



## Memorandum

To: Honorable Ross Mirkarimi, Member, Board of Supervisors

From: John Arntz, Director of Elections

Date: March 14, 2006

RE: Update #4: Implementation of New Voting System for June 6, 2006 Election and the Implementation of Ranked-Choice Voting for the November 7, 2006 Election

### EXECUTIVE SUMMARY

The Department of Elections and Elections Systems & Software (ES&S) have begun negotiations to extend ES&S' contract while ES&S begins preparations to assist the Department in conducting the June 6, 2006 election. ES&S has already committed the necessary staffing and resources to ensure a successful election. For June, the Department and ES&S will provide accessible voting equipment called the "AutoMARK" that meets new federal requirements under the 2002 Help America Vote Act (HAVA). On election day, each polling place will have one AutoMARK and one "Eagle," which is the same precinct tabulator that voters have used for the past five years. Federal and state grant funds will cover the costs of implementing the new AutoMARK equipment, but ES&S' services most likely will require payment from the General Fund since not all of the services may be eligible for reimbursement from grant sources. Finally, ES&S will seek from the Secretary of State the re-certification of ES&S' ranked-choice voting system for use in the November 7, 2006 election.

### ES&S' AUTOMARK AND PREPARATIONS FOR JUNE ELECTION

On Tuesday March 14<sup>th</sup>, ES&S began assisting the Department in formatting ballots and in readying equipment for June. ES&S has already provided training and instruction materials and last week demonstrated its new accessible voting equipment called the AutoMARK to the Department's personnel. Last week they delivered one AutoMARK to the Department so that we can familiarize ourselves with the device's operation. ES&S has assigned two project manager-level staff to the Department since last week who will be dedicated to the Department until the June primary is certified.

Although ES&S provided election-related services to San Francisco in past elections, the June election will be the first time that each polling location in the City will provide voting equipment that is accessible to voters with specific needs. The new equipment, the AutoMARK, meets new accessibility requirements stipulated under the federal 2002 Help America Vote Act (HAVA). Under HAVA, all polling places throughout the country must provide equipment that allows

voters with, but not limited to, sight and mobility impairments to vote independently and privately. Accessibility features on the AutoMARK include an audio component allowing voters to listen to ballot information, a touch-pad for navigating the ballots, Braille navigational instructions, text enlargement and contrast options, and a USB port that allows voters to utilize their own assistive devices while voting.

The AutoMARK is referred to as a "ballot-marking" machine. The AutoMARK is not a tabulator and does not count votes or record any information from the ballot, but simply assists voters in marking their selections on paper ballots. On election day, voters will receive paper ballots from the poll workers. Voters using the AutoMARK will insert their paper ballots, one at a time, into the device. The machine will then display the ballot choices on a screen, on which voters can press the screen to register their choices. After voters make their selections, the AutoMARK machine will "complete the arrow" on the ballot cards for these voters. The AutoMARK will then return the paper ballot to the voter so the voter may review his or her selections. Voters will complete this process for each ballot card containing all contests. After the election, the Department will transport these cards back to City Hall for central processing.

#### **FUNDING**

As I noted in the memo I issued on February 10<sup>th</sup>, the City is eligible for over \$9 million in federal and state grant monies to fund new voting equipment and can use these grant monies to fund the use of the AutoMARKs for the June, and, possibly, November election. However, because all of this grant money would have been needed to pay for the City's contract with Sequoia Voting Systems, if the City were to decide to continue to pursue a contract with Sequoia, the General Fund would need to provide the difference of the monies distributed to ES&S from grant funds. In other words, whatever grant funding is allocated towards AutoMARK for use in June and possibly November is funding that will not be available to the City in the future. Further, all of ES&S' elections services may not qualify for reimbursement from federal and state grant funds and would require payment from the General Fund.

#### **RANKED-CHOICE VOTING**

Although the Department and Sequoia Voting Systems ended contract discussions before the Board of Supervisors could approve the contract, Sequoia has indicated it will continue to develop ranked-choice voting (RCV) for approval by the Secretary of State for use in the November 7, 2006 election. A possibility exists for the City to continue its conversations with Sequoia for that vendor to provide services for the City's November 2006 election, or for elections taking place after November 2006. Again, however, it would require a commitment of additional General Fund money to pursue such a contract. Attached is a letter that Sequoia released on March 13<sup>th</sup> relating to the discontinued contract process with the City.

Finally, ES&S' re-certification of its system to conduct RCV contests will be a necessity before the Department will agree to a contract extension. The Department has notified the Secretary of State's office that ES&S will be seeking recertification of its RCV system. The Department will assist in the certification process in any manner necessary for San Francisco to have its voting equipment ready for RCV contests in November 2006. As I explained above and in the memo

issued on February 10<sup>th</sup>, because the AutoMARK cannot be certified with the City's current Eagle ballot tabulators, the Department would also need to tabulate all RCV AutoMARK ballots separately from the RCV Eagle ballots and manually aggregate results from both systems.

Please contact me with any questions you might have regarding this issue or any other matter related to elections.

cc: Honorable Gavin Newsom, Mayor  
Honorable Members, Board of Supervisors  
Dennis Herrera, City Attorney  
Ed Harrington, Controller  
Steve Kawa, Chief of Staff, Mayor's Office  
Noelle Simmons, Budget Director, Mayor's Office  
Honorable Members, San Francisco Elections Commission



March 13, 2006

Dear Sequoia Customers:

As most of you are aware, Sequoia has been involved in contract negotiations for several months with the City of San Francisco to provide our Insight precinct-based optical scan units and Edge touchscreens with VeriVote VVPAT printers to San Francisco for the June 2006 Primary and the November General Election.

As is noted in an article that appeared in last week's *San Francisco Chronicle*, our contract discussions for the June election have ended and the City of San Francisco will work with their former vendor in preparation for the June election. See the article at <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2006/03/08/BAGD6HKEOU1.DTL&hw=Sequoia&sn=001&sc=1000> <<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2006/03/08/BAGD6HKEOU1.DTL&hw=Sequoia&sn=001&sc=1000>>.

Sequoia has had several resources on the ground in San Francisco, as well as others throughout the company working with the City of San Francisco's election staff on project management, training and voter education in preparation for the June election. In addition, we allocated significant resources to developing our Ranked Choice Voting (RCV) capabilities for the November General.

However, Sequoia could not continue to work in good faith and expend substantial dollars and time without having a signed contract with the City of San Francisco. This does not make sound business sense, especially as the City of San Francisco communicated to us that they did not expect to have a signed contract with us in place until sometime in April.

This situation with San Francisco is unique to this jurisdiction and we look forward to very successful June Primary Elections with all of our California customers.

We plan to continue working with the City of San Francisco toward the goal of supplying our voting equipment, complete with RCV, for use in San Francisco for the November 2006 General Election. It is important to stress that we have had several resources working for the last few months on RCV for the November election in California. We will continue moving diligently forward with this very important work on RCV as we have other California customers and prospective customers who are interested in this capability.

I would also like to take this opportunity to reiterate the status of our California certification. As was shared with you earlier this month and again last week, Sequoia participated in the public hearing portion of the California certification process on March 1<sup>st</sup> and as you are aware, Sequoia's Edge, Insight, 400-C, HAAT, WinEDS and related components were recommended

for California certification, pending the issuance of our NASED number that signifies our systemic federal qualification to the 2002 Voting System Standards.

Our final end-to-end system report from Ciber Laboratories (along with all of the individual system component reports) recommending federal qualification was submitted by Ciber to NASED and their technical reviewers on February 10<sup>th</sup>. We are currently waiting for the completion of the report review by NASED and the issuance of our number. As soon as we have any information on when we can expect to receive this number, we will most certainly let you know.

Please do not hesitate to contact Michelle Shafer, Vice President of Communications and External Affairs at 800.347.4702 or [mshafer@sequoiavote.com](mailto:mshafer@sequoiavote.com) should you have any questions about any of this information.

Sincerely yours,

A handwritten signature in cursive script that reads "Jack A. Blaine".

Jack A. Blaine  
President  
Sequoia Voting Systems