

1 [Request for a backup plan for the June and November 2006 elections.]

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3 **Resolution requesting the Department of Elections to prepare and present to the Board**
4 **of Supervisors a backup plan for the June and November 2006 elections in case the**
5 **Department's currently chosen vendor fails to have its voting equipment certified in**
6 **time for use in such elections.**

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8 WHEREAS, The San Francisco Department of Elections desires to switch vendors for
9 voting equipment and related services from Election Systems and Software (ES&S) to
10 Sequoia Voting Systems; and,

11 WHEREAS, The Department of Elections is currently negotiating a contract with
12 Sequoia Voting Systems for such equipment and services; and,

13 WHEREAS, The Secretary of State has not certified any of the voting equipment
14 offered by Sequoia Voting Systems for use in California, let alone equipment necessary to
15 meet the legal mandates of a system for use in San Francisco, and,

16 WHEREAS, A voting system to be used in San Francisco must be certified to meet
17 legal requirements related to accessibility issues for persons with disabilities (as required by
18 federal law), a voter verified paper trail (as required by state law), Chinese and Spanish
19 language translations (as required by federal law), and Ranked Choice Voting (RCV) (as
20 required by the City Charter); and,

21 WHEREAS, To date, the only certification application submitted by Sequoia Voting
22 Systems to the Secretary of State cannot be used in an RCV election; and,

23 WHEREAS, The November 7, 2006 election in San Francisco will be an RCV election;
24 and,

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1 WHEREAS, The Department of Elections and Sequoia Voting Systems are in a race
2 against time to get Sequoia's voting equipment certified for both the June and November
3 elections; and,

4 WHEREAS, Despite the real possibility that Sequoia's voting equipment may not be
5 certified in time for either the June and/or November election, the Department of Elections has
6 not drafted a written backup plan to deal with these possibilities; and,

7 WHEREAS, The timeline is particularly tight for Ranked Choice Voting, since it took
8 two years for the City's previous vendor to gain certification of its RCV equipment; and,

9 WHEREAS, Sequoia Voting Systems has already missed by two months the January
10 1, 2006 certification deadline set forth in the RFP issued by the Department of Elections for an
11 RCV voting system; and,

12 WHEREAS, The current schedule negotiated between the Department of Elections and
13 Sequoia Voting Systems requires Sequoia to begin the federal certification process by May
14 31, 2006, which leaves approximately only one and one half months to complete all federal
15 and state testing of Sequoia's RCV system and gain all necessary certifications in time for the
16 November 7, 2006 election; and,

17 WHEREAS, The Secretary of State's office has stated that generally it takes a
18 minimum of two months for any application to make its way through the federal and state
19 testing procedures, assuming everything goes smoothly; and

20 WHEREAS, Sequoia Voting Systems has not yet begun the certification process for its
21 RCV equipment, demonstrated only an incomplete RCV system in the pilot program run by
22 the Department of Elections last August, and has declined to respond to inquiries about how
23 far along they are in their research and development process for their RCV equipment; and

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1 WHEREAS, the Board of Supervisors has final budgetary and legislative authority over
2 the contract between Sequoia Voting Systems and the Department of Elections regarding the
3 use of voting equipment in the City and County of San Francisco; now, therefore, be it

4 RESOLVED, That the Board of Supervisors respectfully request that Director of
5 Elections draft a backup plan for both the June and November elections in case Sequoia
6 Voting Systems has not received all necessary certifications; and, be it

7 FURTHER RESOLVED, That the backup plan have at minimum all four of the following
8 components, in addition to any other backup plans that are practical and credible: (1) a
9 centralized count, which uses equipment like Sequoia's 400C (currently used to count
10 absentee ballots) and does not use precinct-based equipment, with appropriate provisions
11 made for voters with disabilities; (2) a count which uses a precinct-based optical scanner to
12 count number one rankings in the precincts followed by a hand count or centralized scanner
13 count in those races requiring the instant runoff; (3) provisions for the Department of
14 Elections to do whatever is necessary to extend for one more year the use of the RCV
15 equipment that was certified for previous RCV elections in San Francisco, ES&S's Optech
16 Eagle, Optech IV-C, and the addition of the AutoMark (for people with disabilities), utilizing
17 this system in a configuration similar to the one that was approved recently by the Secretary
18 of State for Santa Barbara County; and (4) provisions for a true hand count procedure that
19 does not utilize any type of equipment, but instead utilizes a pure hand counting procedure
20 like that previously used in Cambridge, Massachusetts for its ranked ballot elections and
21 currently used in the Republic of Ireland to speedily and efficiently count RCV ballots used to
22 elect the President of Ireland, which usually completes a handcount of 1.3 million ballots in
23 less than 24 hours; and, be it

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1 FURTHER RESOLVED, That given the short time constraints of both the looming June
2 election and the upcoming November RCV election, and in order to maintain stability and
3 order to San Francisco's elections, the aforementioned backup plan should be delivered in its
4 entirety to the Board of Supervisors within two weeks of the date of this resolution, and, be it

5 FURTHER RESOLVED, That the Board of Supervisors requests a live demonstration
6 from Sequoia Voting Systems within two weeks showing which components of the voting
7 equipment being offered to the City and County of San Francisco, including their precinct-
8 based optical scanner, their centrally-based optical scanner, and their touchscreen voting
9 machine: (1) can capture and store ballot images, (2) can process those ballot images with an
10 RCV tabulation, and (3) can report the results in a comprehensible format; and, be it

11 FURTHER RESOLVED, That without a solid backup plan that has been properly vetted
12 by experts from outside the Department of Elections ensuring that both the June primary and
13 November RCV elections will be able to proceed without interruption or risk to the integrity
14 and security of the election, the Board of Supervisors is not inclined to authorize a contract for
15 Sequoia's non-certified equipment; and, be it

16 FURTHER RESOLVED, That without a solid backup plan ensuring that both the June
17 primary and November RCV elections will be able to proceed without interruption or risk to the
18 integrity and security of the election, the Board of Supervisors requests the Department of
19 Election to present a contract for the Board's approval for the use of the previous vendor's
20 equipment for another year.

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