



Memorandum

To: Honorable Ross Mirkarimi, Chairman, Rules Committee

From: John Arntz, Director of Elections

Date: May 26, 2006

RE: Update #5: 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 continues its preparations to conduct the June 6, 2006 Consolidated Primary Election during which San Francisco will, for the first time, implement accessible voting equipment required by the federal Help America Vote Act. Although the Department has experienced several significant challenges while working with its vendor, Election Systems and Software (ES&S), to implement the new equipment, we anticipate that the June election will occur without significant problems. Most of the challenges resulted directly from the short timeframe under which the Department changed its plans from using Sequoia Voting Systems' (Sequoia) equipment for the June election to implementing ES&S' accessible equipment. The memorandum I issued on March 7, 2006 discusses in detail the reasons for using ES&S' equipment and the memorandum also addresses the Rules Committee's concerns associated with Sequoia's system. While ES&S has provided accessible voting equipment, preparations related to using that equipment have required more time and staff resources than the Department had reason to expect. The Department will continue to work through and resolve these challenges with ES&S. Finally, while the Department focuses on conducting the June 6 election, we are also consistent in communicating to ES&S that its system must be certified in time to prepare for the ranked-choice voting contests on the ballot for the November 7, 2006 election.

CONTRACT WITH ES&S

The Department of Elections and ES&S have contracted for ES&S to provide services to San Francisco for the June 6 election. The contract requires ES&S to provide the City with new equipment for use in each polling place that is accessible to voters with specific needs according to requirements set by the federal Help America Vote Act (HAVA). This new equipment, the AutoMARK, is a ballot-marking device that allows voters who have previously required assistance in marking their ballots to vote independently and privately. The addition of the AutoMARK in each polling place also ensures that San Francisco is compliant with all state and federal certification and accessibility requirements. To purchase the AutoMARK, the Department

submitted an application with the Secretary of State's Voting Modernization Board to secure grant monies allocated to San Francisco for the purchase of new voting technologies. I appeared before this Board yesterday, May 25, and San Francisco was granted \$2,392,695.90 of state grant monies to fund the purchase of the AutoMARK. The Department will next submit an application to the Secretary of State's office to secure HAVA funds of approximately \$1.2 million to cover the remaining purchase costs.

The purchase under the contract will allow the Department to have in each polling place one optical scan machine (the *Eagle*) which the City has used for the past five years and also add one AutoMARK. However, AutoMARK cards cannot be tabulated at the polling sites. The Eagle and the AutoMARK are not certified to work together and require ballots unique to each machine. Therefore, the Department will need to transport all AutoMARK ballots to City Hall for processing after election day.

ES&S agreed in the contract to submit an application for certification to the Secretary of State for approval of ES&S' system to conduct ranked-choice voting in November. As of May 26, 2006, however, the Secretary of State's office has no record of receiving an application or letter from ES&S requesting the recertification of San Francisco's ranked-choice system. Although the contract is effective until April 2007, the Department and ES&S have yet to agree on the costs of ES&S' services to the City after the June election. The Department has been waiting for ES&S to provide a detailed cost breakdown for its proposed services for the November 2006 election to ensure that the City pays a fair and reasonable price for these services. Further, ES&S' service costs under this contract extension will need to be included in the Department's annual budget for fiscal year 2006/2007.

JUNE 2006 ELECTION

EAGLE BALLOTS AND VOTER INFORMATION PAMPHLET

ES&S was unable to complete the development and formatting of the Eagle ballots in a timely manner. Much of the delay resulted from the numerous corrections that ES&S needed to make after the Department reviewed each round of ballot drafts, such as misspelled names, candidate rotation errors, ballot designations paired with the wrong candidates. Often, the correction of one error would create a new error elsewhere on the ballot card. In some cases, our publications manager and her staff caught errors and had to send back a set of ballot cards for revisions up to nine times. This was compounded by the fact that there are 158 ballot styles *each* for the Eagle and the AutoMARK machines, due to the number and nature of contests and party options and the required candidate rotations. Errors on the Eagle ballots delayed the printing of those ballots as well as the production of the voter information pamphlet that includes the sample ballots. In addition, the same Department staff develops both the ballots and the voter information pamphlet, so the excessive time these staff members devoted to the ballots set them far behind schedule in developing the voter guide, even with staff working overtime.

AUTOMARK – BALLOTS, CODING, AND EQUIPMENT

The delay in completing the Eagle ballots also delayed the layout of the AutoMARK ballots, since the formatting for these ballots is based on the final Eagle cards. Even with the final Eagle ballot files, the formatting of AutoMARK ballots required an additional ten days of work by Department of Elections staff, again due largely to errors in ballot drafts. After final proofs of the AutoMARK cards were sent to the printer, but fortunately before pre-election testing, ES&S realized that some cards did not have the proper code marks that allow the AutoMARK to identify particular ballot styles. Yet, when ES&S corrected these code marks, new textual errors appeared that needed several rounds of revisions. Once ballots were properly formatted, ES&S took the steps to special-order ballots from a printer in Omaha, Nebraska, and have those ballots express shipped to San Francisco rather than wait for its printer in Sacramento to complete the ballot order.

The nearly two-week delay in formatting the AutoMARK ballots also held up the election-specific files needed to prepare the AutoMARK, as did other factors. For example, ES&S provided a document detailing how to provide the phonetic representation of candidate name pronunciations. Although we offered to provide an audio recording of the pronunciations, ES&S required that the information be submitted electronically, in their specified format. After four staff members studied their pronunciation guide and submitted, on Thursday, May 4, a document of the phonetic spellings of potentially difficult names, ES&S provided audio that only partially incorporated the pronunciation document. The Department committed eight staff members to review the audio and text information for all candidates and contests on the ballot in English, Chinese (with Mandarin audio) and Spanish. They noted these pronunciation and other errors, and the corrections were sent to ES&S on Friday, May 12. ES&S delivered the updated information on Tuesday, May 16.

The Department again committed staff to review the files to ensure that ES&S provided the correct updates and that no other information required updating. Many requested changes were not made, and many pronunciations of names that had been correct in the previous version were now incorrect. Eventually, after these two rounds of revisions and proofing, ES&S told the Department that the pronunciation guide was not compatible with the software used to create the audio files. The issue was resolved via a lengthy conference call in which Department staff read aloud to an ES&S technician each questionable candidate name and listened to the synthesized speech playback of each name. All English pronunciations, as well as some screen corrections, were finalized on Friday, May 20.

During the initial testing of the AutoMARK devices, we realized the AutoMARK machines may require more maintenance on election day than expected. As a back-up plan, to ensure all polling places will have accessible voting equipment on election day, the Department will use 50 AutoMARK machines from Sacramento County to ensure that if any polling place machine requires service, the Department will be able to promptly provide a replacement machine. The Department plans to purchase additional AutoMARK devices prior to the November 2006 election and the Department would seek to use remaining state grant funds to make this purchase.

CANTONESE AUDIO FILES

The Department expected ES&S to provide San Francisco with AutoMARK machines that had the capability to provide audio assistance in both Mandarin and Cantonese. When the audio files arrived, however, the equipment provided only machine-generated audio files in Mandarin. ES&S initially indicated that it would require four weeks to add Cantonese audio files. Once ES&S understood the legal necessity to provide ballot information in Cantonese, however, ES&S arranged for a sound studio to have a Cantonese speaker record audio files to link to the appropriate contests on the AutoMARK display. This process resulted in adding at least another ten days to preparing and testing the AutoMARK for use in the election.

Another issue that arose and has not been resolved at this time is that ES&S is seeking administrative approval from the Secretary of State's office to incorporate the Cantonese audio files into the AutoMARK. Apparently, when the Secretary of State's office certified the AutoMARK for use in California, the AutoMARK did not contain a specific file location for Cantonese audio files. Now the Secretary of State is considering whether ES&S is allowed to replace the file location of a language already present in the AutoMARK's programming with Cantonese. ES&S considers the change to be a minor one, which does not affect the operation of the AutoMARK related to the marking of ballots.

Although the testing for the Eagle tabulation units was complete as of May 22, the final review of the AutoMARK must wait until ES&S provides the final Cantonese audio files and the Secretary of State administratively approves the incorporation of Cantonese into the AutoMARK's operation. The Department is hopeful that the final review of the AutoMARK will commence on Friday, May 26.

TABULATING AUTOMARK BALLOTS

The Department will process AutoMARK ballot cards in City Hall using an optical scan ballot tabulator called the "M650." The Department is not purchasing this machine but is leasing its use from ES&S for the election. The Department is using the M650 because the Department's current optical scan ballot tabulators are not certified by the Secretary of State for use with AutoMARK ballots. The Department must receive the M650 in time to complete the testing of the M650 as required by state elections law no less than seven days prior to the election; the machine is scheduled to arrive in San Francisco on Saturday, May 27.

THE DEPARTMENT'S LEVEL OF PREPAREDNESS

POLLING PLACES

Despite the delays mentioned previously, personnel from the Department's Precinct Services division and ES&S' logistics manager have already practiced the delivery of the AutoMARK to polling places by loading AutoMARK machines along with all other polling place supplies into delivery trucks and vans used in setting up polling places with the AutoMARK. As part of this exercise, the Precinct Services division has also planned for the retrieval and inventory of the new equipment from polling places. The actual delivery schedules and routes have already been developed and the polling place owners contacted in preparation for the Department to begin deliveries to polling places on Thursday, June 1.

OUTREACH

The Department has begun its efforts to deploy the AutoMARK and educate the public about the new voting equipment. The Department organized a well-attended and successful media event in City Hall on April 26. Secretary of State Bruce McPherson joined the event and made himself available to answer questions from reporters as well as members of the public attending the presentation. Also joining the event as speakers were the Director of the Mayor's Office on Disability, Susan Mizner, and the Chief Development Officer for the LightHouse for the Blind and Visually Impaired, George Clark. Reporters from the print, radio, and television media for English-, Chinese-, and Spanish-speaking audiences covered the event.

The Voter Outreach and Education Program developed for June 2006 includes instruction on using the AutoMARK and providing hands-on opportunities for voters to practice using the AutoMARK before Election Day. Our Outreach team has provided presentations of the AutoMARK to several organizations. To date, there have been 14 hands-on presentations throughout the City at various community organizations who serve voters with disabilities as well as organizations who serve limited English-speaking voters. The Outreach team has set up the AutoMARK at fairs and festivals for demonstration purposes. Additionally, the Department has posted information on the AutoMARK on our website, developed and distributed a public service announcement, mailed information packages to over 100 community organizations that contained information about the June Primary and the AutoMARK, as well as provided information and interviews to English-language and ethnic media reporters, and, for people with sight impairments, created materials in large format text and in Braille.

POLLWORKER RECRUITMENT AND TRAINING

The Department's Pollworker division has recruited nearly 2,600 people to work as pollworkers on election day. Chinese and Spanish bilingual pollworker staffing requirements are nearly fulfilled. The training classes for polling place clerks began on May 6, 2006 and will continue until June 1, 2006. The classes for polling place Inspectors will begin on May 31, 2006 and will be completed on June 3, 2006. The curriculum for the training classes includes topics such as being aware of whether voters require assistance and the operational features of the AutoMARK, including:

- Braille keypad
- touch screen display
- ballot insertion
- trilingual language options
- display and audio enhancement options
- keypad and screen functions for selecting write-in candidates
- messages regarding overvotes and undervotes
- summary page
- changing selections
- input jacks for "sip / puff" and "rocker pedal" devices

During each class the Department's trainers lead a hands-on demonstration of the AutoMARK. This exercise is meant to familiarize pollworkers with the machines prior to their use for the first time on election day.

NOVEMBER 2006 ELECTION – RCV CERTIFICATION

Although the City used the current Eagle-based voting system for two ranked-choice elections in 2004 and 2005, the Secretary of State did not approve the use of the voting system for ranked-choice voting beyond the November 2005 election. For this reason, ES&S must seek certification for the Eagles for the ranked-choice election in November 2006. Additionally, if ES&S is unable to combine the operations of the Eagle and AutoMARK and have them certified for use together, ES&S will need to seek the Secretary of State's certification of the AutoMARK along with the M650 for use in RCV elections.

ES&S has stated that it has submitted a letter to the Secretary of State requesting the Eagles be recertified for use for RCV in November 2006. However, the Secretary of State's office has indicated that it does not have a copy of this letter on file, and ES&S has been unable to provide a copy of this letter to the Department. The Secretary of State's office earlier this year denied certification of an optical scan system used by Sequoia Voting Systems that is based on the same technology as the Eagle. While the Eagle may be certified for use again for the November 2006

election, as more restrictive testing requirements are implemented, it most likely will not receive certification from the Secretary of State's office for any elections after 2006.

As stated previously, the Eagle and the AutoMARK are not certified for combined use, which means that ballot cards for the Eagle cannot be used with the AutoMARK, and AutoMARK ballots cannot be used with the Eagle. This situation requires San Francisco to have two separate types of ballots at the polling places. Also, without certification for such use, the Eagle cannot tabulate the AutoMARK cards and the Department must tally AutoMARK ballots by using a M650 at City Hall after the close of the polls. Although the Department does not anticipate any significant problems arising from this situation, having to separately tabulate AutoMARK ballots in City Hall will complicate the process to combine and tabulate results for the ranked-choice contests. Also, having to keep the two systems separate will mean a more manually-intensive accumulation and compilation of votes in the RCV contests that will delay the final RCV results.

CONCLUSION

For the November 2006 election it is clear ES&S must improve its processes to format and create text and audio components of both the Eagle and AutoMARK ballots. The Department does not have the resources or access to the voting system to complete the formatting of ballots or the creation of audio files used on the AutoMARK. Much of the Department's planning can prove ineffectual if ballots are not completed by ES&S within a reasonable time in the election cycle. Certainly ES&S' processes will improve before the November 2006 election, but the inclusion of ranked-choice voting contests for November will make the task of correctly formatting ballots in a timely manner even more critical.

J.P.A.

cc: Honorable Gavin Newsom, Mayor
Honorable Members, Board of Supervisors
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Steve Kawa, Chief of Staff, Mayor's Office
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