

August 14, 2014

From: Chris Jerdonek, Vice President
To: Elections Commission

Subject: Requested changes to draft minutes of June 18, 2014 Commission meeting

Below are changes and additions to the draft minutes of the June 18, 2014 Elections Commission meeting that I would like to request at our next Commission meeting. Thank you.

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

5. Director's Report

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POLLS: The ~~muni~~ 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 ~~muni-strike~~ late arrivals didn't seem to impact voting. The Elections Department had the emergency sidewalk voting open with personnel on site and ballots ready.

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The VVPATs and memory ~~pad~~ pack issue is really a matter of jostling causing the memory packs to become ~~unseeded~~ unseated and needed ~~reseeding~~ reseating.

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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 ~~FID~~ RFID system that can be purchased now and removed from next fiscal year.

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

Commissioner Jerdonek noticed in the reports that about 2000 votes absentee or provisional ballots were not counted. Commissioner Jerdonek asked Director Arntz ~~and wanted to know~~ if the Department of Elections follows up with ~~them~~ 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.

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Commissioner Jerdonek had a question from the public regarding the current contract for the dominion with Dominion. Current contract to end in December 2016. If not extended, how long before that would be needed we need to submit an 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 ~~been able to weigh~~ 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 ~~the win-dot eds~~ 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.

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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.

~~Commissioner Chris Jerdonek is collecting City Attorney memos that are relevant to Elections Commission and has forwarded to the Commissioner Matthews, Secretary Hayes and cc'd Deputy City Attorneys. He noticed the Elections Commission website could use updating and contacted Secretary Hayes for information and will continue looking into it; He noticed the SF311 online database is outdated by a year. Commissioner Jerdonek was an election inspector and observed the 1% tally random selection of precincts, as well as observed the tally itself both in San Francisco and Alameda County. He thought the San Francisco process was better in most respects.~~

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 miscompare 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.

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