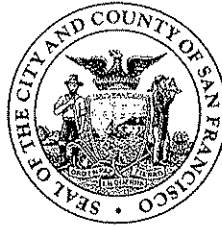


**ELECTIONS
COMMISSION
BUDGET AND OVERSIGHT
OF PUBLIC ELECTIONS
COMMITTEE**



**WINNIE YU, CHAIR
JOSEPH PHAIR
RICHARD P. MATTHEWS**

City and County of San Francisco

**ELECTIONS COMMISSION
BUDGET AND OVERSIGHT
OF PUBLIC ELECTIONS COMMITTEE
City Hall, Room 408
City and County of San Francisco**

**Minutes of the Meeting Held
Wednesday, July 16, 2008
(Approved: _____)**

1. **Call to Order and Roll Call.** Chairperson Yu called the meeting to order at 5:03 pm. PRESENT: Commissioners Richard P. Matthews and Joseph B. Phair, Director John Arntz and Deputy City Attorney Mollie Lee.
2. **Discussion and possible action to approve the Budget and Oversight of Public Elections Committee minutes for February 12, 2008.** Commissioner Matthews MOVED and Commissioner Yu SECONDED this item. Commissioner Phair offered a minor grammatical correction to the minutes.

The Roll Call Vote to approve the minutes was UNANIMOUS.

3. **Discussion and possible action regarding the final Department of Elections Budget for Fiscal Year 2008-2009.** (Director Arntz)

Commissioner Phair said that after the Director made his Budget presentation to the Commission earlier in the year he obtained from the Controller's Office a copy of Department's budget materials that were submitted to the Mayor's Office and discovered that those materials were very different from what had been presented to the Commission. He asked Director Arntz to comment.

Director Arntz replied that without seeing the materials to which Commissioner Phair was referring, he could not comment. Commissioner Phair said that unfortunately he did not have the materials with him at this meeting, but that the information was detailed and more of what he would have expected the Director to have presented to the Commission for approval and similar to the more detailed spreadsheets he has seen previously for department budgets. Commissioner Phair requested that in the future, the same budget materials and

spreadsheet documentation that is submitted by the Department to the Mayor, Controller and Board of Supervisors be presented first to the Commission's BOPEC Committee and eventually to the full Commission for review, comment and action.

Commissioner Phair asked if the budget had been approved at the Board's July 15, 2008 meeting. Director Arntz replied that the meeting had to be cancelled and was rescheduled for today. He said that he had no knowledge of whether the budget was approved but that there will probably not be any further changes.

Commissioner Phair said that he had no problems with the substance of the Budget that was presented to the Mayor, Controller and Board of Supervisors, but was concerned about the process – that the Commission was not given the same documentation.

Commissioner Matthews asked the Director if the approved budget would be the documents last given to the Commission. Director Arntz replied that this is never the case. He explained that what is presented in January to the Commission is never the final budget, but is just the starting point. Commissioner Matthews asked that the Director circulate to the Commission the final approved budget. Director Arntz said that the summary information in the packet for this meeting was correct because his office gave it to the Commission Secretary last week and he was not aware of any changes. Commissioner Phair reminded the Commission that the total given to the Commission previously was roughly \$11.5 million and the total in the current summary presented at this meeting is just under that amount.

4. Presentation of the current Department of Elections Organizational Chart.
(Director Arntz)

Director Arntz stated that he had not been contacted regarding having an updated Department organization chart for this meeting. However, he said that he has brought the current chart to the meeting and asked that in the future he be asked directly to provide information that the Commission requests.

Commissioner Matthews recalled that this item had been requested at the last BOPEC meeting by himself and other Committee members because the chart presented at that meeting did not contain the names of the persons occupying division management level positions in the organizational chart represented at that meeting. He said that this information had been requested by the Commission over the past three years and again requested that the Director provide the chart to the Commission with staff names. Director Arntz replied that he would provide the chart with the requested information.

Commissioner Phair asked the Director if there had been any progress in making management positions permanent. Director Arntz replied that there had been

approval from the Mayor's Office and Human Resource Department that the current positions are misclassified, but the funding did not follow. Commissioner Phair asked for an explanation of the "Temporary" positions on the chart. Director Arntz explained that "FTE" means full-time equivalent employee, and the "Temp" positions are Category 18, which means temporary staff that are funded for a project (such as "elections"), which allows them to be funded for three years. The Department is on the second of a three-year project with these staff members and they have the same benefits, such as health and vacation, as full time Civil Servants, but they do not have a permanent Civil Service classification.

Commissioner Phair asked the director if it was his preference to move the FTE's to Full Time, and the Director answered that Full Time is better. The Commissioner asked the Director to include the classification for each staff member on the organizational chart and asked the Director to let the Commission know if there is anything the Commission can do to assist the Director in this effort.

Commissioner Matthews asked if all the Division Managers would be equal in their classifications. Director Arntz responded that this is true except for the Information Services Manager whose classification is different.

5. **Discussion and possible action regarding new "hyperlinks" on the Department of Elections website.** (This is follow up to discussions in April 2007). Regarding the suggestions submitted by Commission President Gerard Gleason (included in the information packets for this meeting), Commissioner Matthews asked the Director if these website links were possible. Director Arntz replied that these were possible and that the Department will try to include them.

Commissioner Phair reminded the Committee and the Director that in light of the recent Civil Grand Jury Report, locating more informational links at one place would be a good idea for the public. He asked the Director to inform the Commission if there are difficulties adding the suggested links.

Chairperson Yu suggested links for frequently asked questions from callers to the Department.

6. **Discussion of the post-canvass audit results of the ES&S equipment used in the November 2007 election.** (Director Arntz)

Commissioner Matthews asked if the audit of the ES&S equipment was completed and if so, had new information about the equipment come to light. Director Arntz said that this was the purpose for the full 100% hand count of four measures of absentee [vote by mail] ballots in the last election. He passed out a spread-sheet to the Commission, and reported that there was an issue with the absentee vote tally and called the Committee's attention to the polling place machine report on his handout.

Commissioner Matthews asked what was the theory for the variance in the report, and Director Arntz replied that the machines were just not picking up the marks on the cards. Some reasons were the ink used, but even if the card was blank, the machine might pick up a smudge or fiber blotch or crease in the card. The Director said that before the February election, the new machines were checked out by using different types of inks and orientations, and they did not have the same issues as these ES&S machines.

Commissioner Phair asked if the variance was the difference between the machine and hand counts. Director Arntz answered that this is correct and added that due to time restraints, a 100% manual count was not done.

Commissioner Phair asked the Director if this information he presented to the Commission at this meeting was provided to the Secretary of State (SoS), and the Director responded that it was.

7. **Discussion and possible action to develop a policy for reviewing elections.** Commissioner Phair reported that he has given Vice President Meek some comments for her revisions of the Election Plan format. He said that the last time the Election Plan was discussed it was agreed to make it a more workable document and the Director agreed that that would be helpful to him and his staff when they generate the plan for each election. Although a boiler plate document is helpful for some parts of the plan, some parts of the plan are different and specific for each election. There are often subjects that come up such as the SoS's requirement to get at least five voters from each precinct to use the Direct Recording Equipment (DRE) voting machine during the most recent election to allow less visibility of individualized voting on that equipment. This was not in the Election Plan for the last election.

Commissioner Phair suggested that having a simple Election Plan would help facilitate not having things "fall through the cracks". He said that absentee voting requirements, such as signatures on the envelope and education regarding RCV (Ranked Choice Voting) would help to make the plan more user friendly.

Commissioner Phair reminded the Committee that, in the past, members have selected specific areas of interest to review during elections and that this maybe good to use later when the Commission responds to the Civil Grand Jury's Report and would be helpful regarding the decision on how the Commission wants to handle observations. He suggested that the Commission decide critical areas and focus on them.

Director Arntz said that the Charter requires that elections be free, fair and functional and he thinks this should be the overlying theme for the Commission's review of the elections.

Chairperson Yu said she agreed with Commissioner Phair that there should be a list of consistent priorities for review, perhaps working with the Deputy City Attorney, to determine which would be appropriate for Commissioners on a regular basis and to establish this as part of a procedure or protocol for election review.

Deputy City Attorney Lee said she could work with the Commission and prepare a memo regarding the role of the Commission, especially for new members, and tailor the information to cover reviewing elections. To make sure that her memo is responsive to what members would like to do, Deputy City Attorney Lee asked if someone would draft a list of review items.

Commissioner Matthews explained that the evolution of this item comes from several points of the City Charter that created and govern the Commission, and reminded everyone that the eighth word in Section 13.103.5 of the Charter is "oversee". The Commission is tasked with overseeing all elections which includes, but is not limited to, approving the Election Plan and then evaluating whether the election complied with the plan to carry out a free, functional and fair election. The Commissioner said that over the last two elections as many as four members have chosen, in advance, areas to observe and that this has worked well. He said that concocting a specific list of things to do would not hold up past a few elections because things change from election to election.

Commissioner Phair said that there are two "rear view mirror" parts to evaluating elections that are constructive for conducting future elections: (1) reports from the Director on specific areas the Commission chooses with the Director, for example the number of provisional ballots received, and number of such ballots accepted (counted), by precinct; and (2) the number of vote-by-mail [absentee ballots] ballots, for example how many were not validated and why. The Commissioner said that the upcoming November election will be a test of everything in the system and it will be difficult in many ways.

ACTION: Commissioner Phair agreed to prepare a first draft list of categories of information which the Commission might ask to review for each election, such as the analysis of the provisional ballots, analysis of vote by mail ballots, etc., which he will present at the next BOPEC meeting.

ADJOURNMENT at 5:58 pm.