

ELECTIONS COMMISSION
City and County of San Francisco



Richard P. Matthews, President
Chris Jerdonek, Vice President
Charles Jung
Jill Rowe
Rosabella Safont
Winnie Yu

John Arntz
Director of Elections

Debra Hayes
Commission Secretary

Elections Commission Meeting Minutes
Wednesday, June 18, 2014
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102
Adopted August 20, 2014

1. Meeting called to order by President Matthews at 6:00 p.m. PRESENT: Commissioners Safont; Jung; Rowe; and Jerdonek. Commissioner Yu arrived at 6:03 p.m. during Item 3. Also Present: Elections Director John Arntz; Deputy City Attorney Andrew Shen; Commission Secretary Debra Hayes.

2. President's Announcements

President Matthews announced that he had appointed Commissioner Jerdonek to be the Chair of the Budget and Oversight of Public Elections Committee.

3. Public comment on any issue within the Elections Commission's general jurisdiction unless otherwise included in an item on this agenda.

Public Comment: Arel Cordero commented on his observations from the June Random Selection and Manual Tally for the Primary. He commended the dedicated work and felt confident in the selection and tally process.

His general observation was with the processes, and saw opportunities to increase transparency, the ability for every party to see the neutrality of the processes while simplifying them. He used random selection as an example. The process was long and took over 40 minutes. He saw potential issues in reading each precinct number aloud and thinks the proper mixing of slips of paper and reading each precinct number dropped in a box is prone to error.

He suggested using Marin County's three 10-sided dice process to randomly select precincts and would like to urge the commission to adopt policies supporting incremental changes to processes that will benefit election transparency.

4. Approval of Minutes from previous meeting.

Moved by Commissioner Safont to approve the Minutes of the May 21, 2014 Elections Commission meeting and the letter Commissioner Christopher Jerdonek submitted of June 9, 2014; seconded by Commissioner Jerdonek.

No PUBLIC COMMENT. UNANIMOUS vote to APPROVE and ADOPTED.

5. Director's Report

Director Arntz said the election had a 29.7% turnout and certified the Vote by Mail (VBM) on Thursday, June 12, 2014.

NUMBERS: 20.65% VBM; 9.05% at polling places. VBM is the consistent aspect of the elections these days. The wild card is the vote at the polls, which in previous elections has

been the opposite. Director Arntz observed that it has flipped almost 100% over the years.

The Elections Department issued 237,000 VBM's and the return was 93,000. Of the 93,000, 1100 came back on election day at the VBM stations on the Grove and Goodlett sides of City Hall. They also showed up well on the weekend; 50 – 100 ballots. Director Arntz said the Department of Elections is always sensitive to the impact an election has on City Hall since it used by others. He said the VBM stations have created a presence and although a small turnout, they are receiving attention and it will grow over time. The stations brought out notice from the media like the Chronicle. There were large pictures either online or in the paper of the VBM stations. The stations are becoming identifiable like the Be a Voter branding. City Hall was lit up red, white, and blue during the elections. Director Arntz didn't think it drew as much attention for the media but expects it will for the November elections.

POLLS: The Muni strike had an impact on the attendance of poll workers getting to polling places. The Elections Department had many morning calls about transportation issues. Custodians and superintendents were slow in getting to the polling places. Surprisingly, many of the polling places came down to the wire in opening by 7, when most are open by 6. Two or three were actually late in opening. The late arrivals didn't seem to impact voting. The Elections Department had the emergency sidewalk voting open with personnel on site and ballots ready. Polls were fully staffed and by the end of the day had 2500 poll workers. 1400 were bilingual: 962 English/Chinese; 313 English/Spanish; 104 English/Filipino; 13 English/Japanese; 59 English/Vietnamese; 8 English/Korean. Over 500 of the bilingual poll workers used the online services to learn how to provide assistance at the polls. Director Arntz said online training is growing in popularity and the Department added more online videos to the online library. He said they are helpful to watch and learn what goes on at a polling place. Many of the language assistants at the polling places are high school students. Many of the students may only work one election and the video training gives them an idea of what to expect at a polling place. Director Arntz said it was hard to get a sense of what the turnout was like. In speaking with Commissioner Matthews and Commissioner Jerdonek prior to the meeting, they indicated the turnout hit around 6:00 – 8:00 p.m. and not much traffic at the polls prior to that time. Director Arntz said the morning is always busy for the Department of Elections due to staffing issues and locked polling places. They had plenty of ballots at the polling places.

Director Arntz said that overall the election ran well. There were no systemic issues. There were many calls on election day regarding equipment that wasn't working: memory packs; optical scan tabulators; VVPATs (Voter Verified Paper Audit Trail). Director Arntz said everything tested fine and believes it was a delivery issue caused during the jostling around of the equipment. The machines that had technical difficulties were set aside and reviewed for maintenance. Director Arntz has met with the vendor and department personnel that make the machine deliveries. The VVPATs and memory pack issue is really a matter of jostling causing the memory packs to become unseated and needed reseating. The VVPATs have a spring loaded trigger that if the tape moves, an error message appears, even when the machine has not been used. This issue has been seen in the past and is just a matter of handling. Director Arntz the department will work on that issue going into the November elections.

CANVASS: Director Arntz said the canvass went well. The 1% manual tally checked out and no discrepancies with any of the cards that came back. Overall, Director Arntz said it was a good election. He thanked the Sheriff's Department for their work during elections. He thinks they are undernoted for all the work they put in during the elections. The Department of Elections placed GPS units into 25 sheriff vehicles. It was helpful in getting data on the pickups from the polling places for the first time. On average it was 15 minutes per stop. This helps in drawing the routes more effectively for future elections. The Department left GPS units in two vehicles which Director Arntz noticed the next week one of the vans being in L.A. He was very concerned at first until someone reminded him the vans were rentals.

Debriefing will begin in July for the Department of Elections. They've been working on operational processes over the last year to make the elections better. The Department has been reviewing data from various operations from the past in order to make better projections. One of the biggest challenges for the Department was projecting how many workers to bring in during elections and staff according to trends that have been seen during election time. There is not much activity during elections at City Hall and in the past there have been more than 200 workers when the punch card system was in effect. Now that optical scanning is used, things run better and are less draining.

BUDGET HEARING: Director Arntz had his budget hearing on Monday, June 16, 2014. He agreed to the budget analysts recommendations. There were some cuts. The Department had surplus funds from the current fiscal year for the radio frequency RFID system that can be purchased now and removed from next fiscal year. Two positions were cut and consolidating to one 1092 classification for an IT position, with a reduction in fringe benefits. The Mayor's office gave \$300,000 to the Elections Department to include Filipino on the ballots for November but was cut because the Department was not ready for it but will be included on the website for November's election. The voter guide will not be in the ballot and will be removed. The budget the Elections Commission approved is the same one the Mayor's Office approved. There are two hearings for each department from the Mayor's Office and if the budget is agreed upon after the first hearing, then the second is not scheduled. One thing Director Arntz brought up at the hearing was that the Department will need to come up with a new warehouse site. Finding a new location is challenging and they have been looking for over a year. If they cannot find a place in San Francisco, then the warehouse may need to move out of the county. Director Arntz is in contact with the real estate department and the Port of the CCSF.

Director Arntz attended a hearing on Wednesday, June 11, 2014 on Supervisor Weiner's ordinance to change how official ballot arguments can be submitted. Director Arntz will attend the Hearing and Rules on changes to how vacancies are filled when an office holder leaves office. In that case, there would be an election.

Director Arntz will put headers on reports to the Commission and said the printout for the SFVote emails are not formatted to be printed in a way that is ideal. Email went down for the Department around election time as well. The Department will review again for the next election but worked as hard as they could to submit the best product they could with SFVote. However, the information is whole and complete.

Director Arntz didn't see anything in the reports that caught his attention for concern. He thought some of the responses to SFVote could have been better. The phone bank had all new people working for the Elections Department and felt they did a very good job. Director Arntz said every election is a miracle and no election is easy but the Department was well prepared.

Director Arntz also thanked Building Services and City Hall for their hard work, as well as parking control officers for picking up the memory devices from the polls.

Commissioner Matthews said that not only do the poll workers benefit from the online training but he found it very useful himself. He watched the video to answer some questions he had. Director Arntz asked if he found the information helpful. Commissioner Matthews said it was fairly well indexed.

Commissioner Charles Jung said the videos were great. He went through all of them as a first time poll inspector. Parts of the tear down procedure were still unclear to him. He suggested a slow walk through of the inside edge machine set up and tear down, and the closing procedures. Commissioner Jung asked why more are on the You Tube channel v the SFO election site. Director Arntz said the website needs to be organized differently.

Commissioner Jerdonek asked Director Arntz whether he used any City employees beyond what he requested for election night. Director Arntz said no.

Commissioner Jerdonek noticed in the reports that about 2000 absentee or provisional ballots were not counted. Commissioner Jerdonek asked Director Arntz if the Department of Elections follows up with any of those voters to make sure they don't make the same mistake in the next election. Director Arntz said if they are not registered, the Department sends them an election card but if they don't live in San Francisco, no, and signature miscompare possibly, but will turn over the documents to the District Attorney's Office for a signature miscompare. Also no follow ups with late ballots.

Commissioner Jerdonek asked about the problems with the edge machines and how they compared to other elections. Director Arntz said it was about the same but was surprised by the number. Most of the issues came in the morning. Director Arntz said there are about 100 replacement edger and optical machines available.

Commissioner Jerdonek asked if any precincts were off by more than a couple of ballots. Director Arntz said no.

Commissioner Jerdonek asked about voter outreach for next election and asked if the Department of Elections has the same numbers at the precinct level as the Secretary of State's website has for registration reports of eligible voters of each county. Director Arntz said no.

Commissioner Jerdonek had a question from the public regarding the current contract with Dominion. Current contract to end in December 2016. If not extended, how long before that would we need to issue a new RFP. Director Arntz explained that there are different approaches. We could send out an RFQ or RFI. Also, things could change with the new Secretary of State. Director Arntz said he didn't know an exact date, but indicated at least a year.

Commissioner Jerdonek asked Deputy City Attorney Andrew Shen about the new legislation regarding special elections and whether the Elections Commission ever plays a role. Historically he's not sure whether the Commission has ever weighed in on the Charter Amendments that change an election schedule but doesn't preclude the Commission from weighing in and can attend the hearings, or contact sponsor's office, Supervisor Avalos. Commissioner Matthews said the Elections Commission has never weighed in on a political issue like how power is allocated between the Board of Supervisors and the Mayor.

Commissioner Jung thanked Director Arntz for taking him on a tour the day after election and was impressed with the VBM process. One part that was not clear was WinEDS and how does one know there is not an error since it outsourced. Director Arntz said all equipment is checked before going to a polling place. After that, the 1% random tally confirms the voting against the machine counts. He's never seen the 1% tally be off in his experience.

Commissioner Matthews has never seen in his voting experience the 1% random tally be incorrect.

Commissioner Jerdonek said the Elections Department released daily reports online showing all the voting processes combined. Each day one can see the vote total changes.

Public Comment on Director's Report: Mr. Roger Donaldson commented on Commissioner Jung's concern. He said the during the June 2010 election, he and David Carey ran ballot image files, the raw data needed to produce validation by precinct, to confirm results. He suggested using this process again to validate votes and to serve San Franciscans.

6. Commissioners' Reports

Commissioner Jerdonek said that he completed the task he mentioned during the previous Commission meeting of collecting City Attorney memos relevant to the Elections Commission. He collected nine of them, the earliest dating back to 1990. He forwarded them to President Matthews, Secretary Hayes, and the Deputy City Attorneys.

Commissioner Jerdonek said that he observed that parts of the Elections Commission's web site can be simplified or reorganized. He said that with approval from President Matthews, he contacted Secretary Hayes to learn about how the website is managed and what types of changes are possible. He has a copy of the website manual and will continue working on it.

Commissioner Jerdonek said that SF311's website has a web page listing Commission memberships. He noticed that the information about the Elections Commission was outdated by a year or so. Commissioner Jerdonek contacted SF311, and Secretary Hayes has since updated the Commission's information in the SF311 database.

Commissioner Jerdonek described his observation activities. He was a polling place inspector, he attended the equipment lab the Sunday before Election Day, he observed the random selection of precincts the day after Election Day, and he observed the public manual tally in the warehouse. For comparison, he also attended the Alameda County random selection on June 13. Alameda County used a tumbler of raffle tickets. Commissioner Jerdonek stated that one aspect in which the Alameda County selection was better than San Francisco is that unlike San Francisco, Alameda County waited until all ballots were tallied before doing the random selection. In all other respects, he felt that the San Francisco process was better. For example, Alameda County does not demonstrate to the public that all precincts are represented in the tumbler.

President Matthews said that he had some math questions regarding the three 10-sided dice approach that Marin County uses to randomly select precincts. He said it seems like some precincts are more likely to be selected than others using that approach.

Commissioner Richard Matthews, who served as an Election Inspector, attended the drawing of precincts for the 1% tally and viewed the 1% tally at the warehouse.

He showed 4 slides of the warehouse during the tally:

- Machines.
- Stacks of unused cards and bags of ballots.
- Teams of 4 conducting the 1% tally vote.
- One side with 2 people handle the ballots, the other side of 2 tallies, and compare to what the machine has tallied.

Commissioner Charles Jung, who served as an Election Inspector, thought the colored bags were great. He commended a high school volunteer for noticing that a ballot may have been missing.

7. Discussion and possible action to make a finding as to whether the June 3, 2014 election substantially complied with the Election Plan, per San Francisco Charter section 13.103.5.

Commissioner Chris Jerdonek moved that the Commission find that the Department of Elections substantially complied with the Election Plan for the June 3, 2014 election. Commissioner Rosabella Safont seconded. President Matthews asked if there was any discussion.

Commissioner Jerdonek thanked Director Arntz for providing the additional reports that he requested from Director Arntz at the last meeting.

Commissioner Jerdonek asked some questions about the vote-by-mail (VBM) report. Commissioner Jerdonek asked how the Department would handle a VBM ballot if a voter were to fill out their own name, address, and signature on an envelope that has someone else's name printed on it. Director Arntz responded that they would not count that ballot. They would classify it as a signature mismatch and send a voter registration card to the voter whose name is printed on the ballot under the assumption that the voter's signature might have changed over time.

Commissioner Jerdonek asked some questions about the Incident Reporting Information System (IRIS) report. Commissioner Jerdonek asked about precinct 9442 on page 22, where the polling place location changed after the Voter Information Pamphlet was mailed. Director Arntz replied that there was one instance where the polling place changed, and they did not send out a polling place change card. After receiving phone calls, the Department placed signs at the old location directing voters to the new location.

Commissioner Jerdonek discussed the document he included in the agenda packet that contained his election observations. He stated that he thought the election was conducted in an outstanding fashion overall, for example the training class and various improvements over previous elections. He then discussed those suggestions for improvement that were marked with a star in his document.

Commissioner Jerdonek stated that there were two instances where the Commission did not forward required documents to the Board of Supervisors in a timely fashion or at all. The Commission sent the employee waiver to the Board of Supervisors too late for the Board to pass the waiver before the election. The Board had to pass the waiver retroactively one week after Election Day. Commissioner Jerdonek also stated that he doesn't think the Sheriff's security plan for the election was ever forwarded to the Board of Supervisors.

Commissioner Jerdonek stated that the preliminary statements of vote posted on the Department's web site are posted only in PDF form, which makes it hard to process or analyze the numbers. Director Arntz replied that only the final statement of vote is posted in Excel because creating and formatting the Excel file is a labor-intensive process.

Commissioner Jerdonek said he thought it would be useful if the Department had an email list that members of the public could subscribe to for Department announcements. Director Arntz replied that the Department has an RSS feed. Commissioner Jerdonek expressed concern that not many people know how to use RSS feeds and that mailing lists are much more widely used.

Commissioner Jerdonek stated that in his understanding state law requires that all ballots scanned by machine be included in the post-election manual audit, but the Department does not include any ballots scanned after Election Day in the audit. Director Arntz replied that they used to include all ballots in the audit, but at the time members of the public were concerned because the random selection of precincts to be audited took place before the scanning was finished, which gave the Department foreknowledge. Director Arntz also said that there is not enough space to stack absentee ballots by precinct. Commissioner Jerdonek asked if it was not possible to include all ballots, or just difficult. Director Arntz replied that it would be a challenge because of space.

Commissioner Jung asked Deputy City Attorney Shen whether the City has researched the issue of whether our one-percent manual tally process is in compliance with California Elections Code Section 15360. Deputy City Attorney Shen replied that they have not, but he could do so prior to a future meeting. Commissioner Jung requested a brief analysis in advance of the next meeting. Deputy City Attorney Shen replied that he would do so.

Public Comment: Arel Cordero commented that he appreciated that the result of the one-percent manual tally matched for the ballots that were included in the audit, but he expressed

concern about the remaining ballots not being included. He expressed interest in knowing what fraction of the ballots were not included.

President Matthews asked Director Arntz what ballots were not being included in the audit. Director Arntz replied that provisional ballots and VBM ballots scanned after the cut-off were not being included. Commissioner Jerdonek said that he had an answer to the question that Arel Cordero asked during his comment. Commissioner Jerdonek said that he had compared the total number of ballots in the final statement of vote with the total on Election Night and found that 25% of the ballots were counted after Election Day and so not included in the audit.

Commissioner Jerdonek said he thinks the issue from a transparency or voting integrity perspective is that if the scanners were ever tampered with after Election Day to move votes from one candidate to another, the tampering would not be detectable by the audit because those ballots are not being included.

The Elections Commission UNANIMOUSLY voted and ADOPTED the motion.

8. Discussion and possible action to elect a vice president.

President Matthews stated he was sad to see Commissioner Catalina Ruiz-Healy leave the Commission. President Matthews opened the floor to nominations for vice president of the Commission.

Commissioner Jill Rowe nominated Commissioner Rosabella Safont. Commissioner Safont thanked the Commissioner for the nomination and declined.

Commissioner Rosabella Safont nominated Commissioner Chris Jerdonek. Commissioner Jerdonek accepted. No other nominations were offered. The vote was UNANIMOUS to elect Commissioner Jerdonek as the Commission's vice president.

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

- Discussion of the November election plan.
- Manual tally discussion.
- The process for forwarding Charter-mandated things from the Commission to the Board of Supervisors in a timely manner.

Commissioner Yu stated that the Board of Supervisor's have strict deadlines and given the Elections Commission meets monthly, the Commission will need to be stringent in their planning.

Adjourned at 7:26 p.m.