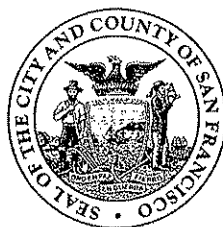


ELECTIONS COMMISSION
City and County of San Francisco



Joseph B. Phair, President
Rosabella Safont, Vice President
Gerard Gleason
Richard P. Matthews
Arnold Townsend
Malcolm Yeung
Winnie Yu

John Arntz
Director of Elections

Shirley Rodrigues
Commission Secretary

City and County of San Francisco
Elections Commission

Approved:

Minutes of the Meeting held
City Hall, Room 408
April 15, 2009

1. President Phair called the meeting to order at 6:03 pm.
2. **COMMISSION MEMBERS PRESENT:** Richard P. Matthews, Rosabella Safont, Arnold Townsend, Joseph Phair, Gerard Gleason, Winnie Yu arrived at 6:14 pm., Deputy City Attorney Mollie Lee and Director John Arntz.
3. **Public Comment:** Brent Turner informed the Commission that Dr. Richard Johnson, an advocate of transparent elections, passed away on April 3, 2009. Dr. Johnson, after retiring from Oracle, worked on open source ballot scanning systems.

3. **APPROVAL OF MINUTES**

(a) **Discussion and possible action to approve the Minutes of the March 18, 2009, Elections Commission Meeting.** Commissioner Matthews MOVED and Commissioner Safont SECONDED the approval of the minutes. President Phair said that since he and Commissioner Townsend were not present at the March 18 meeting, their approval of the minutes was not regarding the content of the minutes but was for entering the minutes into the record.

The Roll Call Vote was UNANIMOUS to approve the minutes.

4. **Commissioners' Reports**

Long-range planning for Commission activities and areas of study Areas. President Phair called the Commission's attention to agenda Attachment A, suggestions brought before the Commission last January, and asked if there were comments or further suggestions. Commissioner Gleason said he would support item 1 – "Contacting and working with the California Secretary of State to address possible adoption of state-wide voting equipment standards, such as hardware that

4.0

creates a paper ballot which can be used by all voters and does not rely on an electronic record of votes cast, to promote state uniformity, improve election effectiveness and reduce future costs." It was discussed and agreed that Commissioners Gleason and Phair will work together on this item as a long range plan objective for the Commission.

Item 2 – "Work with the San Francisco Department of Election through the Department's Director to further automate San Francisco's voting processes to reduce costs, simplify vote processing and improve reliability, including reviewing procedures, equipment and software." President Phair said that he would work with Director Arntz on this topic and will give the Commission a report at a future meeting.

Item 3 – "Conduct Commission hearings on matters of importance to concerned citizens such as open source hardware." President Phair said that he wants the Commission to be a sounding board for this item and doesn't foresee any conflict of interest with the Board of Supervisors' Task Force on open source. Commissioner Matthews reminded the Commission that open source software has been a frequent topic of discussions and public comment at Commission meetings as well as a special public meeting chaired by Commissioner Gleason.

Item 4 – "Review and possibly re-establish Commission outreach activities." Commissioner Safont expressed her desire to be involved in the Commission's voter outreach activity with the Department.

Deputy City Attorney Lee reminded the Commission that it is important that when it considers involvement in outreach or any long range planning and activities, that it stays within the general mission of the Elections Commission.

President Phair responded that his plan is for the Commission to review these activities in an effort to determine their effectiveness, not to form a committee to conduct any of these activities.

Commissioner Townsend added that the Commission should do outreach to inform the public about the Elections Commission's responsibilities.

Item 5 – "Establish criteria for Commission evaluation of Election Plans and conduct of elections." President Phair said that the Budget and Oversight of Public Elections Committee of the Elections Commission has been working with the Director on the Election Plan regarding formatting and updating the plan.

Public Comment: *Brent Turner* said that he was speaking for the San Francisco Election Integrity League and wanted to applaud the Commission for its attachment A to tonight's agenda. He said it was a big step toward leading the county and country toward transparent open source election systems.

Report of the Budget and Oversight of Public Elections Committee meeting of April 1, 2009. Chairperson Matthews reported that the BOPEC meeting was a success and thanked Deputy Director Aura Mendieta for representing Director Arntz at that meeting. Chairperson Matthews invited the Commission to review the minutes of that meeting for a full report of Ms. Mendieta's update.

6. **Director's Report.**

(a) **Discussion and possible action regarding the DoE annual budget.** Director John Arntz reported that there have been no communications from the Mayor's Office regarding the budget and he therefore had nothing new to report. President Phair asked if the Director has heard anything regarding the Commission Secretary position in the budget. Director Arntz reported that it is still in the budget.

(b) **Presentation of new map of regular and consolidated voting precincts, and samples of materials used to inform voters of polling site consolidations for the May 19, 2009 Statewide Special Election.** Director Arntz presented a map of the City with colored areas that represented the combined or consolidated precincts for the May 19th election. (*** This map may be available on the DoE website, but the Commission Secretary will await confirmation from the Director when this is done so that this confirmation may be added to these minutes.*) The Director explained that postcards with vote by mail ballot applications are being sent to voters in the precincts that are being consolidated. On those postcards will be information regarding the voter's new polling place location. Return postage is paid for these postcards. There will be "Your Polling Place Has Moved" signs at previous polling places that have been consolidated with another site, and these signs will have the new location printed on them as well as a tear off pad with the new address so that voters can take the address with them. The VIP (Voter Information Pamphlet) that is mailed to each voter will have the voter's precinct location printed on it. The Department of Elections website has a polling place look up site.

President Phair asked the Director about the consolidation numbers for precincts in November 2008, May and November 2009 and November 2010. Director Arntz reported that the number of sites in November 2008 was 561; for May and November 2009 will be 409; and for November 2010 the number will return to 561. President Phair asked why the number will increase again in 2010. Director Arntz answered that state law does not allow consolidation for statewide elections. A change in state law is required to make those changes.

Commissioner Matthews congratulated the Department for its consolidation of precincts and for spreading the consolidations throughout the various City neighborhoods.

(c) **Presentation of the Department of Elections Election Plan for the May 19, 2009 Statewide Special Election.** Commissioner Matthews asked the Director if the copy of the Election Plan that was hand delivered by the Elections Commission Secretary for this meeting and marked "Final" had any changes from the one

presented in the Commission packet for this meeting. Director Arntz stated he cleaned up some of the language and made minor changes the format and that if there was any addition it was to the "New Practices" section of the plan, but basically as presented the plan is essentially the same.

7. NEW BUSINESS

(a) Discussion and possible action to approve the Department of Elections' Election Plan for the May 19, 2009 Statewide Special Election.

Commissioner Matthews MOVED and Commissioner Safont SECONDED approval of the Election Plan for the May 19, 2009 Statewide Special Election.

Commissioner Safont said that she had media contacts at several radio and television stations who might be willing to do special interviews with election staff regarding upcoming elections. Director Arntz asked the Commissioner to ask those contacts to get in touch with the Department because the outcome is often better when the media contact the Department rather than the reverse. He said the Department will happily respond to their requests.

President Phair voiced concern that more education be done regarding educating all voters on RCV (Ranked Choice Voting), it's history and how votes are counted. He said there needs to be more information in the regular as well as special needs media on RCV.

Commissioner Gleason asked if voters in consolidated precincts would be given ballots with their precinct number on it. Director Arntz answered that the ballots in the consolidated precincts would have both precincts on them. Commissioner Gleason said that the consolidation may pose a problem for people who want to do post-election analyses. He suggested a notice saying "vote totals and turn outs in consolidated precincts will be reported combined" under the new practices and consolidated precincts portion of the Election Plan as an amendment to the Election Plan, and MOVED that it be added to the plan as the third paragraph of "New Practices" under precinct consolidations.

President Phair said that the manner in which precincts are organized for making voting available should not be driven, in anyway, by how someone may want to analyze the election.

Commissioner Gleason said that he was satisfied that the item has been discussed. President Phair asked for a SECOND. Commissioner Matthews SECONDED the motion.

The Roll Call vote was UNANIMOUS to add to the Election Plan for the May 19, 2009 Statewide Special Election, the wording "vote totals and turn outs in consolidated precincts will be reported combined" as the third paragraph under the new practices and consolidated precincts portion of the Election Plan.

The Roll Call vote for approving the Election Plan for the May 19, 2009 Statewide Special Election, with the previously approved amendment, was UNANIMOUS.

(b) Discussion and possible action to identify and approve specific Commissioner observation activities for the May 19, 2009 Statewide Special Election. President Phair reminded the Commission that an omnibus resolution was passed at a previous meeting authorizing Commissioners to engage in review and observation activities at elections. Tonight's item is for any member who wants to address a specific topic for observation.

Commissioner Safont reported that she has signed up to be a precinct inspector again for this upcoming election.

Commissioner Gleason will also serve as an inspector and may observe the re-make process.

Commissioner Matthews will continue his study of the DRE usage.

Commissioner Yu will continue her study of the IRIS reports and resolutions of those reports.

Since these observations come under a resolution already passed that allows Commissioners to perform observations on and around election day, there was no action on this item.

8. **Discussion and possible action regarding items for future meeting agendas and meeting dates.** President Phair reminded the Commission that the next regularly scheduled full Elections Commission meeting is May 20, 2009, the day after the May 19, 2009 Statewide Special Election. It has been the Commission's policy to not hold meetings directly after an election. President Phair asked the members if the meeting date should be changed or if the meeting for May should be cancelled.

Commissioner Townsend MOVED and Commissioner Matthews SECONDED a motion to cancel the May meeting.

The Roll Call Vote was UNANIMOUS to cancel the May 20, 2009 meeting.

Commissioner Matthews asked that a future item to request that the Deputy City Attorney send a letter to the San Francisco Board of Education asking that, as they consider their upcoming appointment to the Elections Commission, they keep in mind that their selectee does not owe any further allegiance, duty or reporting requirement to their appointing authority (the San Francisco Board of Education).

Commissioner Gleason suggested that the 2008 Elections Commission Annual Report be presented and reviewed at the June meeting.

ADJOURNMENT at 7:10 pm

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY



DENNIS J. HERRERA
City Attorney

**CLIENT SERVICE EVALUATION FORM
FOR THE CITY ATTORNEY'S OFFICE
2009**

General Area of Work/Case and/or Matter Names: _____

Your Agency/Commission/Department/Office: _____

Your Name (optional): _____

Your Position/Title (optional): _____

To complete the survey, TAB from field to field and enter your response. Please respond to each question about our Office by indicating only ONE of the following per question:

- Never
- Occasionally
- Usually
- The majority of the time
- Always

If the question is not applicable to this engagement, please indicate **NA**. A comments area is included for each section.

Your honest assessment will help us serve you better in the future. We do not expect that it will take you long to complete the questionnaire and greatly appreciate your time doing so. Please complete and return the form as indicated at the end of the survey.

OVERALL QUALITY OF WORK	PLEASE MAKE A SELECTION:
Are we thorough in our approach to your work?	
Do we show creativity in our advice and proposed solutions?	
Do we give you options, help you understand their advantages and disadvantages, and let you choose?	
Do we demonstrate an understanding of the immediate problem or objective at hand?	
Do we provide proactive legal representation including education?	
Is our legal advice of the highest quality?	

Please comment on the quality of our work. Please share suggestions for improvement.

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TIMELINESS/RESPONSIVENESS	PLEASE MAKE A SELECTION:
Do we return your phone calls and emails promptly?	
Do we offer fast turn-around when requested?	
Do we anticipate your needs?	

Please comment on the timeliness and responsiveness of our deputies and staff. Please share suggestions for improvement.

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EFFECTIVENESS OF COMMUNICATION	PLEASE MAKE A SELECTION:
Do we listen to what you have to say and what you want?	
Do we keep you sufficiently informed on progress and developments?	
Do we provide work product that is timely and meets mutually understood expectations?	
Do we project confidence when making presentations on legal matters?	
Do we provide adequate explanations on case strategies, including why certain positions cannot be pursued?	
Does our non-lawyer staff (including paralegals, secretaries and administrative staff) provide professional and high-quality service?	
Do we provide feedback on positive means to avoid risk or problems revealed during litigation?	
Is our advice practical?	

Please comment on our communication. Please share suggestions for improvement.

BILLING	PLEASE MAKE A SELECTION:
Do we inform you of anticipated hours and cost before starting a work assignment?	
Do we notify you promptly of any changes in the scope of work and seek your input?	
Do we keep within the budget or obtain your consent for any unanticipated increases in the budgeted amount?	
Does the fee charged fairly reflect the value of the work performed?	
Are our bills timely?	
Do our bills provide adequate detail about the nature of the work performed?	
Is the Monthly Billing Report clear, easy to understand and helpful?	

Please comment on billing. Please share suggestions for improvement.

Approximately how many claims are filed against your department each fiscal year?

7.(f).2

Is your Department, Board or Commission currently engaged in civil litigation?

- Yes (Check One) If yes, please answer the following questions.
 No

LITIGATION/REVENUE RECOVERY	PLEASE MAKE A SELECTION:
Do you attend legal proceedings in which our attorneys are representing you or your department?	
Do we keep you informed of changes and developments during litigation?	
Do we provide you with periodic reports of the claims and litigation filed against your department?	

OVERALL SERVICE	PLEASE MAKE A SELECTION:
Do we help you achieve your objectives?	
Have we made you more efficient at what you do?	
Overall, would you rate our service of the highest quality?	

Please comment on the overall quality of our service. Please share suggestions for improvement.

Electronically return the completed survey by clicking on the Submit by Email button at the top of this form. If you have problems with this process, please PRINT OUT the survey and complete it by hand. Return via fax to Laurel Turner at 554-4747 or mail it to her c/o City Attorney's Office, 1 Dr. Carlton B. Goodlett Place, Suite 234, San Francisco, CA 94102.

Thank you for taking the time to complete this survey. Your feedback will enable us to continue to provide you with the highest quality legal representation.