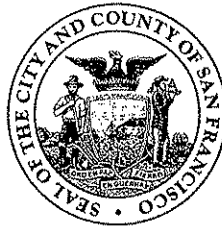


ELECTIONS COMMISSION
City and County of San Francisco



Gerard Gleason, President
Jennifer Meek, Vice President
Richard P. Matthews
Joseph B. Phair
Arnold Townsend
Winnie Yu

John Arntz
Director of Elections

Shirley Rodriques
Commission Secretary

DRAFT
City and County of San Francisco
Elections Commission
Approved: _____
Minutes of the Meeting held
City Hall, Room 408
April 16, 2008

1. Vice President Meek called the meeting to order at 6:02 p.m.
2. **COMMISSION MEMBERS PRESENT:** Commissioners, Richard P. Matthews, Winnie Yu, Jennifer Meek, Joseph B. Phair, Deputy City Attorney Andrew Shen, and Director John Arntz. **ABSENT:** President Gleason called that he was held up in traffic on MUNI and will arrive shortly, arrived at 6:06 pm; Commissioner Arnold Townsend was absent for roll call, but arrived at 6:10 p.m.
3. **Public Comment.** *Brent Turner* presented Director Arntz with information on an open source code ballot printing system. He said that with this system, there is never an errant mark on a ballot or a ballot shortage issue. He asked for an update regarding the Open Source Task Force that the Director mentioned last year.

President Gerard Gleason arrived, took the gavel and called for the next item.

4. **Director's Report.**

Ballot Distribution: The Division is preparing for the Health Services Election which will be occurring at the same time the Department will be counting the ballots for the June Election. Additionally, the Division is acquiring space for receiving precinct ballots and pollworker class materials.

Budget and Personnel: The Division has been in communications with the Mayor and Controller's office regarding the 2008-2009 Budget. Materials and Supplies, as well as Staffing must be cut 8.5% for the next year.

Campaign Services: The Division is making preparations for: the June Election phone bank, the elections observer panel information for the Civil Grand

Jury, The League of Women Voters, various political parties and media. FPPC (Fair Political Practices Commission) forms are being filed, and the open house will be May 21, 2008.

Outreach: The Division is implementing a newsletter at the end of this month. Staff is preparing presentations to community groups, attending tabling events, and updating language in outreach posters and brochures.

Publications: The Division is readying the Voter Guide for the printer, and it should be on line within the next week, along with the polling place locator and the June Ballot. Staff will soon be proofing the Cantonese language modules for the Edge Voting Equipment.

Poll Locating/ADA: The Division is seeking two more polling sites for June, all others have been secured. But between now and June it is likely that some of the ones currently secured may withdraw and new ones will need to be established in their place.

Pollworker: Classes for clerks begin May 2nd. Approximately 65% of the pollworkers needed for June have been recruited, and the manual is being updated.

Technology: The Division is cleaning up the data base from the April election and are transitioning to the June election data bases.

Voter Services: The Overseas ballots for the June Election (there are 3400) are being mailed, staff is updating the voter history records with the information from the April Election, and performing voter file maintenance. The Early Voter Counter at City Hall will open Monday, May 5, 2008.

Vice President Meek asked the Director if the 8 percent budget cut was going to effect the already shortened hours of the Commission Secretary. Direct Arntz replied that nothing is final regarding staffing. He suggested that the Commission contact the Mayor's Office now regarding its request to not cut those hours further.

April 8 Special Congressional Open Primary Election Report: There was a 25% voter turnout – 18% of that number voted by mail. The DoE sent out 30,000 vote-by-mail ballots and 14,400 were voted and returned (7% were turned in at the polls). Approximately 5,300 voters voted at the polls. The total of registered voters who were eligible to vote was 79,000. The provisional ballots totaled 167, 131 were accepted and 36 were challenged.

Because this was a relatively small election, issues were handled quickly and the election ran smoothly.

Vice President Meek congratulated the Director and the Department on the success of the April Election.

5. **Commissioners' Reports.** Commissioner Townsend reported that he met with two members of the Civil Grand Jury who are looking into moving the DoE out of its space at City Hall. Part of the Department's space is wanted for a new program for Identification Cards for immigrants. The move would split the DoE into two parts. Commissioner Townsend told the Civil Grand Jury members that he feels that Elections should be at City Hall, because this is what people/voters expect. He said that in any City or town, if a voter wants information about elections, she or he would go to City Hall to get that information. Commissioner Townsend said that putting the DoE at Pier 48 would not be desirable due to public transportation, knowledge of where to find it, and other problems like accessibility for the disabled who are taking MUNI. He said that The Civil Grand Jury might contact other Commissioners to get their opinions on this topic.

President Gleason said that the Assembly Bill to give pollworkers an exemption from Jury Duty, which he strongly supported, failed by a vote of 3 to 4. He said that he hopes it will be revisited.

5. **Commissioners' reports and updates regarding observations and activities related to the conduct of the April 8, 2008 Congressional Open Primary Election.** Because there were no formal assignments of Commissioners for the election, President Gleason asked if any Commissioner wanted to present an informal observation.

President Gleason reported that he worked as a Precinct Inspector again this election and that with the short period between the new voting equipment coming on line and the February election, the staff didn't have much time to train the inspectors, in a hands-on manner, about the new equipment. During the April election, Inspector Gleason had a problem with the card activator in the Edge voting machine. He called the Election Center and was told exactly what to do to resolve the problem and was walked through it very quickly. The Pollworkers were well trained and the voters were well served on the precinct level during the April Election.

Public Comment. *Brent Turner* said that he witnessed the election on behalf of a candidate. He said he wanted to note that he was barred from oversight, due to the closed nature of the voting system. He spoke about the "possible" presence of a wireless device that should be noted if it "does exist".

6. **OLD BUSINESS.**
 - (a) **Commissioner Matthews will continue his report of his observations and activities related to the conduct of the February 5, 2008 Presidential Primary Elections.** Commissioner Matthews requested this item be held over one more meeting because he still needs additional

information to make his presentation. He said that essentially, the DRE (Direct Recording Electronic) machines worked well, there were no discrepancies between the hand tally shown on the VVPAT (paper audit trail) and the information on the chip – this is great news. He will have visual aids to explain the process more fully at the next meeting. This Item was CARRIED OVER.

- (b) **Discussion and possible action to approve the draft Annual Report.** Commissioner Meek presented the latest draft of the Annual Report and asked members to suggest any additions or changes. Commissioner Matthews MOVED and Commissioner Yu SECONDED approval of the Annual Report for 2007.

Public Comment. *Brent Turner* said that regarding Commissioner Matthews' comments that there was a reconciliation between the VVPAT and the voter verified paper audit trail, he felt they were not true and not conclusive, and that it was not an appropriate reconciliation.

A Roll Call Vote was UNANIMOUS to approve the Annual Report.

7. NEW BUSINESS

President Gleason asked to change the order of the Agenda, and called Item E because he said it related to items that would be discussed later.

- (e) **Discussion and possible action to approve the Election Plan for the June 3, 2008 Statewide Direct Primary Election.** Director Arntz reported that he was not able to present the Election Plan for the June 3, 2008, Statewide Director Primary Election at this meeting. President Gleason acknowledged that this year is a busy one with four back-to-back elections to accomplish, however, it is the Commission's responsibility to approve a plan well before an election. The next Commission meeting is May 21, and that date is inappropriate for approval of the June Election Plan. President Gleason proposed that the Commission have a Special Meeting on Wednesday, May 7, 2008 where the only item for the agenda will be the approval of the Election Plan for the June 3 Primary Election.

Commissioner Townsend MOVED and Commissioner Meek SECONDED this motion. Commissioner Meek requested that the plan be available to the members at least one week prior to the meeting, no later than April 30.

- (a) **Discussion and possible action to evaluate the effectiveness of the Election Plan for the February 5, 2008 Presidential Primary Election.** Commissioner Meek MOVED that the Commission find that the Department of Elections conducted the February 5, 2008 Election effectively and in accordance with the approved Election Plan.

President Gleason said that he observed at Election Central that many calls from the precincts were because workers were not familiar with the new equipment.

Public Comment. *Brent Turner* said that because there is a high amount of vote-by-mail ballots, that coercion and/or intimidation of voters cannot be observed, and should be noted if the DoE is moving towards more of these types of ballots.

The Roll Call Vote was UNANIMOUS to approve a Special Meeting on May 7, 2008.

- (b) **Discussion and possible action to modify the format of future Election Plans.** (Meek and Gleason) Commissioner Meek explained that this item is carried over from last year and has not been completed. She said the current format is cumbersome and not particularly useable by the DoE. She suggested assigning it to the Budget and Oversight of Public Elections Committee (BOPEC) or to one or two Commissioners with a completion date for this year. Commissioner Gleason reminded the Commission that BOPEC did accomplish some streamlining of the plan, particularly the front end. He said that much of the plan is static – a series of date changes, and he'd like to consider making the Plan permanent with "E-Minus" dates for the election. The Plan is mentioned in the Charter as having to be approved by the Elections Commission. Commissioner Gleason reminded the members that the SoS (Secretary of State) gave the City directions last November about procedures for producing remakes (110,000 hand duplicated remake ballots). He said that if the Commission makes the Plan permanent, the SoS would have to come before the Commission or present to the Commission such changes.

Commissioner Meek said that the Plan should be "a living document" and to be effective and useful, it should never be permanent. She said that the Commission may not have the authority to tell the SoS that they must come to us to implement changes.

President Gleason said that, at the direction of the SoS, the DoE has to handwrite the ballot tallies from the DRE machines in order to post them at the polling sites. We are already doing things to work around these restrictions and this is an example of an instance where the Charter takes precedence. The SoS cannot say that the DoE can't handwrite the tallies and post them at the sites – it's in the San Francisco Charter that this is done.

Commissioner Meek asked the Deputy City Attorney if the SoS trumps the City. Deputy City Attorney Shen replied that it is more complicated in San

Francisco because we are a Charter City, and under the State Constitution, purely municipal affairs are under the control of the Charter City. He said that he would advise the Commission to work, as much as possible, in cooperation with the SoS.

President Gleason said that he was concerned about the 110,000 remakes because that decision was not publicly vetted.

Commissioner Phair asked the Director if it would be beneficial to him if the Election Plan format were changed. Director Arntz said that the Plan is information that the Commission feels it needs to be knowledgeable about the election, and he does not know what changes should be made.

Commissioner Matthews called the Commission's attention to the materials presented by Mr. David Pipel on January 2, 2008 with suggestions for simplifying the Plan. The Commissioner said he has reviewed it twice and understands Mr. Pipel's point and added that Mr. Pipel is one of the consumers of the Election Plan.

Commissioner Townsend asked if there have been complaints from the public about the Plan being unwieldy and does the Commission need to fix something that is not broken.

Commissioner Phair asked the Director if there are changes in the Plan that he would like to see. Director Arntz replied that much of the Plan is repetitive of things that the DoE already does and is busy-work for the Department to put together "for the most part". He said that what should be viable in the Election Plan is whether there is any change in the process from election to election. The Director said that it takes him one to 1½ weeks to put the Election Plan together. The Director reminded the members that there is a calendar of required events preceding each election on the Department's website already and that these are therefore readily available to the public and Commission.

Commissioner Phair asked the Director how the Plan might be simplified to be more useful and not a burden for the Department to produce. Director Arntz requested that no changes be made for the June election because of time constraints on the Department to prepare for its third election this year. He will proceed with the Plan as he has in the past to get past that election. He suggested that some sections and dates might be cross-referenced with the website or changed for future elections. Director Arntz said that he feels that "a lot of the Plan can be just static as an addendum, that what's changed or different" could be included, and the Election Plan could then be just a couple of pages.

Commissioner Meek offered to work further on the Election Plan, taking in the comments from this evening's meeting and present it to the Commission for a decision to accept it or forward it to the BOPEC.

(c) **Discussion and possible action to approve the Elections Commission Operations Calendar.** (Gleason)

Commissioner Meek suggested that a date when the Commission needs documents for its review be added to the Calendar so the Department can plan to provide requests in advance, and that the personnel reviews for the Secretary and Director be incorporated into the Calendar. Commissioner Matthews asked that the Calendar include materials that the Commission always requests after each election, for example, the IRIS Report and Provisional Ballot report. President Gleason said that he proposes to re-work the calendar to include suggestions from this meeting and present the revised version at the May 21, 2008, Commission meeting and invited further suggestions be forwarded to him in the meantime.

(d) **Discussion regarding steering voters to use the DRE (Direct Recording Electronic) voting machines at polling sites.** (From the 03/19/08 meeting) President Gleason apologized for the wording in this item and suggested that "assisting in the randomization of" should be used instead of "steering".

Commissioner Townsend said that voters should be made "aware" of the machines but we must take care in how that is done.

Commissioner Matthews said that the SoS's policy was clear and was to "steer" four voters if one voter used the DRE, and that he agrees with Commissioner Townsend.

Commissioner Meek suggested that the Commission take action and have on its next agenda a proposal to send a letter to the Secretary of State.

President Gleason pointed out that this is a situation where there is a stipulation in the City's Charter which conflicts with state requirements, and he will place this on the agenda for the next Commission meeting.

Director Arntz explained that the conditions for the use of the new equipment "mirror the Charter on this matter so the SoS's conditions for the use of the DRE requires a handwritten posting of the results. Whereas, The Charter requires...a machine record of the results".

President Gleason agreed, but added that it causes the action for the single vote (if there is only one person who used the DRE at a given precinct) to be publicly displayed, which is in conflict with the voter's privacy rights.

Director Arntz suggested a solution which would involve posting the number of people who voted on the DRE. There will be a record of the result at the Department, therefore no breach of confidentiality at each polling site.

Commissioner Phair said that this would be a good alternative.

President Gleason agreed to put this item on the May 21, 2008 agenda as a discussion and possible action item.

- (f) **Discussion and possible action to approve the Minutes of the March 19, 2008 Commission meeting.** Commissioner Matthews MOVED to approve and Commissioner Meek SECONDED.

Public Comment. *Brent Turner* voiced his concern that sometimes the public comment sections in the minutes appear to be truncated. He said that he wants to be sure that the comments are properly reflected in the minutes.

The Roll Call Vote was UNANIMOUS to approve the minutes.

- (g) **Discussion and possible action** to investigate, adopt a policy, and/or recommend action regarding how the City provides information to voters to determine their registration status when those voters have cast provisional ballots because the Department has no record that they are registered, or voter disputes political party registration as appears in Department voter registration data. (Gleason)

President Gleason called the members attention to the tally report of provisional ballots from last February's election and displayed a provisional ballot envelope from that election. In the February election, 3,169 voters using provisional ballots were not on the voter rolls, not in the data bases of the DoE. He said that many voters think they are registered to vote because they registered at the DMV (Department of Motor Vehicles) and/or they reported their change of address to the DMV and thought this change would be reported to the SoS. A check with the DMV showed that that department only handles voters who change their addresses within the same county, they do not notify the SoS regarding intra-county changes of address of voters. The President said he has been in communication with the Berkeley Elections Research Center and was advised that the problem is statewide.

Commissioner Meek calculated that the numbers are 16% of the provisional ballot voters.

President Gleason reported that many voters he experienced when he worked as an inspector for the February election said they were certain that they were not registered in the party that appeared beside their names on the precinct roster. Again, they are given a provisional ballot, the total in the report was 2,681 voters for wrong party designation. He said that the Provisional Ballot is meant to be a protective measure/fail-safe method for voters, but is not protective or fail-safe enough. If a voter is told that he or she is not registered, what is that voter's option? President Gleason asked the Deputy City Attorney to look into the California Elections Code and explain to the Commission whether voters, as the last absolute option, can go to a judge to have their vote counted and are we informing them of this. Further, if voters are certain that they registered for one party but the roster shows they are registered for another, they should go to the DoE and ask to see their original registration form.

President Gleason proposed that on the back of the Provisional Ballots, voters be notified that they can see a judge and the court department, and phone number be printed.

Deputy City Attorney Shen said that he would not encourage the Commission to suggest that the Elections Department include anything on the ballot to encourage people to file suit against the Department or any other department or City official.

Commissioner Townsend asked how the number of provisional ballots cast in San Francisco compared to other cities.

Commissioner Matthews replied that he is saddened that 3100 people who think that they have, in good faith, done what citizens need to do to register to vote and who actually show up to vote, don't get their votes counted. Even if no other county has such voters, it's worth looking into for the Commission. He said that he doesn't feel that the source of the problem is the Department. However, in his opinion, the Charter Section 2142 doesn't have any application in this area. Because state agencies are involved (DMV and the SoS), a state investigation is called for.

Commissioner Phair said that after reviewing the Provisional Ballot Envelope that President Gleason passed around, he observed that there is a reference to the court on the envelope. But what is not on the envelope is something saying that the voter has the option to review their original registration form at the Department of Elections.

Commissioner Matthews MOVED that the Commission President be authorized to write letters and have any other kind of communication with state agents who are involved in registering voters in California to address this issue. Commissioner Phair SECONDED.

President Gleason said he would draft a letter and bring it to the full Commission at the May 21, 2008 meeting. Commissioner Matthews offered to help with the draft and possible attachments to the letter(s).

The Roll Call Vote was UNANIMOUS.

- (h) **Discussion and possible action** to request the President write a letter to two recommended government and non-governmental election observer groups from Mexico, welcoming them to observe the June 3, 2008 Consolidated Primary Election in San Francisco.

Commissioner Matthews MOVED and Commissioner Yu SECONDED this item.

President Gleason recalled the visit he and Commissioner Matthews made last year to observe elections in Baja, and said that he has received requests from Mexico for members to observe our election in June. He said that a formal letter is required for their visit. President Gleason assured the Commission that the City and County of San Francisco would not be incurring any expenses or hosting any function, other than the election if the Commission agrees to send this letter.

The Roll Call Vote was UNANIMOUS to write this letter.

- (i) **Discussion and possible action** regarding final certification status of existing voting equipment for Ranked Choice Voting (RCV) elections. (Gleason)

Director Arntz reported that Sequoia has completed its testing of the 4.0 version (RCV voting) portion of its equipment and the Elections Assistance Commission has required that all voting systems contain battery backup before certification. Sequoia is adding this new requirement and expects to be completed by the end of July. There is uncertainty regarding when the state will be able to provide final approval and when state certification will be completed.

Public Comment. *Brent Turner* said that, unlike the Director, he feels that this delay is cause for panic.

10. **Discussion regarding items for future agendas.**

Commissioner Meek suggested that the assessment of elections be a future agenda item. Commissioner Townsend said that too many topics are handled by BOPEC and he would prefer topics be generated by the full Commission and then be referred to committee. Commissioner Phair asked the Deputy City Attorney if anyone can attend and comments at a BOPEC meeting. Deputy City Attorney Shen said he thought that Commissioners could attend as citizens but not as

Commissioners. Commissioner Meek said that she had been advised not to do this because her presence would constitute a quorum. Commissioner Townsend agreed and added that this had been the advice of former Deputy City Attorneys and asked Mr. Shen to check and advise the Commissioners if this is still true. Deputy City Attorney Shen replied that he would do so.

ADJOURNMENT @ 8:26 p.m.



**Election Plan
City and County of San Francisco**

Consolidated Statewide Direct Primary Election

June 3, 2008

I. Introduction

The San Francisco Department of Elections (DOE) must:

“...Conduct all public federal, state, district and municipal elections in the City and County...[This includes] voter registration; the nomination and filing process for candidates to City and County offices; the preparation and distribution of voter information materials; ballots, precinct operations and vote count; the prevention of fraud in such elections; and the recount of ballots in cases of challenge or fraud.”

(San Francisco Charter, sec. 13.104)

Organizing and running an election in the City and County of San Francisco requires staffing of 561 polling places. Sites must be located and precinct workers recruited and trained for each precinct. Voter information pamphlets and sample ballots must be prepared and distributed. Vote-by-Mail ballots must be sent to voters who have requested them or who are registered as permanent Vote-by-Mail voters. Additionally, in advance of the election, voting machines must be tested, and Deputy Sheriffs must be assigned and coordinated to pick up voted ballots for transport to the holding facility after the polls close. Ballots and equipment must be transported to each site and assembled. Poll workers are to arrive by 6:00 a.m. to set up the polling place, then at 7:00 a.m. start to process voters as they arrive. The pollworkers are to post and update a list of voters registered in the precinct who have voted on an hourly basis but not note the time or the hour. Once the polls close at 8:00 p.m., the poll workers must print a receipt tape for posting at the polling place and copy the results from the Edge II touch screen for posting.

At the close of Election Day, Voted ballots must be removed from the Insight optical scan tabulator and the Red Box and readied for transport to a holding facility. Pollworkers are to reconcile the number of unused ballots remaining with the number delivered to the precinct and the number used with the Posted Ballot Statement (PBS). A copy of the PBS must be posted outside polling place along with the Insight receipt. Pollworkers must take down the voting booths and ready the equipment and supplies for later pick up.

The pollworkers will remove the memory devices from the Insight and the Edge II and ready them for retrieval by Parking Control officers from the Department of Parking and Traffic and then transported to City Hall. The ballots and Edge II machines will be taken to the Department's Processing Center at Pier 48.

Provisional and Vote-by-Mail ballots that have been dropped off at a polling place are delivered to the DOE's "Processing Center" and are transported to the DOE office in City Hall the day after the election. Department staff are to process all Provisional and Vote-by-Mail ballots to determine whether it is to be accepted or challenged. Challenged ballots are neither opened nor counted whereas accepted ballots are opened, extracted and prepared for tabulation. California

election law allows 28 days following an election for the election official to conduct the official canvass and certify the election results.

Between elections, DOE must conduct voter file maintenance of the following to ensure the voter rolls are current and as accurate as possible. This maintenance includes:

- Purging of deceased individuals;
- Purging of duplicate registrations;
- Purging of individuals in prison or on parole for the conviction of a felony;
- Purging of voters who have moved out of county; and
- Cross-checking our files with those of the Secretary of State.

II. Governing of Election

The upcoming election shall be governed in accordance with:

- California Election Code;
- San Francisco Municipal Elections Code and applicable Charter Amendments;
- United States Voting Rights Acts (1965)
- United States Help America Vote Act (2002)
- United States Americans With Disabilities Act (1990);
- Previously established administrative procedures which the San Francisco Department of Elections and the Director of Elections deem to be best practices.

III. New Practices

Ballot Deliveries

The Department will have Field Election Deputies (FEDs) deliver ballots to the polling places during the late-morning hours. The number of cards required for the polling places is such that Inspectors could not practically carry the cards to their polling sites. Precincts will have up to six boxes of cards, and since each box of ballot cards weighs 22 pounds, Inspectors would need to transport over 100 pounds of ballot cards on the morning of the election. While not a new practice, the Department did not plan for FEDs to make deliveries to all precincts on Election Day in the April election.

IV. Election Summary:

1. The following elective offices listed on the ballot:

U.S. Representative in Congress - Districts 8 and 12

State Senator – District 3

State Assembly – Districts 12 and 13

County Central Committee – LOCAL

Superior Court Judge - LOCAL

2. The following measures are listed on the ballot:

School District Measure

A School Parcel Tax

Charter Amendments

B Changing Qualifications for Retiree Health and Pension Benefits and Establishing a Retiree Health Care Trust Fund

C Forfeiture of Retirement Benefits for Conviction of a Crime Involving Moral Turpitude in Connection with City Employment

D Appointments to City Boards and Commissions

E Requiring Board of Supervisors' Approval of Mayor's Appointments to the Public Utilities Commission and Creating Qualifications for Commission Members

Ordinances

F Affordable Housing Requirement for the Candlestick Point and Hunters Point Shipyard Mixed-Use Development Project

G Mixed-Use Development Project for Candlestick Point And Hunters Point Shipyard

H Prohibiting Elected Officials, Candidates, or Committees They Control from Soliciting or Accepting Contributions from Certain City Contractors

3. Voter Registration: 424,998 as of April 24, 2008

Number of precincts: 580

Of the 580 precincts, 19 are mail-in only.

5. Number of pollworkers required: Approximately 2,500

For the June 3, 2008 Consolidated Statewide Direct Primary Election our goal is to recruit approximately 2,900 pollworkers. The DOE will staff each polling place with four (4) pollworkers: one (1) Inspector and three (3) Clerks. The DOE will recruit 561 Inspectors and 2,244 Clerks. In addition to the approximately 2,800 pollworkers assigned to the precincts, the

DOE will recruit 60 stand-by Inspectors and pollworkers, who will be stationed at City Hall and dispatched as needed on Election Day.

It is the DOE's plan to expand our services to voters who need language assistance on Election Day and exceed the 3% standard imposed by California Elections Code, Chapter 4, Article 1, Section 12303 (b)-(c). We will place Chinese- and Spanish-speaking pollworkers at precincts as follows:

- At least one bilingual pollworker in every precinct where 10 or more registered voters have requested election material in Chinese or Spanish;
- At least two bilingual pollworkers in every precinct where 75 or more registered voters have requested election material in Chinese or Spanish; and
- Three to four bilingual pollworkers in every precinct where 120 or more registered voters have requested election material in Chinese or Spanish.

In addition to the aforementioned bilingual pollworkers, the Department further targets precincts that may require language assistance by placing Chinese- and Spanish-speaking pollworkers in every precinct where 25 or more registered voters were born in Chinese- and Spanish-speaking countries. In summary:

- 340 precincts (61% of 561 polling places) will be staffed with Chinese-speaking pollworkers (450 pollworkers total); and
- 105 precincts (19% of 561 polling places) will be staffed with Spanish-speaking pollworkers (105 pollworkers total).

6 Voting equipment to be used: At precincts, the Insight and Edge II will be used at the polling places and the 400-C will be used in City Hall primarily to count Vote-by-Mail ballots.

7. Number of Permanent Vote-by-Mail Voters: approximately 150,614 as of April 24, 2008.

8. Ballots:

- There will be 17 ballot types, based on the various jurisdictional boundaries that include San Francisco;
- Each voter will receive 1 ballot card; and voters affiliated with the Democratic and Republican parties will receive two ballots.
- The ballots will be trilingual: English, Chinese and Spanish.

9. Ballots are created specific to voters' political affiliations: American Independent, Democratic, Green, Libertarian, Non-partisan, Peace & Freedom, Republican, with the American Independent and Democratic parties allowing Non-partisan voters to "crossover" and vote on those parties' cards. Voter Information Pamphlet and Sample Ballot:

- English Voter Information Pamphlets will be mailed by May 5, which is 29 days before the election as stipulated by Municipal Elections Code section 500.
- Chinese and Spanish Voter Information Pamphlets will be mailed beginning on May 19.

V. Critical Dates and Deadlines

- Candidate Filing Deadlines
 - Nomination Filing Deadline: March 7, 2008 at 5 p.m.
 - Write-in Candidate Filing: May 20, 2008 at 5 p.m.
- Ballot argument deadlines:
 - Proponent/Opponent Arguments: March 13, 2008 by Noon
 - Rebuttal to Proponent/Opponent Arguments: March 17, 2008 by Noon
 - Paid Ballot: March 17, 2008 by Noon
- Public Inspection period of Ballot Digests, Financial Analyses and Ballot Questions: March 11 – March 21 by Noon
- Public Inspection period of Proponent and Opponent Arguments: March 14 – March 24. Noon
- Public Inspection period of Rebuttal Arguments: March 18 – March 28, 2008 by Noon
- Public Inspection period of Paid Arguments: March 18 – March 28, 2008 by Noon
- Begin mailing ballots for overseas voters: April 4, 2008
- First day for Early Voting: May 5, 2008 from 8 a.m. to 5 p.m. Early voting on weekends begins May 24 and 25, and May 31 and June 1, from 10 a.m. to 4 p.m.
- First day for mailing Vote-by-Mail ballots: May 5, 2008
- Deadline for Voter Registration: May 19, 2008
- Last day to mail Voter Information Pamphlet: May 5 but mailings can begin as early as 40 days prior to April 24, 2008
- Last day to request Vote-by-Mail ballot be mailed: May 27 at 5:00 p.m.
- First day processing Vote-by-Mail ballots: May 23, 2008
- Election Day: June 3, 2008 from 7 a.m. to 8 p.m.
- First day of processing Provisional ballots: June 3, 2008
- Deadline for Certification of Election: July 1, 2008.

VI. Security and Distribution of Ballots Before and On Election Day

1. Vote-by-Mail Ballots

Vote-by-Mail ballots are sent from the printer to a mail house in San Leandro where the ballots are assembled with the inserts included in all Vote-by-Mail ballot envelopes for mailing. Permanent Vote-by-Mail ballots will be delivered to the postal facility on Evans Street for mailing on May 5, 2008.

2. Vote-by-Mail Generic Ballots

- Unvoted Vote-by-Mail generic ballots will be secured in Room 59 at City Hall.
- Permanent Vote-by-Mail ballots: Mailed by May 5, 2008 Follow-up Vote-by-Mail ballot requests will be mailed as requests arrive to the Department.
- Location of secured, returned, voted Vote-by-Mail ballots
 - All early voted ballots will be secured in City Hall.

3. Precinct Ballots/Precinct Generic Ballots

Unvoted precinct and precinct generic ballots are staged in Brooks Hall and distributed to polling place Inspectors from Alemany Campus of City College on Eddy Street. Precinct ballots will be distributed to the polling place Inspectors upon their completion of training classes beginning Saturday, May 3, 2008 for Clerks, and Wednesday, May 26, 2008 for Inspectors. If Inspectors cannot pick up their ballots after training class, the Department may deliver the cards to their residences.

4. Securing Voted Ballots during Election Day

For this election, there will be no mid-day pick up of voted ballots. Also, the bins inside the optical scan machines separate ballots that have votes for write-in candidates.

VII Transporting and Securing Precinct Ballots after the Polls Close on Election Day

The Sheriff's Deputies will retrieve the voted and unvoted ballots from the polling sites and transport them to the Department's Processing Center on Pier 48. At the Processing Center the voted and unvoted ballots will be separated and accounted for and the Department will begin readying the voted Vote-by-Mail and Provisional ballots for transport to City Hall for tallying.

VIII. Ballot Processing

1. Vote-by-Mail Ballots and Early Voting Ballots

In San Francisco, a Vote-by-Mail ballot is placed into the return envelope, which the Vote-by-Mail voter must sign. The envelope also has a label with the voter's name and address printed on it. Upon receipt at DOE, the signature on the Vote-by-Mail ballot envelope is compared to the voter's signature on the affidavit of registration on file (Cal. Elec. Code Sec. 3019), and the voter is noted in the database as having voted. Properly submitted ballots are then sorted by precinct.

Bins of sorted Vote-by-Mail ballots are then opened by a worker who slides the envelope through a slicing machine, extracts the ballot and places them in stacks. Throughout this period, the side of the envelope with the voter's identifying information is kept facing downward so as to protect the voter's privacy. Extracted ballots are then delivered to the Central Count location in City Hall.

If a voter's Vote-by-Mail ballot is received more than approximately ten (10) days prior to the election, the polling place Roster will reflect this. If the voter has requested an Vote-by-Mail ballot, this too will be noted in the roster and the voter will have to surrender the Vote-by-Mail ballot before being allowed to vote or the voter will have to cast a Provisional ballot.

- The Department of Elections begins processing Vote-by-Mail ballots after the mailing of Permanent Vote-by-Mail ballots on May 5, 2008 by reviewing the signatures on the envelopes upon their arrival and the Department can begin opening the envelopes to seven business days before the election – May 23.
 - For this election, Vote-by-Mail ballots are to be processed at the Central Count location at City Hall using the 400-C machines. After the ballots are verified, the Ballot Distribution division receives the accepted ballots. The ballot envelopes are then sorted by precinct number, opened, and extracted in Room 59 in City Hall. Once the ballots are removed, they are prepared for counting in the DOE Computer Room; header cards are placed between each precinct and log sheets are completed for each box of voted ballots. When ballots are moved from Room 59 to the Computer Room, a transport log is used to ensure the chain of custody. During ballot counting, any ballot that cannot be processed by the 400-C machine is set aside for manual review and remake if required. The 400-C machines also separate write-in ballots which will require manual review and tally.

During the canvass process, any auxiliary bin ballots are also reviewed. Once the Department determines during the canvass – or the reconciliation and review of all election materials sent to the polling places – that the auxiliary bin ballots have not been counted by the Insight on Election Day at the polls, the ballots are transported to the Central Count location at City Hall. They are then processed through the 400-C machine, similar to the way Vote-by-Mail and Provisional ballots are counted.

- Date to begin processing precinct ballots (Election Day) and Vote-by-Mail ballots delivered to the polling places: June 4, 2008.
 - At the polling places, Vote-by-Mail voters will place their voted ballots into the Red Box. After delivery to City Hall, the ballots will be sorted by precinct number and then processed by the 400-C machine. A transport log is to be completed when ballots are moved from one location to another as well as on processing room to another to ensure the chain of custody. During the ballot count, any ballot that cannot be processed by the 400-C is set aside for remake, similar to the way Vote-by-Mail and Provisional ballots are processed for remake.

2. Precinct Ballots

Precinct ballots are scanned at the polling places after voters place their voted ballot cards into the Insight machines. The vote tallies are stored in the memory pack in each Insight. Also, precinct ballots voted by using the Edge II touch screen are stored on a memory device and

printed on the Verified Voter Paper Audit Trail (VVPAT). The memory pack from the Insight and the memory card from the Edge II will be retrieved by Parking and Control Officers from the Department of Parking and Traffic and transported to City Hall. The paper ballots and VVPAT will be transported to Pier 48 by Deputy Sheriffs.

3. Provisional Ballots

San Francisco will use 17 ballot types for this election, owing to the affect of the various jurisdictional boundaries for elected offices. As addressed elsewhere in this document, if a voter votes outside of their assigned polling place, any contest(s) for which they are not eligible to vote, based on their registration, will not be counted.

Provisional envelopes contain the ballots of voters whose names did not appear on the roster of the polling place at which they voted.

Provisional ballots require individual adjudication in which a DOE employee compares the signature on the pink envelope to the voter's signature on the affidavit of registration on file. This process is performed by using registration database to identify the voter and determine whether the voter is registered and which ballot type the voter should have voted according to the voter's current residential address. The database is programmed to compare whether the ballot type issued and the ballot type the voter is entitled to vote with is the same, in which case the candidates and measures will be counted for the entire ballot. The "Help America Vote Act" (HAVA) and California Election Code Section 14310 (3)(b) states, "If the ballot cast by the voter contains candidates or measures on which the voter would not have been entitled to vote in his or her assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct." Provisional ballots are challenged and will not be counted for the following reasons:

- Identity of the voter cannot be determined;
- Envelope is not signed;
- Envelope is not sealed;
- No residential address provided;
- Signature does not compare or match to the voter registration on file;
- No ballot is enclosed; and/or
- The signature is printed.

Provisional voting on the Edge II will involve issuing the voter with a voter card that is activated for provisional voting only. The card activator will indicate a reference number on its display which will be noted by the pollworkers on the Provisional envelope. This number will be used to reference to that ballot during tabulation once accepted to be included in the election's tallied results.

4. Damaged and Remake Ballots

Under certain circumstances, when a ballot is lawfully cast but unreadable by the vote counting equipment, the Department of Elections must "remake" the ballot so it can be read and processed by the equipment. For example, ballots that are torn, bent, folded, dirty, damp or damaged must

be remade. The remade ballot must reflect the voter's intent insofar as the voter's intent can be determined from the defective ballot. This process takes place in City Hall Room 34.

California Elections Code Section 15210 requires the Department to remake ballots when the voter used a pencil or pen that cannot be read by the vote counting equipment, or when the voter marked a sample or photocopied ballot rather than an actual ballot. Under certain circumstances, voters are permitted to use sample ballots and photocopied ballots when actual ballots are not readily available.

For this election, all ballot cards – Vote-by-Mail, Polling Place, Auxiliary Bin, and Provisional – will require review by the DOE. Any ballot card not marked with a pencil or dark ink will require the DOE to remake that ballot. The auxiliary bin is a compartment used to collect ballots when the Insight machine is temporarily out of order.

The original, unreadable ballot is called the "original." The duplicate ballot is called the "remake."

The remake process, like all aspects of ballot processing, is open to the public

Common Situations for Remaking a Ballot

The following is a list of the most common situations in which the Department of Elections remakes ballots:

- A portion of the ballot card is torn off;
- The ballot card is ripped;
- The ballot card is bent, folded, creased or wrinkled;
- The ballot card is damp, dirty or sticky;
- The ballot card has ink smudges, eraser marks or eraser holes;
- The ballot has stray marks that could interfere with the ability of the equipment to count votes cast on the ballot; and/or
- The voter used a pencil or pen that cannot be detected by the vote counting equipment.

The Department of Elections determines when it is necessary to remake a ballot.

What are Examples of Incorrectly-Marked Ballots that are not Remade?

The following are examples of incorrectly marked ballots that are not remade by the Department of Elections (California Elections Codes § 15342 and 15208). These are votes that are not cast according to State law and for that reason the votes are invalid and may not be counted.

- The voter marked the ballot with a sticker or stamp to indicate the name of a write-in candidate;
- The voter wrote in the name of a qualified write-in candidate but failed to connect the head and tail or the arrow pointing to the space for write-in candidates; and/or

- The voter marked or signed the ballot so that the ballot can be identified by others as the voter's ballot.

What is the Process for Remaking Ballots?

All Vote-by-Mail and Provisional ballots (and any precinct ballot cards that were not inserted in and processed by an Insight machine at the polling place) are processed using the 400-C machine. If the Central Count 400-C machine segregates a ballot for any reason, the ballot must be reviewed by a Remake Team to determine whether a remake is necessary.

Each Remake Team consists of four members – two Screeners, and two Markers. Working together, the two Screeners review each ballot to determine whether a remake is necessary.

A ballot card must be remade if:

- The ballot card is torn;
- The ballot card is ripped;
- The ballot card is bent, folded, creased or wrinkled;
- The ballot card is damp, dirty or sticky;
- The ballot card has ink smudges;
- The ballot card has a stray mark in the "read path";
- The ballot card has eraser marks or eraser holes;
- The voter used a pencil or pen that cannot be detected by the vote counting equipment; and/or
- The voter failed to mark the ballot by connecting the head and tail of the arrow (as directed in the voting instructions) but instead used an incorrect mark, and used the same incorrect mark for every contest.

Examples of incorrect marks are:

- The voter circled the candidate's name;
- The voter circled part or all of the arrow;
- The voter underlined part or all of the arrow;
- The voter made an "X" through the arrow;
- The voter used the space provided for write-in candidates for each contest to write in the name of a candidate whose name is actually printed on the ballot;
- The voter marked the ballot by connecting the head and tail of the arrow next to the name of a single candidate, and in addition used the space provided for write-in candidates for the contest to write in the name of the same candidate and/or

- The voter marked the ballot by connecting the head and tail of the arrow next to the name of a single candidate, and connected the arrow next to the name of another candidate for the same office but then crossed out that mark.

If the Screeners have any questions about whether a ballot must be remade, they should address their questions to the Department of Elections manager supervising the remake process (the "Manager"). If a question cannot be resolved by reviewing this guide, the question must be resolved by the Manager in consultation with the Director of Elections.

The remade ballot must reflect the voter's intent. The two Screeners, again working together, must determine the voter's intent from the original ballot. If the Screeners have any questions about the determination of voter intent, they should address their questions to the Department of Elections Manager supervising the remake process. The question must be resolved by the Manager in consultation with the Director of Elections.

If the two Screeners determine that a remake is necessary and that the voter's intent is clear, the Remake Team should obtain a blank ballot that is the correct ballot type for remaking the ballot.

Working together, the two Markers must duplicate the votes cast on the original ballot on the remake ballot. The remake must reflect the intent of the voter, as determined by the Screeners. The Markers use ballot pens provided by the voting system vendor to ensure that the marks can be read by the vote count equipment.

The Markers must code both the original ballot and the remake with the following information:

- "AV" to indicate that the original was an Vote-by-Mail ballot;
- "PV" to indicate that the original was a Provisional ballot;
- Precinct number;
- Initials of the person marking the remake;
- Date the remake was made; and
- Number of the remake ballot in sequence number.

For example: For an Vote-by-Mail ballot, precinct number 3254, remade by MM on 06/04/08, where the remake was the first remake in a sequence starting with the number 001 (and continuing with 002, 003, etc...), both the original and remake would include the following coding:

AV 3254 MM 06/04/08001

Finally, the markers must stamp "Original" on the original ballot and "Remake" on the duplicate ballot.

When is the Remake Process Completed?

The remake process continues until all ballots have been examined and, if necessary, remade. The remakes are then counted and tabulated by precinct by the 400-C equipment. All ballots must be processed, counted and tabulated within 28 days of the election.

5. Write-In Votes for the Insight

Throughout the write-in process, the procedures for Precinct Insight Ballots, Vote-by-Mail/Mail Ballots, Provisional Ballots and Auxiliary Bin Ballots are similar, but the cards are counted and stored separately.

- a. After confirming that all cards with write-ins have been received (by comparing physical card counts for each precinct with the Insight and 400-C counts), segregate the non-RCV and RCV ballot cards by precinct and follow the procedures for each type of card.

Non-RCV Ballot Cards with Write-In Votes

- a. Teams of two screeners separate cards with valid write-in votes from those with no valid write-in votes. Any overvotes or write-in votes that are not for certified write-in candidates for that contests (or candidates listed on the ballot) are stamped "VOID" in red ink across the write-in name(s).
- b. After all of the non-RCV ballot cards with write-in votes have been reviewed and separated, cards with no valid write-in votes are set aside for storage and a tally of votes for qualified write-in candidates is begun. This tally will be recorded on the Unofficial Tally Sheet for Write-Ins with the appropriate box checked ("Precinct Insight Ballots," etc.).
- c. Each recording team will consist of four people: the Caller, the Observer, and two Recorders. In addition, a Monitor will oversee the workflow.
- d. For each card, the Caller will read aloud the precinct number, the card number (if applicable), the contest that contains a valid write-in vote, and the contents of the name field. The Observer, who sits close enough to the caller to be able to read the ballot, will ensure that the Caller is correct. Each Recorder will look for the candidate's name on an Unofficial Tally Sheet for Write-Ins. This sheet lists only qualified write-in candidates (certified write-in candidates plus candidates whose names appear on the ballot) for each contest. Each recorder will write the corresponding precinct number on the tally sheet, in the first available slot next to the candidate's name.
- e. This process will continue until each contest with a valid write-in vote has been recorded.
- f. Continue until all ballot cards with write-in votes have been processed.
- g. Each Recorder will then enter the total number of votes for each qualified write-in candidate for each contest. There will now be two identical, simultaneously generated Unofficial Tally Sheets for Write-Ins, one from each Recorder.
- h. If the two Unofficial Tally Sheets do not match, the ballot cards will be reviewed until the cause for the discrepancy is determined and the discrepancy is resolved.
- i. The Vote-by-Mail / mail, Provisional, and auxiliary bin ballot cards are processed following the same procedures as the precinct Insight ballots, with one exception:

In the event of an overvote in which a candidate listed on the ballot is selected and the *same* candidate is also indicated as a write-in vote, this should be accepted as a valid

write-in vote for that candidate, rather than treated as an overvote. The reason for this difference in handling is that a voter who has voted via a mailed ballot or voted Provisionally or using the auxiliary bin has not been given the opportunity to correct the overvote; the duplicate vote for the same candidate must be interpreted as intent to select that candidate.

- Once all ballot cards with write-in votes have been processed, the results are recorded on the Unofficial Tally Sheets for Write-Ins for Precinct Insight Ballots, Vote-by-Mail/Mail Ballots, Provisional Ballots and Auxiliary Bin Ballots will be reviewed and tallied by DOE for reporting purposes.

1. Only certified write-in candidates (from certified write-in list)

a) Write-in is the only vote for that choice (no overvote):

Ballot card is ready for processing; no remake is necessary (unless another write-in choice requires a remake).

b) Write-in is not the only vote for that choice (overvote):

The voter's intent cannot be determined. The ballot card would have been initially rejected by the Insight machine at the polling place, allowing the voter the option to spoil and replace the overvoted ballot card. Ballot card is ready for processing; no remake is necessary (unless another write-in choice requires a remake).

2. Only candidates whose names appear on the ballot

a) Write-in is the only vote for that choice (no overvote):

The ballot card must be remade, with the candidate's name selected from the ballot list rather than written in. Other choices without write-in votes and other contests are recreated exactly as on the original ballot. *Refer to Remake Procedure*

b) Write-in is not the only vote for that choice (overvote):

The voter's intent cannot be determined. The ballot card would have been initially rejected by the Insight machine at the polling place, allowing the voter the option to spoil and replace the overvoted ballot card. Ballot card is ready for processing; no remake is necessary (unless another write-in choice requires a remake).

3. Only invalid candidates or blanks

a) Write-in is the only vote for that choice (no overvote):

The ballot card must be remade, with the choice that included the write-in skipped, and other choices without write-in votes and other contests recreated exactly as on the original ballot. *Refer to Remake Procedure*

b) Write-in is not the only vote for that choice (overvote):

The voter's intent cannot be determined. The ballot card would have been initially rejected by the Insight machine at the polling place, allowing the voter the option to spoil and replace the overvoted ballot card. Ballot card is ready for processing; no remake is necessary (unless another write-in choice requires a remake).

4. Any combination of the above

A supervisor will review these ballot cards and advise staff of further actions to be taken, using the procedures above as guidelines.

Remade ballots and original ballots that are ready for processing will be boxed and transferred with a Sheriff escort to City Hall to be processed using the 400-C system.

IX. Election Results Reporting

1. Reporting Results on Election Night After the Close of Polls

After the polls close at 8 p.m. on Election Night, the DOE will first release results from the Vote-by-Mail ballots received before Election Day. Upon receipt of the votes reported at each precinct, the Department will tabulate and release election results as they become available, until 100% of precincts have reported. The results will be available on a screen display in the North Light Court of City Hall, SFGTV Channel 26, and on the Department's website: www.sfgov.org/elections

2. Updates: Reporting of Results after Election Day

The DOE will report results on a daily basis around 4 p.m. for approximately three weeks. The subsequent releases will include results from votes cast at the polling places, remaining Vote-by-Mail ballots, and Provisional ballots. The Department will seek to make final election results available within 28 days of the election, in accordance with state law.

3. Results of Ranked-Choice Voting Contests

There are no Ranked-Choice Voting Contests for the June 3, 2008 Consolidated Statewide Direct Primary Election

4. Final Report and Certification of Election Results

- Canvass Procedures

California State law requires an official canvass, which is an internal audit of the election to ensure the accuracy and validity of the results. This entails numerous manual processes that verify the accuracy of the computer count, including a hand tally of ballots cast in 1% of the polling places and California election law allows 28-days following an election for the election

official to conduct the official canvass and certify the election results. The official Canvass is open to the public. California Elections Code § 15301 requires the official canvass to begin no later than the Thursday following Election Day.

Official canvass tasks include, but are not limited to, the following:

- a) Inspection of all materials and supplies returned by poll workers;
- b) A reconciliation of the number of signatures on the roster with the number of ballots recorded on the ballot statement;
- c) In the event of a discrepancy in the reconciliation required by subdivision (b), the number of ballots received from each polling place shall be reconciled with the number of ballots cast, as indicated on the ballot statement;
- d) A reconciliation of the number of ballots counted, spoiled, canceled, or invalidated due to identifying marks, overvotes, or as otherwise provided by statute, with the number of votes recorded, including Vote-by-Mail and Provisional ballots, by the vote counting system;
- e) Processing and counting any valid Vote-by-Mail and Provisional ballots not included in the semifinal official canvass;
- f) Counting any valid write-in votes;
- g) Reproducing any damaged ballots, if necessary; and
- h) Reporting final results to the governing board and the Secretary of State, as required.

Voter Outreach and Education

The Department of Elections is obligated to comply with the federal, state, and local mandates regarding voter outreach and education. The Department has met these obligations in the past and will continue to meet these obligations in the future through the Voter Outreach and Education Program.

The June 3, 2008 Outreach and Education Program will maintain objectives from the education plans from recent elections as well as criteria governed by California's Elections Code and Code of Regulations, the Voting Rights Act, the Help America Vote Act (HAVA), provisions of 42 USC 1973 relating to access for the elderly and disabled, and San Francisco's Equal Access to Services ordinance. The June program will also include specific topics related to new citizen registration and voter identification requirements, federally mandated accessible voting systems, and San Francisco's "Your Right to Vote: A Guide for Ex-Offenders" that was developed and distributed for the first time in 2005.

This program will: identify, register, and educate qualified electors, especially those located in low-voter turnout neighborhoods; provide an accurate understanding of election laws and voting procedures, provide hands-on presentations on the new accessible voting system called the "Edge II" and educate voters on identification requirements that are particular to HAVA; and increase public awareness and participation in the election process including awareness about

ballot contests, Vote-by-Mail voting, becoming a pollworker, and services for limited English-speaking voters, the elderly and the disabled.

Staffing

For the June 3, 2008 Consolidated Statewide Direct Primary Election, the Voter Outreach and Education Division will be staffed with Outreach Coordinators who speak the following languages:

- Two (2) English/Mandarin/Cantonese;
- One (1) English/Spanish; and
- One (1) English/Russian

Brochures

The Voter Outreach and Education division will continue to distribute multiple brochures such as “Guide to Voting in San Francisco”, “Multilingual Voter Services”, “Your Right To Vote: A Guide for Ex-Offenders”, and San Francisco’s “Ranked-Choice Voting Explained.” These brochures are extremely helpful in educating voters on topics such as voter registration, Vote-by-Mail and early voting, ranked-choice voting, locating your polling place, working as a poll worker, and multilingual voter services. The Department will also continue to distribute an “Election Flyer” that includes deadlines to register to vote, early voting and Vote-by-Mail voting deadlines, as well as specific ballot contest information about candidates and ballot measures. All brochures are produced in English, Chinese, and Spanish.

The Department employs a Russian outreach coordinator and produces educational materials in Russian. Based upon the results of the census, if the Russian language were a part of the Voting Rights Act, San Francisco would be required to produce all materials in this language as the limited English-speaking Russian population is over 10,000, which is the threshold for the mandate.

Community Presentations

The Department’s Outreach Division will begin providing presentations during the first week of January. The Department will continue to explore opportunities that exist throughout the City to present voter information to San Francisco voters face-to-face. In addition to continuing relationships the Department has developed in the past for outreach events, including an effort to maintain relationships with new organizations the Department partnered with in June 2006 in order to better serve San Francisco’s disabled community. Presentations will be conducted at locations such as community centers, schools, places of worship, entertainment and charity events, and organization meetings; presentations will be conducted in English, Cantonese, Mandarin, Spanish, and Russian. To accomplish this goal successfully, the Department has hired bilingual deputy registrars (outreach coordinators) in order to communicate effectively in the voter’s spoken language. The Department must also continue to explore opportunities with new community organizations and leaders in San Francisco and collaboration with other City departments who conduct community events as an alternate way to circulate registration and election informational materials to the community. The Department will also continue use of a

outreach and educational newsletter sent to community organizations as an additional tool to communicate outreach activities and important election information to the organizations to assist voters.

The Department will also use other formats to meet and educate voters such attendance at the United States Citizen Immigration Services ceremonies, hands-on voting machine practice sessions with the new accessible voting machine, participation in street fairs and festivals, registration drives, and tabling at commercial outlets.

The Department will also continue its association with the San Francisco Sheriff's Department Prisoner Legal Services (PLS) whose staff operates the Inmate Registration and Voting Program. The PLS program is designed to provide voting materials and assistance to individuals imprisoned or awaiting trial that are eligible to register to vote and request an Vote-by-Mail ballot. The Department provides the necessary information and materials to the PLS liaison who then educates the populace and facilitates the registration and voting of those eligible individuals. The Department also hopes to widen the distribution of the "Your Right To Vote: A Voting Guide for Ex-Offenders" throughout the City and state prison system by continuing to work with the Department of Corrections.

Additionally, the Department will work with the Five Keys Charter School, which is administrated by the Sheriff's Department, to provide voter outreach and education to the student's enrolled in the school. This includes students both in reentry programs and students incarcerated in the county jails.

Education and Presentations Specific to Voters with Disabilities

As mentioned above, the Department will continue its use of new accessible voting equipment that meets the guidelines set by the Help America Vote Act (HAVA, 2002). The Edge II is a touch screen machine that provides a paper audit trail that voters are able to review before confirming their selections. An Edge II machine will be used at each polling place and during early voting at City Hall. The Outreach Coordinators will target organizations that serve the disabled community and conduct community presentations of the new equipment so voters can understand the functionality of the equipment, what assistive devices are compatible that a voter can bring to the polling place, and how the process for using the Edge II will differ from voting with the optical scan "Insight" ballot tabulator. Presentations will also include how the new accessible system will present ranked-choice contests during those elections that include ranked-choice contests.

Additionally, this new group of voters will also be educated on other services our Department can offer such as TTY, large format and Braille materials in addition to regular presentation topics.

Working with the Light House for the Blind and Visually Impaired, the Department will also produce a newsletter to be distributed through their San Francisco mailing list. The newsletter will announce the change the accessible voting equipment and provide information about the services provided by the Department for voters with disabilities.

Media

The Department will utilize the media to communicate important voter information, including the accessible voting system, to San Francisco voters and the general public by sending press releases informing the media of important election related events and dates.

The Department will also utilize the press that serves those whose primary language is not English. Bilingual Outreach Coordinators will actively solicit interviews and offer tours with Chinese, Spanish, and Russian language television and radio stations. Bilingual coordinators will also hold press briefings to emphasize multilingual voter services along with other important outreach messages to ethnic communities.

The Department will also continue to utilize the print media, including local San Francisco Neighborhood Newspapers in addition to major print outlets, for newspaper advertisements regarding important election dates and the use of new voting equipment and ranked-choice voting. All newspaper advertisements will be produced and distributed to newspaper outlets that serve English-speaking voters as well as those whose primary language is not English.

Website

The Department will continue to develop website information that includes a list of frequently asked questions about the new voting system, an update to the glossary of election terms, information on different multilingual voter services provided by the Department, and a calendar of all outreach events. Voter education materials will also be available for download. The Department has now made their site more accessible to the public.

X. Pollworker Training and Recruitment

Pollworker training is conducted each election as mandated by California Elections Code and from guidelines provided by the Secretary of State's Training Task Force. The training for the upcoming June 3, 2008 Consolidated Statewide Direct Primary Election will be focusing on the following topics:

- Proper operation of the new voting system;
- Rights of voters, including language access rights for linguistic minorities, voters with disabilities, and other protected classes as defined in the federal Voting Rights Act;
- Cultural competency, including adequate knowledge of diverse cultures and languages that may be encountered by pollworkers during the course of election day; and the appropriate skills to work with electioneering;
- Knowledge regarding issues confronting voters with disabilities including, but not limited to, access barriers and need for reasonable accommodation.

Approximately 2,900 pollworkers are to be trained in approximately 150 training classes, which are conducted at several locations near City Hall in the month preceding an election; pollworker training begins Saturday, May 3, 2008 for Clerks, and Wednesday, May 28, 2008 for Inspectors. A training manual and a multilingual glossary of election terms are created to support training.

Different class curricula are developed to support the training of all types of election workers: Inspectors, Clerks, Student Clerks and Bilingual Clerks. Bilingual Clerk classes are taught in Cantonese, Mandarin, Spanish and Russian. Experienced Inspector and Clerk classes last one and a half hours, and classes for new Inspectors will last for three hours, and classes for new Clerks will last two hours.

The single greatest pool of pollworkers is the database the division maintains of those who have worked elections before. Those pollworkers are reminded about approaching elections well in advance with the newsletters and "save the date" reminders. A respectful and prompt communication makes the difference between a surplus and shortfall of pollworkers on election day. The Department will continue recruiting Inspectors from the pool of experienced Clerks who were highly rated by FEDs after the February 2008 election.

To adequately staff all precincts the Department will recruit at least 1,180 high school students for this upcoming election. The Department will work with 60 public and private San Francisco high schools and youth organizations to meet its recruitment target.

XI. Logic and Accuracy Testing

The Department of Elections is required by law to conduct Logic and Accuracy (L&A) testing of all vote tabulating equipment prior to each election. L&A testing is used to verify that the specific ballot information for each precinct is correct and to check the performance of the vote tabulating equipment. L&A testing ensures that all votes are properly recorded and tabulated accurately.

After the Department of Elections staff has completed testing all the machines, including the 400-C machines, the results are presented to the L&A Board. The L&A Board, which is composed of registered voters who comes from different fields of work, is responsible for reviewing and pre-approving the Test Plan, and later, for reviewing and approving the overall result of the test. The L&A Board must approve and certify the testing no later than seven (7) days before the election (California Elections Code Section 15000).

Logic and Accuracy testing consists of running a set of marked test ballots (using applicable ballot types) through each voting machine and comparing the vote count with predetermined results to verify the accuracy of the formulated software for a specific election.

Testing for the Insights, 400-C and Edge II machines will begin May 14, 2008 and may continue through May 23, 2008. The Insights and Edge II will be tested first and the 400-C machines are to follow.

A Logic and Accuracy Testing Board oversees the testing, approves the test plan and certifies the results of the test.

Testing of Vote Tabulators Used in Precinct Polling Places

The "Insight" and the Edge II voting machines will be stored at Pier 48 located near AT&T baseball stadium in San Francisco which will be renovated to be a secure facility. All workers and visitors are required to wear an identification badge. During non-working hours, the warehouse is secured.

When the precinct test ballots arrive from the printer, ballot test decks are prepared and transported to Pier 48 to begin Logic and Accuracy testing of San Francisco's precinct voting system. 610 units of each of the Insight and Edge II will be tested for use on Election Day.

Prior to testing, the Insight are cleaned and assembled. The memory packs and ID cards are sorted and distributed to each machine to be tested. Test decks are read into each Insight and a tape and ballot image precinct report is printed for each precinct; the report is proofed for accuracy by Department staff. After this verification, the information contained in the memory pack is uploaded into the voting system's database for printing test results.

A precinct report is printed from these results. The report is proofed for integrity and accuracy by another Departmental review team. After verification of the report, the memory packs are returned to the Insight testing personnel, zeroed out and placed in the Insight machine.

Once an Insight has been successfully tested, a serialized seal is attached to the memory pack cover to ensure that no untimely removal of the pack will occur. The Insight is then securely stored by routing number in preparation for delivery to the precincts; it is now ready for use on Election Day.

The Edge II is tested by burning the test scripts on a results cartridge flash memory card and the information is uploaded into the machine. The VVPAT is printed for each machine and then each VVPAT is reviewed to confirm the results match the test script. Staff will also use do manual voting using the touch-screen interface to input test votes to determine whether the machines are properly registering votes.

During this manual interface other functionality like audio, video and connectivity for assistive devices for some will be tested to make sure that they are working correctly. Language translations will be reviewed and finalized outside of L&A by another group before the testing. This will be done for each ballot type.

Testing of Vote Tabulators to be Used for Vote-by-Mail Ballots

For the June 3, 2008 Consolidated Statewide Direct Primary Election there are 19 mail-in precincts. Ballots for these precincts, as well as all Vote-by-Mail ballots, will be tabulated using the 400-C Central Count machine. The testing of the 400-C is planned to occur on May 6, 2008. The 400-C machine will be stationed in the Computer Room of the Department of Elections. At least one precinct for each ballot type and all mail-in precincts will be tested on each of the 400-C machine. The testing of the 400-C machine is conducted similarly to the "Insight" testing.

After testing of the vote tabulating machines, the results are presented to the Logic and Accuracy Board (L&A) for approval and certification. The L&A Board must certify testing results no later than seven (7) days before an election.

Note: The scheduled dates for the testing will be made public at least three (3) days prior to the start.

Delivery and Retrieval of Voting Equipment

Prior to Election Day, the Insight, Edge II, blue supply boxes, red boxes and additional supplies are delivered to the 561 polling places throughout San Francisco. After scanning the bar codes on each of these items that provide the precinct numbers to which the equipment is assigned, warehouse staff pull the Insights and place them on rolling racks, by route. The Insights are then double checked by DOE staff and each Insight prior loading on the proper delivery van. The DOE and delivery vendor staff together double check the Insights, using a route sheet, as they load the trucks. At each stop the Insight is delivered and set up. The Edge II is not set up and is left sealed in a "banker's bag" that is sealed with a serialized lock. DOE and Sequoia staff cross check the Insight and Edge II precinct number and the address of the facility against the route sheet. After confirming the information is correct, they initial each other's route sheets for accountability.

The day after the Election, the Department of Elections, in conjunction with Sequoia and the delivery vendor Cor-O-Van, begin retrieving the voting equipment, the red supply boxes, Insights, and continues to do so through the following Sunday. Staff searches each polling place for any election related materials that may have been overlooked on Election Night. Staff are instructed not to look at the contents of the red supply boxes or the Insight bins until they are at the Pier 48 warehouse and a Sheriff Deputy is present.

Upon arrival at Pier 48, the boxes are scanned in and stacked in a cordoned off corner of the warehouse. The Insights are also scanned in and are lined up in the aisles. In addition to the barcode scan, a manual tally is kept to account for each Insight.

A Deputy Sheriff arrives at Pier 48 Warehouse at approximately 3 p.m. on each day of pick-up, and stations him or herself between the red box stack and the blue bins in such a way as to be able to observe the entire operation.

The contents of each red box is then emptied, one at a time, and piece by piece is returned to the box. When any ballots are found they are brought to the Deputy. The number of ballots, the precinct number of the red box they were found in, and whether or not they have been voted, are recorded by a Department staff in conjunction with the Deputy Sheriff on a Department of Elections spreadsheet. Ballot stubs and registration cards are also given to the Deputy.

Concurrently, the Insights are, one by one, wheeled up to the Deputy's Station. The auxiliary bin and bins #1 and #2 are then unlocked and searched thoroughly. When ballots are found, the precinct number, the bin they were found in, the amount and whether or not they were voted, is recorded on the same spreadsheet.

When all of the bins and red supply boxes have been searched, the ballots, stubs and registration cards that were found, are then placed in a red transfer box and the lid is sealed. The Deputy and Department staff sign and place seals on the lids of the boxes to ensure the containers are not open during transport. A copy of the spreadsheet is taped to the top of the box. Any voted ballots will be transported to City Hall under escort from a Deputy, and this movement will also be chronicled for the sake of registering chain of custody.



Memorandum

To: Elections Commission

From: John Arntz, Director

Date: April 29, 2008

Re: Waiver Allowing City Employees to Assist the Department of Elections with the June 3, 2008 Consolidated Statewide Direct Primary Election

This memorandum requests that the Elections Commission approve the Department of Elections' (Department) request for the Board of Supervisors to waive the prohibition under Charter section 13.104.5 that disallows City employees from assisting the Department in the conduct of elections. The Department seeks a general waiver of this prohibition so the Department is able to utilize the services and expertise of City personnel when necessary; however, the Department presently expects to require the assistance of approximately five people from other City departments.

The Department has reduced the number of City employees needed to assist in conducting the election from 16 for the November 2006 election to approximately six for the election in June 2008. The Department will require technical assistance to upload the vote tallies contained in the memory packs that will be transported from each polling place to City Hall. The memory packs record the voting that occurs in the polling places on vote tabulation machines. The City personnel will assist in uploading the voting information contained inside the memory packs into the central count system located in the Department's computer room in City Hall Room 48.

While the uploading of the voting information from the memory packs will last a few hours after the polls close, the Charter prohibits City personnel from providing such assistance to the Department. (13.104.5).

Except as provided below, no City employee or officer, other than the Director of Elections, an appointee of the Director of Elections or a member of the Elections Commission, may in any capacity perform any function relating to the conduct of an election that this Charter places under the Department of Elections. This section prohibits City personnel from providing to the Department of Elections services that are unique to that department. . . . The Elections Commission may, upon the recommendation of the Director of Elections request from the Board of

Supervisors a waiver of this prohibition so as to allow City employees and officers to assist the Department of Elections. The Board of Supervisors shall approve or deny such requests from the Elections Commission by motion.

The Department does seek to conduct elections exclusively with its permanent and temporary staff, but we find it necessary in some instances to utilize the skills of City personnel who work with other departments. Thus, after considering staffing needs for the June 3, 2008 Consolidated Statewide Direct Primary Election, I recommend that the Elections Commission request from the Board of Supervisors a waiver of the prohibition of City employees performing election-related tasks and allow City personnel to assist the Department of Elections.

The Department requests that this be a general waiver in order to provide flexibility in planning for the election. Still, at this time the Department has identified the need for the assistance of five people from other City Departments. The five personnel are expected to work in the departments listed in the attachment to this memorandum.

I will be glad to answer any questions you might have on this matter.

Encl; waiver request list

cc: Honorable Gavin Newsom
Honorable Members, Board of Supervisors
Dennis Herrera, City Attorney
Ed Harrington, Controller
Edwin Lee, City Administrator
Phil Ginsburg, Mayor's Chief of Staff
Nani Coloretti, Director, Mayor's Budget Office
Greg Wagner, Budget Analyst, Mayor's Budget Office
Ann O'Leary, Deputy City Attorney



April 29, 2008

Re: Waiver Allowing City Employees to Assist the Department of Elections with the June 3, 2008 Consolidated Statewide Direct Primary Election

TECHNICAL SUPPORT

Number of City Employees: 6

Departments: Telecommunications and Information Services (DTIS), Administrative Services, and City Attorney's Office.