

ELECTIONS COMMISSION
City and County of San Francisco



Richard P. Matthews, President

John Arntz

Chris Jerdonek, Vice President

Director of Elections

Charles Jung

Jill Rowe

Rosabella Safont

Winnie Yu

Elections Commission Meeting – DRAFT MINUTES
Wednesday, December 17, 2014
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

1. President Matthews called the meeting to order at 6:00 p.m. Present: Commissioners Jerdonek, Jung, Matthews, Rowe, Safont, and Yu. The Board of Education seat is currently vacant. Also present: Director of Elections John Arntz and Deputy City Attorney Joshua White.

2. Public comment on any issue within the Elections Commission's general jurisdiction. None.

3. Approval of Minutes from previous meeting

Moved by Commissioner Safont and seconded by Commissioner Rowe to approve the Minutes of the November 19, 2014 Elections Commission Meeting. Commissioner Jung requested that the minutes include his request to Director Arntz to investigate the events at Commissioner Matthews's November 2014 polling place and to report on that investigation at the next meeting. Without objection, that will be added. Commissioner Rowe requested a correction on page 2 at the end of the 4th full paragraph, which should say that she was pleased to see the warehouse operations on Election Night. Without objection, that will be amended.

Commissioner Jerdonek moved that the attachment to the email that Mr. David Cary sent to the Elections Commission be added to the minutes of the November 19 meeting under agenda item 8. Seconded by Commissioner Safont. Public comment on the motion to amend: David Cary asked that the minutes be revised and circulated a proposed amendment to the minutes. On the motion to amend, the vote was UNANIMOUS to approve.

On the motion to approve the minutes as amended, there was no public comment, and the vote was UNANIMOUS to approve.

4. Review of November 4, 2014 election

Commissioner Jerdonek reported that the Budget and Oversight of Public Elections Committee voted unanimously to forward to the Commission a recommendation that the Commission find the Department of Elections to be in substantial compliance with the Election Plan for the November 4, 2014 election.

Commissioner Jerdonek described the two documents that he prepared and circulated to the Commission. The first compares certain data between the June 2014 and November 2014 elections, and the second includes a list of observations and ideas for improvement.

Moved by Commissioner Jerdonek and seconded by Commissioner Jung that the Elections Commission find that the Department of Elections was in substantial compliance with the Election Plan for the November 4, 2014 election.

Public comment: David Cary said that the certification of vote totals did not include round-by-round ranked-choice voting totals, and that the Statement of Vote included only a tally of first choices as marked for RCV contests and not first-round totals. He would like these matters to change in future elections.

The vote on the motion to adopt the finding was UNANIMOUS to adopt.

5. Commissioners' Reports

President Matthews updated the Commission on a few outstanding matters as requested by Commissioner Rowe.

- a. The ongoing problems with the transmission of voter registration/update information between the California Department of Motor Vehicles and the Secretary of State. The Secretary of State's office has ignored the attempts from the SF Elections Commission to discuss this matter.
- b. The Elections Commission had formally suggested to the Board of Supervisors that they instruct the City's lobbyist in Sacramento to seek amendment to California Elections Code section 12223 to modernize the definition of "precinct" from an area of 1,000 registered voters—thus requiring a polling place and all the personnel and resources that a polling place demands—to account for voters who are registered as permanent vote-by-mail. No action.
- c. Amend Municipal Election Code section 500 re full legal text of ballot measures in the Voter Information Pamphlet. This was as a result of Supervisor Wiener's actions in 2013 related to requiring an environmental impact statement of several hundred pages be included in the legal text, thus requiring its publication in the Voter Information Pamphlet (and that people gathering signatures on petitions to place a measure on the ballot must also carry the several hundred pages with them, or as then-Commissioner Gerard Gleason said at the time, "tying a brick to the ballot measure"). Then-president of the Board of Supervisors, David Chiu, said in 2013 that he would make sure this was amended as suggested by the Elections Commission, but his office did not act on it in 2014 and he was elected to a state office in November and resigned from the Board of Supervisors. Mr. Jeff Cretan, legislative aide to Supervisor Wiener, contacted President Matthews at the request of Mr. Chiu's former legislative aide.
- d. Amend Municipal Election Code section 530 re identification and placement of names for paid arguments in the Voter Information Pamphlet. Same fate as with MEC 500, above.

Commissioner Rowe also asked about the Annual Report required by Commission Bylaws in this instance in which an outgoing president is also about to leave the Commission. President Matthews assured the Commission that he will comply with this responsibility regardless of leaving office, and that he intends to provide his report by the January 2015 Commission meeting.

No public comment.

6. Director's Report

Director Arntz reported about the following divisions:

Administration: Working on the draft budget, which will be submitted to the Mayor's Office in January 2015.

Ballot Distribution: Have finished archiving ballot cards from the November 2014 election.

Campaign Services: Preparing the documents of deadlines and guidelines for the mayoral contest of November 2015.

Outreach: Evaluating the outreach work done in advance of the November 2014 election.

Precinct Services: Reviewing materials and procedures from the last election.

Pollworker Division: Just finished putting Pollworker feedback into database.

Information Technology: Working on databases, including a time sheet database that will better track temporary employees as they work across different divisions at different times.

Warehouse: Processing all the materials that have come back from polling places.

Director Arntz also said that due to the Department's needs for certain floor place, the desk and cabinet of the Commission Secretary would have to be moved. President Matthews pointed out that the space to which the desk has been moved is in a dark spot, as it was moved from underneath a light.

In response to Commissioner Jung's request at the November meeting, Director Arntz reported on his investigation of the events around the conduct of the Pollworker accused of electioneering in the November 2014 election. Director Arntz said that they consulted databases as well as the long-time Pollworker coordinator. In the database, it said that this person and/or another similar-looking Pollworker with whom she usually works on Election Days were noted as possibly marking voter ballots in the November 2010 election.

Commissioner Jung said that this should have been flagged, and that even if two workers were potentially coded in the database as having possibly done something questionable, it should have been flagged. He said that there is a material difference between irregularities such as not wearing the assigned language name tag versus a more serious offense such as possible electioneering in the polling place or improperly marking voter's ballots, which are crimes. He said that there should be a record at least.

Commissioner Yu asked whether there was a way to triage calls coming into the Election Center on Election Day so that these kinds of calls would get attention faster than smaller issues.

Director Arntz responded that every instance of misconduct that is reported gets a response. From not wearing the right name tag, ensuring doors for accessibility are open, or an elevator is not working, the Department acts on it. There is no triage. One notation four years ago about this one Pollworker accused of electioneering in this past election with no other complaints is not a real indication that she should not have been hired after November 2010. He said that the Department does remove pollworkers even on Election Day if there is sufficient reason.

No public comment.

7. Discussion regarding recently adopted ordinance “Supporting the Creation of Open Source Voting Systems - Studying New Models of Voting System Development,” sponsored by Supervisor Scott Wiener. Commissioner Jerdonek shared information about the resolution adopted the previous week by the Board of Supervisors, which registers support for the creation of open source voting systems, and requests that the Local Agency Formation Commission study the feasibility of San Francisco developing its own open source voting system and to research options for structuring such a project.

No public comment.

8. Discussion and possible action regarding items for future agendas.

Return to the items mentioned in Item 4 above; Officer elections in the January meeting as required by the Commission Bylaws.

Public Comment: David Cary asked that the Commission consider the reporting of ranked choice voting tallies and that the certification should include round-by-round tallies.

Adjourned at 6:53 p.m.