

DRAFT
City and County of San Francisco
Elections Commission

Approved: _____

Minutes of the Meeting held
City Hall, Room 408
August 20, 2008

1. President Gleason called the meeting to order at 6:12 pm.

2. **COMMISSION MEMBERS PRESENT:** Commissioners, Gerard Gleason, Richard P. Matthews, Joseph B. Phair, Rosabella Safont, Deputy City Attorney Mollie Lee and Director John Arntz. Commissioner Arnold Townsend arrived at 6:40 pm. **EXCUSED:** Commissioner Winnie Yu.

3. **Announcements.** President Gleason informed the Commission that he has spoken to the Administrative Assistant for the Board of Education regarding the Board needing to make an appointment to fill the vacancy of Vice President Jennifer Meek who resigned last month.

President Gleason reminded the Commission that there will be two meetings for each of the next two months. The first meeting being September 3, 2008.

4. **Public Comment.** *Chandra Friese* spoke regarding item 6 in the Minutes for the July 16, 2008 meeting which were the observations of the June election by Commissioner Matthews. Ms. Fries' comments and questions to the Commission are attached to these minutes.

5. **Director's Report.** Director Arntz reported the preparations for the November 4, 2008 General Election:

Ballot Simplification Committee (BSC)– The November Election has been a real challenge for the Committee because of the number of ballot measures and the high degree of public interest. The Board of Supervisors has commended the BSC for their work on the upcoming election. The Director suggested that the Commission invite Betty Packard, chairperson of the BSC, to speak regarding the work the Committee does, and for the Commission to offer its own commendation to her. Director Arntz thanked Ms. Packard for her hard work.

Budget and Personnel – The order for ballots for November is being prepared, invoices for the previous fiscal year are being processed because the supplemental has finally been approved, shipments and invoices for the upcoming election are being prepared. Personnel processing is very heavy at this time of the year – after each election, staff

are separated from employment with the City, then they are rehired for the next election, and we've had five elections for 2008. This process is very time consuming.

Campaign Services – The nomination process has just been completed. Sixty-one candidates filed, 295 ballot arguments were submitted and 228 were paid arguments. The phone bank will begin operations on September 8 and the phone bank manual is being edited and updated. Currently, information in the voter guide is being inspected.

Poll Locating/ADA – New staff are being trained in accessibility requirements. Trying to find new polling sites continues as previous sites are unavailable, and evaluations and input from Field Election Deputies (FEDs) and citizens regarding past sites are considered. The sites need to be in place by the end of September when the Voter Information Pamphlets go to print with the voters polling locations affixed. However, there will be polling site cancellations after the VIPs are completed and new sites must be found and voters notified. In addition, a new bar code inventory system is being implemented for voting equipment and staff is involved in the systems' creation.

Outreach – Presentations to community organizations have begun. An article on accessible voting has been provided to Lighthouse for the Blind. Notices will be placed on buses and at bus shelters regarding voting in the upcoming election. This was suggested by the Civil Grand Jury report and will not be an expense for the Department. The DoE is targeting low voter turn out areas in the City for its additional outreach efforts.

Pollworker Division – Staff have sent out availability letters to former pollworkers and the response has been good. It appears that having enough pollworkers for November will probably not be a problem. High School student recruitment has begun. The students have been a very important part of the City's pollworker recruitment in the past and have been instrumental in meeting our language assistance needs. During the June election this had been a problem due to students' testing schedules and summer vacation. This will not be a problem for November.

Publications – This division is responsible for the Ballot Simplification Committee meetings and the information from that Committee, in conjunction with the City Attorney's Office. Some materials have already gone to the printer for the ballot because the division was able to get a head start on the November election right after the June election. Staff is waiting to see if there will be a tax measure or a reformatting of a current state measure on the ballot from the state. The VIP is well underway. Staff reviewed state measures and found improvements to some of the language the state was using. These improvements have been adopted by the state. This recognition by the state is a coup for the Division. The Division has been working with Campaign Services regarding the intakes for the VIP and candidate information.

Technology Division – Staff has developed a “soft launch” of a voter registration “look up” to assist citizens in determining their registration status. A formal announcement and press release is forth coming. People have already begun to use the site. Polling place information will be added to the site, and the Division is working to find other ways to make the site more personalized and meaningful. The logic and accuracy testing of the voting system is being streamlined.

Voter Services – The Director said he is concerned that there haven't been more voter registration cards coming into the division. Currently the number is approximately 100 per day. Thirty-two thousand residency confirmation cards have been mailed to citizens who have not voted in the last four years (which includes two federal elections). Four thousand have responded back to the Division. Staff is confirming signatures on nomination and paid argument forms.

Director Arntz said that he has been extremely impressed with all of the Divisions' handling of the many elections we've had this year. He said he's never seen the Department perform so well and he is very proud.

Commissioner Matthews said that he shares the Director's pride in the Department, and that the Commission congratulates the Department on the fine work it has achieved over the past four elections. The Commissioner said he observed the BSC during its last session and complimented the Director on his explanation of the great work that Committee performs election after election for long hours, day after day and with no compensation at all. Commissioner Matthews recommended that the Commission do a resolution thanking the BSC and the Deputy City Attorney for their great work.

President Gleason asked if frequently asked questions might be added to the Voter Registration data base for voters on the Department's website, for example why a voter may have to pass one polling site in their neighborhood to vote at another further away.

Plans and Policies for the November 4, 2008 Election – Director Arntz reported that the SoS began reviewing the Sequoia Voting System for Ranked Choice Voting (RCV) last Monday and will proceed for seven days. There will be hearings for staff reports on the testing and public comment. Then the SoS approves or rejects the system for use for RCV. The earliest that the approval can be granted is the first week or two in October. This means that early voting will begin without the touch screen equipment being available. The Director reminded the Commission that any voting on the touch screens will be remade onto a paper ballot from the VVPAT (voter verified paper audit trail) tape.

The Director reported that in the past any tabulations of the votes on a DRE (Direct Recording Electronic) machine had to have a hand count and

a posting of that result at the polling site. Since those votes will not be certified for use by tabulation for the next election, there is no need to post results at the polling sites. Also, since there will be no posting, there will be no need for the previous process of seeking five voters to use the DRE if one voter uses it. The Director announced that the DoE will probably give paper ballots to every voter for the November 2008 election. This will be explained in the outreach to voters with disabilities, and to pollworkers who will be more comfortable with this equipment due to the additional training they will be given. Pollworkers will give special assistance to visually impaired voters. The DRE will be conditionally certified and will be available.

The Director said that since the ballot will be three to four cards long, there will be scheduled transfers of ballots from the optical scan voting machines to the red ballot box and sealed at polling sites with high voter turnouts. This procedure will be noted on the Department's website and in the Election Plan. The Field Election Deputies (FEDs) will keep an eye on the counters at the voting machines and make determinations during the day whether to make the transfers.

President Gleason asked the Director if the Secretary of State was aware of the procedure to transfer ballots during election day. Director Arntz responded that the SoS was not aware. President Gleason said that during the November 2004 election, when ballots were removed and secured in another box because the voting machine bin was overloaded, the public notice of the procedure may not have been adequate, and voters might have asked why ballots were being removed from the voting machine during election day. The President suggested that there be a thoroughly detailed procedure for the transfer.

Public Comment. *Chandra Fries* said that she used the new voter registration look-up on the Elections Department website and was very pleased with the results. She said it took her ten seconds to check her registration status. Ms. Fries said that she called the Department and asked for the same information and was helped immediately. She complimented the Director regarding the voter roll purges. *Roger Donaldson* said that the procedure regarding touch screen voting and the handing of paper ballots to voters was confusing to him, but he was certain that it would be cleared up at the inspector training he plans to attend.

- 6. Commissioners' Reports.** Commissioner Gleason reported that he and Commissioner Matthews attended the Open Voting Consortium's demonstration at Linux World to view their voting system. He said he was pleased to see the simplified voting system that prints ballots on demand, but he wasn't made aware if the system had open source hardware. One draw back he did notice was there was no central tabulating system and ballots were being scanned by hand which would be impossible for the number of ballots and voters in San Francisco. The simplified voting

system that was demonstrated would cost a fraction of the City's current system's cost. President Gleason said that in his opinion, this was a good start, but the system has a long way to go.

Commissioner Matthews added that the demonstration had a large number of touch screens. The voter would check all of their votes and then hit the print button for their ballot which is produced on plain paper. The ballot is bar coded, and the cost for printed ballots is a lot less, and there are less wasted, unused printed ballot cards. He reported that the equipment demonstrated was quoted at \$400 each compared to what the City has purchased at \$4,000 each. The equipment looks like a screen attached to a printer. The tabulation equipment hasn't been created for this system and Commissioner Matthews said that this was a demonstration of a valuable idea in its infancy.

7. **Written communications received from the public to the Commission: Discussion and possible action regarding response to communications.**

President Gleason referred to the letter sent in an email from info@localparty.org which deserves a response. He said that their issue was not one to be handled by the Elections Commission.

Commissioner Phair said that he read the letter and doesn't understand the complaint.

Commissioner Matthews asked if it appears that the letter is requesting the abolishment of RCV.

President Gleason replied that he was not certain, but it appears the concern is regarding how members of the Board of Supervisors are set up.

President Gleason MOVED that he is to write a short response with the assistance of the Deputy City Attorney, Commissioner Safont
SECONDED this item. The Roll Call Vote was: Gleason – yes, Matthews – yes, Safont – yes, Townsend – absent for the vote, Phair – yes. THE MOTION CARRIED.

8. **Old Business**

(a) **Review, discussion and possible action regarding Elections Commission member roles and activities related to observation and evaluation of public elections.** [Gleason] This item was carried over from the July 16, 2008 meeting. President Gleason explained that he shared the Commissioner assignments from past elections with the newest member of the Commission, Rosabella Safont, and will also provide this information to the Commission's new Deputy City Attorney Mollie Lee. He proposed that the Commission develop its own credential badge for members who observe election activities before, during and

after an election beginning this November. These badges will not be issued until the Commission agrees in advance to whom and for what the credential is given. Within two weeks, the Commission will begin to discuss the roles for the November election.

President Gleason said that in addition to the certification of the voting system, the SoS has asked counties to put together an election observation panel and has made suggestions of who should be members of those panels. The San Francisco panel will include members of the Civil Grand Jury, The League of Women Voters, members from the media, and the county central committee – each group to have two appointees on the panel. The President says that this is one reason he wants Commissioners to have their own badges – to separate them from this panel and avoid any confusion.

Commissioner Townsend said that he was concerned that there doesn't appear to be any members representing ethnic minorities on this panel and he recognizes that this is an SoS issue

Commissioner Safont asked the Director if there would be an opportunity to add groups to the SoS's suggested panel.

Director Arntz said that the SoS offers guidelines for who invitees should be, and the Department puts out a general announcement inviting participants on the observer panel. Anyone who wants to be on the panel can be and the observer guide is available on the Department's website.

President Gleason said that he would provide the information to the Commission Secretary to distribute to all members.

(b) Discussion and possible action to evaluate the effectiveness of the Election Plan for the April 8, 2008 Special Election. This item was carried over from the July 16, 2008 meeting. Commissioner Phair advised that the Budget and Oversight of Public Elections Committee, of which he is a member, discussed this topic at its last meeting with Director Arntz; and the Commissioner developed a first draft of an outline regarding how to streamline the evaluation process. Commissioner Matthews, who is also a member of that Committee, will be reviewing the draft and making additional suggestions to be approved by the Committee and brought before the full Commission.

It was agreed that the new outline would be used for the November 2008 General Election, and that Commission members have already reviewed the April and June elections and their knowledge and experiences during those elections and therefore have enough to vote on a finding regarding the evaluation of those elections.

Commissioner Matthews MOVED and Commissioner Townsend SECONDED to approve that the Election Plan for the April 8, 2008 Special Election was effective and that the Election Department complied with that

plan. The Roll Call Vote was UNANIMOUS to approve the effectiveness of the April 8, 2008 Election Plan

(c) **Discussion and possible action to evaluate the effectiveness of the Election Plan for the June 3, 2008 Consolidated Primary Election.** This item was carried over from the July 16, 2008 meeting. Commissioner Matthews MOVED that the Commission find that the June 3, 2008 Election substantially complied with the Elections Commission's approved Election Plan, taking note of two specific areas: significant deviation of the pollworker manual regarding how voters were given the materials to vote; and there was deviation from the Election Plan in terms of how absentee ballots were extracted from their envelopes. Commissioner Townsend SECONDED the motion. President Gleason said that he wanted to add that he was disappointed that the Elections Commission was not made aware of the deviations in the plan before the election. The Roll Call Vote was UNANIMOUS to approve the effectiveness of the June 3, 2008 Consolidated Primary Election Plan.

(d) **Discussion and possible action regarding preparations for the November 4, General Election.** [Gleason] President Gleason advised that this item will remain on every agenda until the November General Election. He asked if the Director will have the Election Plan ready for the Commission on September 19, 2008. Director Arntz responded that the complete plan would not be available because the voting system would not be in place until early October. He said he will be able to present a plan that will be "mostly complete" but there will be adjustments as the Department gets closer to the election. The Director said that he can give the Commission notices and announcements after the September 19th date for the Commission's consideration. President Gleason reminded the Director that in the past the Commission has always had provisions for changes, as long as they are posted and public disclosures are made to the Commission.

Commissioner Phair suggested that the February 18, 2004 Elections Commission resolution that the Election Plan be given to the Commission 75 days prior to Election Day be modified to a time period that is more reasonable to the Department. He suggested that 60 days would be more reasonable.

Commissioner Matthews said that he would be agreeable to discussion regarding a new time period at a future meeting.

This Item is CARRIED OVER to the next meeting.

9. New Business

a. **Discussion and possible action to approve the Minutes of the July 19, 2008 Commission Meeting.** Commissioner Townsend requested a vote to excuse him from voting on this item because he

was absent at the meeting. He requested that Deputy City Attorney check and advise him of the procedure if a Commissioner who is not present at a meeting in which the minutes are being voted for approval must still vote. Commissioner Townsend MOVED and Commissioner Matthews SECONDED that Commissioner Townsend be excused from voting on these minutes. The Roll Call Vote to EXCUSE Commissioner Townsend from voting on this item was UNANIMOUS.

The Roll Call Vote to approve the minutes was UNANIMOUS.

- (b) **Discussion and possible action regarding status of Sequoia Voting Systems equipment certification for Ranked Choice Voting (RCV) use for the November 4, 2008 Consolidated General Election.** [Gleason] President Gleason MOVED to carry this item over to the next meeting because the Director has given the Commission an update of the status during his Director's Report at this meeting. Commissioner Safont SECONDED. This item was CARRIED over to the next Commission meeting.

- (c) **Discussion and possible action regarding final draft of response to 2007-2008 Civil Grand Jury Report: A Year of Five Elections for the City/County of San Francisco** (released July 3, 2008) [Matthews] Commissioner Matthews called the Commission's attention to draft three of the response that is in the meeting packet. He explained that he included the amendments from the last meeting with the exception of page 8(c)3 on which he removed the word "with", and he has not received any additional changes from members. Commissioner Matthews MOVED and Commissioner Safont SECONDED approval of the response. Commissioner Phair asked that the word "jury" be capitalized throughout the response.

The Roll Call Vote to approve the response with the minor corrections from Commissioner Phair was UNANIMOUS.

- (c) **Discussion and possible action to adopt a policy on favoring paper balloting over other forms.** (Matthews) Commissioner Matthews asked Deputy City Attorney Lee if this document of policy constitutes a legitimate exercise of policy as opposed to infringing on the day-to-day operations of the Department.

Deputy City Attorney Lee said that she had reviewed the policy and that it appears to be a legitimate policy.

Commissioner Townsend said he had concerns regarding "setting anything in stone" because he doesn't know what the future may bring

technologically. He said it appears to him that the Commission is making a decision that should be in the voter's hands.

Commissioner Safont said that at the last meeting she had concerns, but now that she has had more information about the Sequoia DRE voting machines, the possible problems that might occur and that it is not meant to be used other than by voters with disabilities who would be able to vote using them, she sees nothing wrong with making a policy about the issue of using paper ballots. She said that if the technology improves, the policy can always be changed at that time.

Commissioner Matthews MOVED and Commissioner Safont SECONDED approval to adopt this policy.

Public Comment. *Chandra Fries* said, as a voter, and for the record, she prefers a paper ballot. *Roger Donaldson* said, as a voter, he prefers a paper ballot and is very pleased to see this become an official policy and commends Commissioner Matthews for putting this resolution together. *Derek Turner* said that he also supports the policy and that this is why we have an Elections Commission because every policy question cannot be put to the voters. He said voters need the Commission to represent them. *Carol Dietrich* said she wants to weigh in on the subject and that she is in favor of paper ballots.

The Roll Call Vote was: Commissioner Matthews – yes, Commissioner Safont – yes, Commissioner Phair – yes, Commissioner Townsend – no, and President Gleason – yes. THE MOTION CARRIED.

9. **Discussion regarding items for future agendas.** Commissioner Safont suggested the Commission calendar discussion for replacement of Vice President Jennifer Meek. Commissioner Matthews requested that the Commission hold a hearing, a separate meeting, on the issue of privatization and its implementation regarding what was formally public in-house duties that are now being done under contract with corporations. Commissioner Matthews proposed this be done in December or January.

ADJOURNMENT at 8:07 pm.