



ranked choice contests only. Regardless of language selection, the audio feature did not inform a voter reviewing his or her completed ballot of the rank the voter had assigned to any write-in candidate in a ranked choice contest. The results of the Logic and Accuracy testing established that neither of the two software errors affected the accuracy with which votes were entered, recorded or tabulated.

Working closely with the San Francisco Elections Department and Secretary of State staff, Sequoia developed mitigation measures for the two errors. The mitigation measures can be implemented without software code changes that would require comprehensive new federal and state testing. The Secretary of State, San Francisco Elections Director and Alameda County Registrar of Voters observed and tested the mitigation measures as incorporated by Sequoia in a modified version of the ballot image definition for San Francisco's November 3, 2009, Municipal Election. They requested and Sequoia implemented several modifications to enhance the effectiveness of the mitigation measures.

The Secretary of State has determined the mitigation measures are sufficient to ensure the usability of the system and that it will record each voter's selections exactly as intended. The Secretary of State has added a requirement to implement the new mitigation measures to the Approval Of Use Of Sequoia Voting Systems' System 4.0 Voting System (December 4, 2009, Revision), a copy of which is attached as Exhibit A.

Based on a review of the cities' charters, the San Francisco testing, and the fact that the City and County of San Francisco successfully conducted the November 4, 2008, General Election and November 3, 2009, Municipal Election, utilizing RCV on the blended WinEDS 4.0.116B voting system, the Secretary of State has determined that further testing of the voting system specifically for Alameda County is not required.

Alameda County has informed the Secretary of State that its first use of the RCV function of WinEDS 4.0.116B would be in the 2010 Consolidated Gubernatorial General Election.

Therefore, in accordance with Section 19213 of the California Elections Code, use of the Sequoia Voting Systems WinEDS 4.0.116B voting system and its RCV functionality is approved for use in Alameda County for the 2010 Consolidated Gubernatorial General Election. This administrative approval is subject to the following conditions:

- The administrative approval is a one-time approval for Alameda County for the 2010 Consolidated Gubernatorial General Election
- Any votes cast on the Edge 2 device must be remade onto a paper ballot, using the voter verified paper audit trail (VVPAT), and tabulated through the Optech 400-C Central Scanner
- Alameda County must adhere to all Use Procedures, including **Addendum A California Procedures for RCV**, as approved by the Secretary of State

Mr. Waldeep Singh and Mr. Dave MacDonald

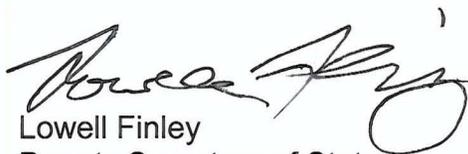
December 4, 2009

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- Alameda County is subject to all of the conditions placed on use of the system in the Approval of Use of Sequoia Voting Systems' System 4.0 Voting System (December 4, 2009, Revision), attached as Exhibit A to this letter
- No substitution or modification of the voting system shall be made with respect to any component of the voting system, including the Use Procedures, until the Secretary of State has been notified in writing and has determined that the proposed change or modification does not impair the accuracy and efficiency of the voting systems sufficient to require a re-examination and approval
- If Sequoia Voting Systems receives an Election Assistance Commission (EAC) Qualification number and receives California approval, for WinEDS 4.0.116B, or any subsequent build for WinEDS version 4.0, prior to the 2010 Consolidated Gubernatorial General Election, Alameda County will upgrade to the EAC certified and California approved version
- Alameda County must meet or exceed the conditions described in the "Voter Education and Outreach Program for Implementation of Ranked Choice Voting in Alameda County," attached as Exhibit B.

If you have any questions about this administrative approval, please do not hesitate to contact me at [lowell.finley@sos.ca.gov](mailto:lowell.finley@sos.ca.gov) or (916) 653-7244.

Sincerely,



Lowell Finley  
Deputy Secretary of State  
Voting Systems Technology and Policy

Attachments: (2)

cc: Ms. Deanna Despain, City Clerk, City of Berkeley, 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley, CA 94704  
Ms. LaTonda Simmons, City Clerk, City of Oakland, One Frank H. Ogawa Plaza, Second Floor, Oakland, CA 94612  
Ms. Marian Handa, City Clerk, City of San Leandro, 835 E. 14<sup>th</sup> Street, San Leandro, CA 94577



## Exhibit A

### Voter Education and Outreach Program for Implementation of Ranked Choice Voting in Alameda County

This document sets forth, as a condition of Secretary of State Debra Bowen's administrative approval of use in Alameda County of Sequoia Voting Systems' WinEDS 4.0.116B ('System 4.0'), a Voter Education and Outreach Program (Program) to educate voters about Ranked Choice Voting (RCV). The Program must be implemented for each city that uses the System 4.0 voting system to conduct an RCV election for municipal office. On the date of this administrative approval, the cities whose voters have approved RCV charter amendments are Berkeley, Oakland and San Leandro. The goal of the Program is to ensure that all voters in the cities of Berkeley, Oakland and San Leandro have a clear understanding of how to cast an RCV ballot and how their choices of first, second and third-preference candidates will be used to determine a winner without a separate runoff election if no candidate wins a majority of votes after first-ranked choices are counted. The Program includes four components: Materials and Media Development, Public Distribution Plan, Communication with Targeted Groups, and Election Day Procedures.

The basic components of the Program were developed after extensive consultation with the Alameda County Registrar of Voters and city clerks from the three cities. The county and city elections officials solicited and received guidance and recommendations from a diverse group of interested members of the public, as well as elections officials for the City and County of San Francisco, which has conducted successful RCV elections with System 4.0.

Before finalizing the materials and plans for the four components of the Program, the Registrar of Voters shall request and consider input from local low-literacy, minority language and disability rights advocacy organizations and other interested community members.

### Materials and Media Development

#### **Educational Materials**

Posters, Brochures, Postcards. Create RCV educational materials including, at a minimum: posters, brochures, and postcard mailers that alert voters to the first-time use of RCV in the next municipal election, inserts to be mailed with sample ballots and vote-by-mail ballots, poll worker training scripts, and information sheets and signs for use in all polling places to explain RCV to voters on Election Day. The materials shall describe the purpose of RCV, how to mark an RCV ballot and how RCV ballots are counted. All materials shall be provided in English, Spanish, Chinese and any additional languages as required under the federal Voting Rights Act.

## **Media Development**

Public Service Announcements. Public service announcements (PSAs) shall be produced and broadcast on television and radio stations to raise awareness about RCV, how RCV works, when it will debut, and how to mark a ballot using RCV. PSAs shall be translated into Spanish, Chinese and any additional languages as required under the federal Voting Rights Act and distributed to local television and radio stations that serve these communities.

Media Outreach. Media materials and announcements shall be developed and distributed before early voting and vote-by-mail balloting commence to raise awareness about RCV, how RCV works, when it will debut and how to mark a ballot using RCV. At least one media event shall be hosted at which elections officials shall demonstrate how to cast an RCV ballot, RCV educational materials shall be distributed, and elections officials shall be available to answer questions from reporters. Local representatives from print, radio, television, and electronic media shall be invited to the event and included in any materials distributions. Non-English language media outlets shall also be invited and included on any distribution lists.

### **Public Distribution Plan**

Distribution of Printed Educational Materials. Distribute, and arrange for the distribution of, RCV voter education materials to: local disability rights organizations, independent living centers, senior centers/groups, minority language groups/advocacy organizations, low-literacy groups/advocacy organizations, libraries, chambers of commerce, homeowners associations, colleges, high schools, voting rights organizations, and other entities as designated by the Alameda County Registrar of Voters.

Public Demonstrations. Provide demonstrations of how to cast an RCV ballot and distribute RCV voter education materials, at public events, including but not limited to, local government fairs and events, farmers markets, town hall meetings, including events held in areas with high concentrations of African-American, Spanish-speaking, Chinese-speaking, and other minority language communities.

Voter Mailers. The Alameda County Registrar of Voters shall send at least one educational mailer about RCV to all registered voters in the cities of Berkeley, Oakland and San Leandro, before early voting and vote-by-mail balloting commence for the November 2, 2010, election. RCV information shall also be included with sample ballots and vote-by-mail ballots mailed by the Alameda County Registrar of Voters to voters in those cities.

Website Publication. Post RCV information and downloadable versions of educational materials on official county and city websites. Materials shall be posted in a format accessible to individuals with disabilities and made available in Spanish, Chinese and any additional languages as required under the federal Voting Rights Act.

### **Communication with Targeted Groups**

The Alameda County Registrar of Voters and City Clerks of Berkeley, Oakland and San Leandro shall work with community-based, disability rights, minority language, low-literacy and senior groups/advocacy organizations, as well as voting-age youth organizations, college-based and high school-based student organizations, chambers of commerce and city government offices to disseminate information about RCV. The Registrar of Voters may designate additional entities to receive RCV communications. The Registrar of Voters shall, by mail and email where available, distribute RCV educational information to representatives of these organizations.

### **Election Day Procedures**

The Registrar of Voters shall ensure that poll workers in cities conducting RCV elections are adequately trained and prepared to assist voters with questions about RCV. Specifically, the Registrar of Voters shall add one (1) additional poll worker at each polling place in cities conducting RCV elections whose sole responsibility is to provide demonstrations and answer questions and requests for assistance from voters about RCV. The Registrar of Voters shall also display prominent posters/signage at the polling places providing information about RCV, including materials in Spanish, Chinese and any additional languages as required under the federal Voting Rights Act.