	+10	996	4.76%	+35	1031	4.94%	+46	1077	5.20%	+56	1133	5.54%	+67	1200	5.94%	-1200	0	0.00%	0	0	0.00%	0
GEORGE DAVIS	158	0.75%	0	158	0.75%	+2	160	0.76%	-160	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
GLENDON "ANNA CONDA" HYDE	692	3.28%	+1	693	3.29%	+16	709	3.37%	+14	723	3.44%	+17	740	3.53%	+8	748	3.58%	+9	757	3.63%	+22	779	3.76%	+25	804	3.93%	+35	839	4.15%	-839	0	0.00%	0	0	0.00%	0
WRITE-IN	29	0.14%	-29	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
Exhausted by Over Votes	357		0	357		+2	359		+1	360		+1	361		+2	363		0	363		0	363		+1	364		+3	367		+12	379		+7	386		0
Under Votes	3614		0	3614		0	3614		0	3614		0	3614		0	3614		0	3614		0	3614		0	3614		0	3614		0	3614		0	3614		0
Exhausted Ballots	0		+24	24		+27	51		+33	84		+31	115		+45	160		+68	228		+150	378		+233	611		+256	867		+1395	2262		+2402	4664		0
Continuing Ballots	21086	100.00%		21062	100.00%		21033	100.00%		20999	100.00%		20967	100.00%		20920	100.00%		20852	100.00%		20702	100.00%		20468	100.00%		20209	100.00%		18802	100.00%		16393	100.00%	
TOTAL	25057		0	25057		0	25057		0	25057		0	25057		0	25057		0	25057		0	25057		0	25057		0	25057		0	25057		0	25057		0
REMARKS	*Tio roo	l colved in	accordan	oo with	oloction !	214	1	1	1		1	1	l	1		l	1	1	1		1		1					I	1 1				1	1		

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City and County of San Francisco

Department of Elections

#### Official Ranked-Choice Results Report November 2, 2010 Consolidated Statewide Direct Primary Election Board of Supervisors, District 8

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."

		Round 1			Round 2	
	Votes	%	Transfer	Votes	%	Transfer
SCOTT WIENER	14813	42.38%	+3426	18239	55.39%	0
REBECCA PROZAN	5872	16.80%	-5872	0	0.00%	0
RAFAEL MANDELMAN	12433	35.57%	+2254	14687	44.61%	0
BILL HEMENGER	1802	5.16%	-1802	0	0.00%	0
WRITE-IN	30	0.09%	-30	0	0.00%	0
Exhausted by Over Votes	79		+15	94		0
Under Votes	3522		0	3522		0
Exhausted Ballots	0		+2009	2009		0
Continuing Ballots	34950	100.00%		32926	100.00%	
TOTAL	38551		0	38551		0
REMARKS	*Tie resolv	ed in accord	ance with elec	tion law.		

Detailed Reports: RCV-D8.pdf | RCV-D8.xls | RCV-D8 Ballot Image.zip

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City and County of San Francisco
Department of Elections

Official Ranked-Choice Results Report November 2, 2010 Consolidated Statewide Direct Primary Election Board of Supervisors, District 10

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 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."

	Round			lound 2		Rour			Round			Round			Round 6	Round		Round			und 9		und 10		Round 1		Roun		Rour			Round 14		Round 15		Round 16		Round 17		Round		Round		Round 20
	Votes %	Transfer	Votes	% Tran	sfer Vo	tes %	Transfe	er Vote	es %	Transf	fer Votes	%	Transfer	Votes	% Transfe	r Votes %	Transfer \	/otes %	Transfer	Votes	% Transfe	er Votes of	% Tran	nsfer Votes	s %	Transfer '	Votes %	Transf	er Votes %	Transfe	r Votes	% Transf	er Votes	% Tra	nsfer Votes	% Tr	ansfer Vo	es % Tra	nsfer Vot	.es %	Transfer	r Votes %	Transfe	r Votes % Transfe
ASHLEYH RHODES	260 1.46%	. 0	260 1	.46% +:	2 26	32 1.479	% +1	263	1.48%	+2	265	1.49%	+12	277	1.57% +1	278 1.58%	-278	0 0.00%	0	0 0.0	0 %00	0.0	00%	0 0	0.00%	0	0 0.00	% 0	0 0.00	% 0	0	0.00% 0	0	0.00%	0 0	0.00%	0 0	0.00%	0 0	0.00%	% O	0 0.00%	0	0 0.00% 0
MARLENE TRAN	2049 11.51%	6 0	2049 1	1.51% +:	3 20	52 11.54	1% +7	2059	9 11.58%	6 +12	2071	11.67%	+1	2072	11.71% +2	2074 11.75%	+22	2096 11.93%	+8	2104 12.	04% +12	2116 12.	19% +	8 2124	12.34%	+8	2132 12.46	i% +37	2169 12.82	2% +47	2216	13.47% +84	2300	14.41% +	739 3039	19.80%	+45 30	84 21.04% +	47 32	31 24.259	i% +99	3330 30.20%	6 -3330	0 0.00% 0
MALIA COHEN	2097 11.78%	6 +1	2098 1	1.79% +2	2 21	00 11.81	1% +5	2105	5 11.84%	6 +6	2111	11.89%	+21	2132	12.05% +22	2154 12.21%	+40	2194 12.49%	+21	2215 12.	67% +29	2244 12.	93% +5	56 2300	13.37%	+86	2386 13.94	% +37	2423 14.32	2% +107	2530 1	15.38% +147	2677	16.78% +	64 2741	17.86%	+488 32	29 22.03% +	72 350	01 26.279	% +619	4120 37.37%	6 +201	4321 52.70% 0
JAMES M. CALLOWAY	417 2.34%	+1	418 2	2.35% +4	4 42	22 2.37	% +8	430	2.42%	+4	434	2.44%	+3	437	2.47% +6	443 2.51%	+21	464 2.64%	+14	478 2.7	74% +16	494 2.8	35% +1	17 511	2.97%	+11	522 3.05	% -522	0 0.00	% 0	0	0.00% 0	0	0.00%	0 0	0.00%	0 (	0.00%	0 0	0.00%	% 0	0 0.00%	0	0 0.00% 0
STEPHEN WEBER	311 1.75%	0	311 1	.75% +	4 31	15 1.77	% +1	316	1.78%	+2	318	1.79%	+3	321	1.81% +5	326 1.85%	+13	339 1.93%	+10	349 2.0	00% -349	0 0.0	00% 0	0 0	0.00%	0	0 0.00	% 0	0 0.00	% 0	0	0.00% 0	0	0.00%	0 0	0.00%	0 (	0.00%	0 0	0.00%	% O	0 0.00%	0	0 0.00% 0
DIANE WESLEY SMITH	399 2.24%	0	399 2	2.24% +	1 40	00 2.25	% 0	400	2.25%	+12	412	2.32%	+16	428	2.42% +4	432 2.45%	+29	461 2.62%	+15	476 2.7	72% +23	499 2.8	37% +1	16 515	2.99%	+11	526 3.07	% +41	567 3.35	% -567	0	0.00% 0	0	0.00%	0 0	0.00%	0 (	0.00%	0 0	0.00%	% O	0 0.00%	0	0 0.00% 0
TONY KELLY	2102 11.80%	6 0	2102 1	1.81% +	6 21	08 11.85	5% +3	2111	1 11.87%	6 +21	2132	12.01%	+4	2136	12.07% +3	2139 12.12%	+11	2150 12.23%	+5	2155 12.	33% +25	2180 12.	56% +:	5 2185	12.70%	+96	2281 13.33	% +29	2310 13.65	5% +100	2410 1	14.65% +229	2639	16.54% +	22 2661	17.34%	+197 28	58 19.50% +	34 339	92 25.46	% +184	3576 32.43%	6 +303	3879 47.30% 0
KRISTINE ENEA	544 3.05%	0	544 3	1.06% +4	4 54	48 3.08°	% +4	552	3.11%	+3	555	3.13%	+4	559	3.16% +5	564 3.20%	+14	578 3.29%	+7	585 3.3	35% +25	610 3.5	51% +	7 617	3.59%	+17	634 3.70	% +20	654 3.86	% -654	0	0.00% 0	0	0.00%	0 0	0.00%	0 (	0.00%	0 0	0.00%	% 0	0 0.00%	0	0 0.00% 0
NYESE JOSHUA	135 0.76%	0	135 (	).76% +4	6 14	\$1 0.79 <sup>4</sup>	% +6	147	0.83%	-147	0	0.00%	0	0	0.00% 0	0 0.00%	0	0 0.00%	0	0 0.0	00% 0	0 0.0	00% 0	0 0	0.00%	0	0 0.00	% 0	0 0.00	% 0	0	0.00% 0	0	0.00%	0 0	0.00%	0 (	0.00%	0 0	0.00%	% O	0 0.00%	0	0 0.00% 0
ELLSWORTH "ELL" JENNISON	68 0.38%	0	68 (	).38% -6	8 (	0.00	% 0	0	0.00%	0	0	0.00%	0	0	0.00% 0	0 0.00%	0	0 0.00%	0	0 0.0	00% 0	0 0.0	00% 0	0 0	0.00%	0	0 0.00	% 0	0 0.00	% 0	0	0.00% 0	0	0.00%	0 0	0.00%	0 (	0.00%	0 0	0.00%	6 0	0 0.00%	0	0 0.00% 0
CHRIS JACKSON	1088 6.11%	0	1088	5.11% +4	6 10	94 6.15	% +4	1098	6.18%	+12	1110	6.25%	+16	1126	6.36% +8	1134 6.43%	+9	1143 6.50%	+24	1167 6.6	88% +13	1180 6.8	30% +1	16 1196	6.95%	+40	1236 7.22	% +45	1281 7.57	% +89	1370	8.33% -1370	0	0.00%	0 0	0.00%	0 (	0.00%	0 0	0.00%	.6 0	0 0.00%	0	0 0.00% 0
DEWITT M. LACY	1274 7.15%	+2	1276 7	'.17% +:	3 12	79 7.19	% +3	1282	2 7.21%	+10	1292	7.28%	+6	1298	7.33% +19	1317 7.46%	+7	1324 7.53%	+13	1337 7.6	35% +24	1361 7.8	34% +2	23 1384	8.04%	+55	1439 8.41	% +32	1471 8.69	% +114	1585	9.63% +137	1722	10.79% +	35 1757	11.45% -	-1757 (	0.00%	0 0	0.00%	6 0	0 0.00%	0	0 0.00% 0
M.J. MARIE FRANKLIN	81 0.45%	0	81 (	).46% +	4 8	5 0.489	% -85	0	0.00%	0	0	0.00%	0	0	0.00% 0	0 0.00%	0	0 0.00%	0	0 0.0	00% 0	0 0.0	00% 0	0 0	0.00%	0	0 0.00	% 0	0 0.00	% 0	0	0.00% 0	0	0.00%	0 0	0.00%	0 (	0.00%	0 0	0.00%	.6 0	0 0.00%	0	0 0.00% 0
LYNETTE SWEET	2150 12.07%	6 +3	2153 1	2.10% +	3 21	56 12.12	2% +6	2162	2 12.16%	6 +8	2170	12.22%	+19	2189	12.37% +38	2227 12.62%	+16	2243 12.76%	+35	2278 13.	03% +13	2291 13.	20% +4	47 2338	13.59%	+17	2355 13.76	i% +41	2396 14.16	+147	2543	15.46% +139	2682	16.81% +	30 2712	17.67%	+168 28	80 19.65% +	21 320	)1 24.02°	% -3201	0 0.00%	0	0 0.00% 0
ERIC SMITH	448 2.52%	0	448 2	2.52% +:	3 45	51 2.549	% +3	454	2.55%	0	454	2.56%	+5	459	2.59% +3	462 2.62%	+3	465 2.65%	+9	474 2.7	71% +6	480 2.7	76% +	484	2.81%	-484	0 0.00	% 0	0 0.00	% 0	0	0.00% 0	0	0.00%	0 0	0.00%	0 (	0.00%	0 0	0.00%	6 0	0 0.00%	0	0 0.00% 0
JACKIE NORMAN	186 1.04%	0	186 1	.05% +2	2 18	38 1.06	% +3	191	1.07%	+2	193	1.09%	-193	0	0.00% 0	0 0.00%	0	0.00%	0	0 0.0	00% 0	0 0.0	00%	0 0	0.00%	0	0 0.00	% 0	0 0.00	% 0	0	0.00% 0	0	0.00%	0 0	0.00%	0 (	0.00%	0 0	0.00%	6 0	0 0.00%	0	0 0.00% 0
GEOFFREA MORRIS	333 1.87%	0	333 1	.87% 0	33	33 1.87	% +3	336	1.89%	+8	344	1.94%	+5	349	1.97% +3	352 1.99%	+4	356 2.03%	+17	373 2.	13% +2	375 2.1	16% -37	75 0	0.00%	0	0 0.00	% 0	0 0.00	% 0	0	0.00% 0	0	0.00%	0 0	0.00%	0 (	0.00%	0 0	0.00%	.6 0	0 0.00%	0	0 0.00% 0
STEVE MOSS	1969 11.06%	6 0	1969 1	1.06% +:	2 19	71 11.08	3% +6	1977	7 11.12%	6 +2	1979	11.15%	+8	1987	11.23% +12	1999 11.33%	+4	2003 11.40%	+10	2013 11.	52% +34	2047 11.	79% +1	12 2059	11.97%	+47	2106 12.30	1% +33	2139 12.64	+116	2255 1	13.71% +109	2364	14.81% +	76 2440	15.90%	+169 26	09 17.80% -2	SO9 0	0.00%	.6 0	0 0.00%	0	0 0.00% 0
ED DONALDSON	202 1.13%	0	202 1	.13% 0	20	02 1.149	% 0	202	1.14%	+3	205	1.15%	+1	206	1.16% -206	0 0.00%	0	0.00%	0	0 0.0	00% 0	0 0.0	00% 0	0 0	0.00%	0	0 0.00	% 0	0 0.00	% 0	0	0.00% 0	0	0.00%	0 0	0.00%	0 (	0.00%	0 0	0.00%	6 0	0 0.00%	0	0 0.00% 0
TERESA DUQUE	1441 8.09%	0	1441 8	3.10% +2	2 14	43 8.11	% +6	1449	9 8.15%	+7	1456	8.20%	+3	1459	8.24% +5	1464 8.30%	+3	1467 8.35%	+6	1473 8.4	13% +10	1483 8.5	54% +1	12 1495	8.69%	+4	1499 8.76	% +13	1512 8.94	% +30	1542	9.37% +32	1574	9.86% -1	574 0	0.00%	0 (	0.00%	0 0	0.00%	6 0	0 0.00%	0	0 0.00% 0
RODNEY HAMPTON, JR.	237 1.33%	0	237 1	.33% +	2 23	39 1.34	% +4	243	1.37%	+8	251	1.41%	+10	261	1.47% +19	280 1.59%	+10	290 1.65%	-290	0 0.0	00% 0	0 0.0	00% 0	0 0	0.00%	0	0 0.00	% 0	0 0.00	% 0	0	0.00% 0	0	0.00%	0 0	0.00%	0 (	0.00%	0 0	0.00%	6 0	0 0.00%	0	0 0.00% 0
WRITE-IN	17 0.10%	-17	0 0	0.00%	) (	0.00	% 0	0	0.00%	0	0	0.00%	0	0	0.00% 0	0 0.00%	0	0 0.00%	0	0 0.0	00% 0	0 0.0	00% 0	0 0	0.00%	0	0 0.00	% 0	0 0.00	% 0	0	0.00% 0	0	0.00%	0 0	0.00%	0 (	0.00%	0 0	0.00%	% 0	0 0.00%	0	0 0.00% 0
Exhausted by Over Votes	500	0	500	0	50	00	+1	501		0	501		+2	503	0	503	+4	507	+1	508	+1	509	0	0 509		+1	510	+3	513	+7	520	+15	535		13 548	ĺ	+11 55	i9 +	10 56	9	+18	587	+18	605 0
Under Votes	2242	0	2242	0	22	42	0	2242	2	0	2242		0	2242	0	2242	0	2242	0	2242	0	2242	0	0 2242		0	2242	0	2242	0	2242	0	2242		0 2242	İ	0 22	42	0 224	42	0	2242	0	2242 0
Exhausted Ballots	0	+10	10	+1	9 1	9	+11	30		+25	55		+54	109	+51	160	+68	228	+95	323	+116	439	+1:	152 591		+91	682	+191	873	+464	1337	+478	1815	+:	595 2410		+679 30	89 +1	325 44	14	+2281	6695	+2808	9503 0
Continuing Ballots	17808 100.009	%	17798 10	0.00%	177	789 100.00	0%	1777	7 100.00%	%	17752	100.00%		17696	00.00%	17645 100.009	6	17573 100.00%		17477 100	.00%	17360 100	.00%	17208	8 100.00%		17116 100.0	0%	16922 100.0	0%	16451 1	100.00%	15958	100.00%	15350	100.00%	146	60 100.00%	133	325 100.00	1%	11026 100.00%	%	8200 100.00%
TOTAL	20550	0	20550	0	205	550	0	2055	10	0	20550		0	20550	0	20550	0 2	20550	0	20550	0	20550	- 0	0 20550	0	0	20550	0	20550	0	20550	0	20550		0 20550		0 205	i50	0 205	.50	0	20550	0	20550 0
REMARKS	*Tie resolved in	n accordan	ce with ala	ction law			-		-		_					-				-		-		- 1	1			-			1		-1			-			-					
KLIMAKKS	a resorved II	accordan	oo widi ele	oudii iaw.																																								

Detailed Reports: RCV-D10.pdf | RCV-D10.xls | RCV-D10 Ballot Image.zip

1 of 1

Case: 10-17198 12/28/2010 Page: 1 of 3 ID: 7594594 DktEntry: 20-3

Dudum v. Arntz, Case No. 10-17198 Appellants' Request for Judicial Notice <u>EXHIBIT B</u> Case: 10-17198 12/28/2010 Page: 2 of 3 ID: 7594594 DktEntry: 20-3



Registrar of Voters > Voting > Ranked-Choice Voting > Results > Mayor of Oakland

#### Ranked-Choice Voting Official Final Accumulated Results - Mayor of Oakland

#### Official Final Accumulated results last updated: Friday, November 19, 2010

Accumulated Results Detail (PDF) \*\*

• Ballot Image File (TXT)

• Master Lookup File (TXT)

Ballot Image Help (PDF) \*\*

Accumulated Res	uits D	<u>etali</u> (P	'DF) **			_												,	,							•				
	R	ound	l 1	R	ound	2	R	ound	3	R	ound	4	R	ound	l <b>5</b>	R	ound	6	R	ound	7	R	ound	8	R	ound	9	Ro	ound	10
	Votes	%	Transf er	Votes	%	Transf er	Votes	%	Transf er	Votes	%	Transf er	Votes	%	Transf er	Votes	%	Transf er	Votes	%	Transf er	Votes	%	Transf er	Votes	%	Transf er	Votes	%	Transf er
DON PERATA	40342	33.73	+32	40374	33.80	+81	40455	33.90	+151	40606	34.08	+122	40728	34.24	+86	40814	34.39	+550	41364	35.08 %	+824	42188	36.13	+3277	45465	40.16	+6407	51872	49.04 %	0
TERENCE CANDELL	2315	1.94%	+1	2316	1.94%	+70	2386	2.00%	+111	2497	2.10%	+116	2613	2.20%	+67	2680	2.26%	-2680	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
GREG HARLAND	966	0.81%	+2	968	0.81%	+91	1059	0.89%	+28	1087	0.91%	-1087	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
DON MACLEAY	1630	1.36%	+6	1636	1.37%	+41	1677	1.41%	+42	1719	1.44%	+133	1852	1.56%	-1852	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
JEAN QUAN	29266	24.47	+33	29299	24.53	+92	29391	24.63	+123	29514	24.77	+131	29645	24.93	+855	30500	25.70 %	+384	30884	26.19 %	+771	31655	27.11	+3378	35033	30.94	+18864	53897	50.96 %	0
ARNOLD FIELDS	733	0.61%	+5	738	0.62%	-738	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
JOE TUMAN	14347	12.00	+10	14357	12.02	+114	14471	12.13	+81	14552	12.21 %	+228	14780	12.43 %	+169	14949	12.60 %	+253	15202	12.89 %	+260	15462	13.24	-15462	0	0.00%	0	0	0.00%	0
MARCIE HODGE	2994	2.50%	+5	2999	2.51%	+34	3033	2.54%	+122	3155	2.65%	+45	3200	2.69%	+50	3250	2.74%	+375	3625	3.07%	-3625	0	0.00%	0	0	0.00%	0	0	0.00%	0
LARRY LIONEL "LL" YOUNG JR.	933	0.78%	+6	939	0.79%	+37	976	0.82%	-976	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
REBECCA KAPLAN	25813	21.58	+18	25831	21.62	+59	25890	21.69	+136	26026	21.84	+91	26117	21.96	+379	26496	22.32	+335	26831	22.76 %	+644	27475	23.53	+5244	32719	28.90	-32719	0	0.00%	0
Write-In	268	0.22%	-268	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
Exhausted by Over Votes	355		+1	356		+6	362		+9	371		+5	376		+4	380		+21	401		+15	416		+45	461		+65	526		0
Under Votes	2306		0	2306		0	2306		0	2306		0	2306		0	2306		0	2306		0	2306		0	2306		0	2306		0
Exhausted Ballots	0		+149	149		+113	262		+173	435		+216	651		+242	893		+762	1655		+1111	2766		+3518	6284		+7383			0
Continuing Ballots	119607	100.00		119457	100.00		119338	100.00		119156	100.00		118935	100.00		118689	100.00		117906	100.00		116780	100.00		113217	100.00		105769	100.00	
TOTAL	1222 68		0	1222 68		0	1222 68		0	1222 68		0	1222 68		0	1222 68		0	1222 68		0	1222 68		0	1222 68		0	1222 68		0
REMARKS	*Tie re	solved	in accor	dance w	ith elect	tion law.													-											

<sup>\*\*</sup> Portable Document Format (PDF) file requires the free Adobe Reader.

Copied from <a href="http://www.co.alameda.ca.us/rov/rcv/results/rcvresults">http://www.co.alameda.ca.us/rov/rcv/results/rcvresults</a> 2984.htm, on November 30, 2010.

Case: 10-17198 12/28/2010 Page: 3 of 3 ID: 7594594 DktEntry: 20-3



Registrar of Voters > Voting > Ranked-Choice Voting > Results > Mayor of San Leandro

#### Ranked-Choice Voting Official Final Accumulated Results - Mayor of San Leandro

#### Official Final Accumulated results last updated: Friday, November 19, 2010

Accumulated Results Detail (PDF) \*\*

Ballot Image File (TXT)

Master Lookup File (TXT)

• Ballot Image Help (PDF) \*\*

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		Round	1		Round	2		Round	3		Round	4		Round	5		Round	6
	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer
STEPHEN H. CASSIDY	7908	35.17%	+2	7910	35.19%	+3	7913	35.28%	+84	7997	35.80%	+303	8300	37.55%	+1977	10277	50.57%	0
JOYCE RUTLEDGE STAROSCIAK	5206	23.15%	0	5206	23.16%	+2	5208	23.22%	+51	5259	23.54%	+259	5518	24.96%	-5518	0	0.00%	0
ANTHONY B. "TONY" SANTOS	7982	35.50%	0	7982	35.51%	+5	7987	35.61%	+63	8050	36.03%	+238	8288	37.49%	+1757	10045	49.43%	0
JOHN R. PALAU	390	1.73%	+4	394	1.75%	+2	396	1.77%	-396	0	0.00%	0	0	0.00%	0	0	0.00%	0
SARA M. MESTAS	925	4.11%	0	925	4.11%	+1	926	4.13%	+109	1035	4.63%	-1035	0	0.00%	0	0	0.00%	0
Write-In	64	0.28%	0	64	0.28%	-64	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
LOU FILIPOVICH	9	0.04%	-9	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
Exhausted by Over Votes	55		0	55		0	55		+2	57		+2	59		+24	83		0
Under Votes	955		0	955		0	955		0	955		0	955		0	955		0
Exhausted Ballots	0		+3	3		+51	54		+87	141		+233	374		+1760	2134		0
Continuing Ballots	22484	100.00%		22481	100.00%		22430	100.00%		22341	100.00%		22106	100.00%		20322	100.00%	
TOTAL	23494		0	23494		0	23494		0	23494		0	23494		0	23494		0
REMARKS	*Tie resol	ved in acco	rdance with el	ection law.														

<sup>\*\*</sup> Portable Document Format (PDF) file requires the free Adobe Reader.

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