

City and County of San Francisco
Elections Commission
Approved: -----
Minutes of the Meeting at City Hall Room 408
October 21, 2009

1. **CALL TO ORDER.** President Joseph Phair called the meeting to order at 6:05 pm.
2. **ROLL CALL. PRESENT.** Commissioners Rosabella Safont, Richard P. Matthews, Gerard Gleason, Joseph Phair, Arnold Townsend, Winnie Yu, Deputy City Attorney Mollie Lee, and Director of Elections John Arntz.
3. **ANNOUNCEMENTS.** President Phair announced that the Board of Education has scheduled for their next meeting the appointment of Mr. Derek Turner to their currently vacant position on the San Francisco Elections Commission. The Board of Education meeting will be at 6 pm on October 27, at 555 Franklin Street, and Elections Commissioners are invited to attend.
4. **Discussion and possible action to approve the minutes of the September 16, 2009 Elections Commission Meeting.** Commissioner Matthews MOVED and Commissioner Safont SECONDED this item.

The Roll Call Vote was UNANIMOUS to approve the minutes.

5. **Director's Report.**

Director Arntz stated that the Department is progressing more quickly than usual in its preparations for the November 3 General Municipal Election because voter response is slower than usual.

Ballot Distribution – Division is bringing in temporary staff, and assigning space for equipment and personnel. It is not likely that they will begin opening envelopes this week.

Budget/Personnel – Division's main focus currently is processing the requisitions for materials and personnel.

Campaign Services – Division has begun its phone bank with a much smaller staff than in past elections due to the amount of voter interest in the election to date.

Outreach – Division is producing items for inclusion on the Department's website such as a new format for the Voter Information Pamphlet. The Division continues conducting neighborhood presentations.

Publications – Division has put all the voter guides (VIPs) in the mail, including the Chinese and Spanish versions, and is doing translation work for other Department Divisions.

Poll Locating/ADA – Division is finalizing route sheets for equipment delivery to poll locations and finding replacement polling sites when location cancellations occur. Staff will be at Pier 48 beginning next week to organize equipment delivery.

Pollworker – Division has begun training. Inspectors training will begin next week when ballot distribution to polling places begins.

Technology – Division is concentrating on database work such as registration and other bases that the Department needs prior to an election.

Voter Services – Division has just begun to bring in its larger group of temporary staff. So far, the Department has received 22,000 or 23,000 vote-by-mail ballots and 230 voters have voted at the Early Voting Counter at City Hall.

6. NEW BUSINESS

(b) Discussion and possible action to approve the Election Plan for the November 3, 2009 General Municipal Election. (This item was taken out of order)

President Phair said that he wanted these minutes to reflect that he requested that the Director provide a copy of the Draft Election Plan (EP) to the Commission prior to the meeting so there would be ample time to review it. Unfortunately, the Director delivered the EP to the Commission Secretary last Friday the same day it was mailed and the President didn't receive it until late yesterday. President Phair said that he did not have sufficient time to review the plan.

President Phair asked the Director to refer to previous action by the Commission to deliver the draft EP for all future elections to the Commission 55 days prior to the election date. He said that this was an action item that had been approved (formally or informally) and agreed to by the Director before President Phair was a member of the Elections Commission. The President asked the Commission Secretary to find this agreement in the past minutes and if anything formally needs to be done to approve that agreement in the form of a resolution, the Commission will do so at its next meeting.

President Phair asked each Commissioner to make comments on the Election Plan and to preface his or her comments with the date the Commissioner

received the mailed meeting packet with the EP, and whether that member has had an opportunity to review the entire plan.

Commissioner Safont apologized that she received it the night before this meeting at 10:30 pm and did not have the opportunity to review.

Commissioner Matthews reported that his copy was received the day before this meeting and has not had a chance to make his review. He asked Director Arntz, if, other than the required changes in dates and other information, there were any differences between the current draft EP and the most previous plan? Director Arntz replied that there were no differences and asked if he could make a comment on the record. The Director said that he emailed the draft to the Commission Secretary on Wednesday (a week before the meeting) and assumed that she had emailed it to all the Commissioners. Director Arntz stated that the Commission President had asked that it be emailed. However, the Director said that he had not completed the EP until last week, and assumed that if he emailed it to the Secretary she would pass it on to the Commission. The Director apologized that he had the wrong assumption regarding what the Secretary would do with the plan.

Commissioner Townsend reported that he, too, received his packet the late part of the afternoon the day before the meeting. The Commissioner said that he did review it, and had seen all the Election Plans for all the elections over the past eight years. Commissioner Townsend said that he did not see anything different, outstanding or alarming in this plan.

Commissioner Gleason reported that he received his packet the previous afternoon. He added that he received his packet for a meeting in September AFTER the meeting. Commissioner Gleason said that in the five years he has been on the Commission, he typically has received his packets on Saturday. He suggested that the Commission may want to receive all meeting information electronically in the future.

President Phair asked the members to make sure that the Commission Secretary has their current email addresses so that this can be an option in the future.

Deputy City Attorney Lee asked to note for the record that any attachments to the agenda should be included on the Elections Commission website with the agenda.

President Phair offered comments regarding what he had been able to review of the Election Plan for the November 3rd General Municipal Election up to and including page eleven.

Commissioner Matthews asked Deputy City Attorney Lee if the Commission had to adopt the Election Plan prior to an election. Deputy City Attorney Lee responded that Section 13.103.5 of the Charter specifies that one of the duties of the Commission is to approve written plans prior to each election. She added that the Commission could call another meeting prior to the election to make that approval if it so desired.

Commissioner Gleason said that on past plans there is a section at the end of the plan, but not in the current one, in which the Commission reports that it approves or does not approve of the Election Plan.

Commissioner Townsend MOVED and Commissioner Matthews SECONDED approval of the November 3rd General Municipal Election Plan.

The Roll Call Vote was: Safont – Yes, Gleason – Yes, Matthews-Yes, Townsend – Yes, Yu – Yes, Phair – No.

The MOTION CARRIED by a vote of 5 to 1.

(a) Discussion and possible action to approve the Budget and Oversight of Public Elections Committee's Draft Resolution on The Voter Profile.
(Committee Chair, Richard Matthews)

Chairperson Matthews explained that the Committee voted unanimously to bring this subject before the full Commission and explained the reasons for the resolution. The highlights are attached in the draft memo which, if agreed to, will accompany the resolution. Both are attached to these minutes. Commissioner Matthews added that this is a "voter protection" issue and the Budget and Oversight of Public Elections Committee was unable to determine the cost of implementing this protection.

Chairperson Matthews MOVED that the Elections Commission adopt the resolution as a first step towards moving forward with the State Legislation Committee of San Francisco, Commissioner Safont SECONDED the MOTION.

After discussion of minor wording changes in the draft resolution, The Roll Call Vote on the changes was UNANIMOUS.

Chairperson Matthews asked the Commission Secretary to add the memorandum that supports the resolution to the agenda of the next Commission meeting.

Commissioner Townsend said that he would like to wait until the next meeting to approve the resolution because he would like to see a statement from the Department of Elections regarding the numbers of unsigned Absentee Ballot

envelopes it receives and he wants to discuss the responsibility of the voter to make sure that their ballot is counted because it is signed.

Commissioner Matthews reminded the Commission that when a voter under-votes or over-votes at a precinct, the machine notifies the voter of the error. When an Absentee Ballot is turned in at the polling site, it is usually visually checked by a pollworker for signature before it is accepted, and if no signature is present, the pollworker reminds the voter to sign it. This extra safe guard does not occur when the ballot is mailed into the Department.

President Phair asked Director Arntz if he wanted to comment on the difficulty and expense of implemented the proposed voter profile change and if there was a way of finding out, with out involving too much time and effort, how many times voter's have forgotten to sign their Absentee Ballot envelopes in the last election where the turn out was high.

Director Arntz replied that the vote-by-mail statistics that are provided to the Commission after every election would have the information regarding how many were not signed. Regarding expense for this resolution, the Director said he did not know, however the state is about to embark on a statewide database as required under HAVA (Help America Vote Act), the cost of which is unknown. Thus, any changes to how counties account for voter registration information is a state issue and not only a local issue.

President Phair asked the Director if it was possible to identify the number of voters who did not sign their envelope, were contacted and were then able to come to the department and sign so that their vote could be counted.

Director Arntz answered that it should be possible by looking at the data base to see if the voter was able to be contacted or not. He reminded the Commission that if the Department received the unsigned ballot envelope on Election Day, then it would be too late to contact the voter.

President Phair added that if the voter was contacted but was not available, for example, out of town, then that voter's ballot would not be counted. He asked the Director if he could give the Commission information regarding how big of a problem this is by the November 18, 2009 meeting. Director Arntz agreed to see if the Department can supply the information. President Phair thanked the Director.

President Phair suggested that this item be TABLED until the next Elections Commission meeting when the information regarding the number of uncounted vote-by-mail ballots would be provided by the Director and the Commission would have had time to review the very detailed memo that is to accompany the proposed resolution.

Commissioner Safont MOVED and Commissioner Townsend SECONDED to TABLE the item until the next Commission meeting.

The Roll Call Vote was UNANIMOUS to TABLE this item.

President Phair thanked BOPEC and Commissioner Gleason for putting together all the information regarding the need for the Resolution on the Voter Profile.

7. Discussion and possible action regarding items for future meeting agendas and meeting dates.

Commissioner Yu presented the Commission with copies of her Incident Reporting Information System (IRIS) review of the May 2009 Election. The Commissioner had given an oral report before she left on vacation. The full report is attached to these minutes.

ADJOURNMENT at 7:04 pm.

ATTACHMENTS:

1. Draft Resolution for Voter Profile
2. Draft memorandum to accompany the above Resolution
3. IRIS Report by Commissioner Winnie Yu

NOTE: Attachments are available for viewing under "Minutes", October 21, 2009 Meeting, on our website.

The following is the Draft Resolution with the changes agreed upon at the last Elections Commission Meeting.

7(a).1

DRAFT
RESOLUTION ON THE VOTER PROFILE

Whereas, vote-by-mail use in San Francisco County has increased from 25% of all ballots cast in November 1996 to 46% of all ballots cast in November 2008; and

Whereas, vote-by-mail ballots that are submitted without the required voter signature on the exterior ballot return envelope cannot be processed or counted; and

Whereas, if a vote-by-mail envelope arrives at the San Francisco Department of Elections without the required voter signature, the Department is contacting such voters by telephone and/or e-mail to inform them of the error and options to correct the error before the end of election day and have their ballot counted; and

Whereas, if the Department of Elections does not have a telephone number or e-mail for a voter, options to notify a voter of an error with their vote-by-mail ballot are limited to slower postal communications; and

Whereas, California voter registration forms state that providing telephone number or e-mail information is optional; and

Whereas, a voter's telephone number and e-mail information, when provided, becomes part of the voter's public profile; and

Whereas, some voters choose not to provide the optional public profile information because such information is posted outside of polling places on election day and this voter profile information also becomes available to political campaigns and commercial list brokers, often resulting in unsolicited and unwanted telephone calls, which often cause registrants not to provide their phone number when registering; and

Whereas, if a voter does provide telephone and e-mail contact information, the Department of Elections is better able to assist the voter by contacting the voter in a timely fashion should there be an error that may prevent their ballot from being counted,

Therefore, be it resolved,

That the Elections Commission of the City and County of San Francisco requests that the State of California State Legislature Committee of San Francisco urge that the California Secretary of State and the California State Legislature consider changes and modifications to the California Elections Code which would allow counties to accept a voter's telephone number and e-mail on voter registration forms and update requests, with the enhanced option allowing a voter to provide telephone number and e-mail information for the restricted and exclusive use by a county's Department of Elections for notifications regarding issues directly involving a voter's registration status, a voter's ability to cast a ballot, and issues involving the ability to process and count a voter's ballot.

Done this _____ day of October 2009

Joseph B. Phair, President, San Francisco Elections

Commission
I so attest:

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Shirley Rodriques, Secretary, San Francisco Elections Commission

The following is the Draft Memo to accompany the Resolution. It was presented at the last Elections Commission meeting but was to be further discussed at this meeting.

7(b)

DRAFT MEMORANDUM

TO: San Francisco's State Legislative Committee
FROM: The Elections Commission of the City & County of San Francisco
DATE: October XX, 2009
RE: Seeking Changes to Cal. Election Code Re Voter Profile Information

Introduction: An Important Voter Protection Is At Stake

As the use of the vote-by-mail ballot has drastically increased in the past decade, an unfortunate problem has risen along with that increased usage: occasional errors or omissions by voters on the return envelope—mistakes that would prohibit their ballot from being counted if not corrected before the close of Election Day. A typical error of this sort is failure by the voter to sign the envelope as instructed.

It is sad that such a simple oversight would prevent someone's ballot being counted, especially as that person went to the trouble to fill out a ballot and return it. Commendably, the San Francisco Department of Elections does a conscientious job of processing the incoming vote-by-mail ballots well before election day, and then attempts to contact every voter whose envelope had some problem so that the voter can take steps to correct the problem and have his or her ballot counted. Usually, that close to Election Day, a phone call or an email is the only method fast enough to alert the voter to correct the problem by the end of Election Day. The Department accesses the voter's registration information ("profile information") and if a phone number or email address is provided, the voter is contacted. When this information has been provided by the voter, these contacts are generally successful in curing the problems in a timely fashion.

However, voters often do not provide phone numbers or email addresses – a fact which was less significant before vote-by-mail ballots were so commonly used. A significant part of the reason for some voters' choosing not to provide this information is they do not wish to be contacted by campaigns; nor by commercial enterprises or telemarketers who might come by this information. So by not providing the immediate contact information, voters think they are minimizing chances to be contacted by entities they do not wish to contact them, but are also unknowingly discarding perhaps the only safeguard they might need someday to have their ballot counted.

Let us be clear: voters face a no-win choice between minimizing unwanted calls or emails from other entities and providing the very piece of information that they might need someday to protect their vote.

The California Elections Code as currently written requires that if a voter provides the information, then it must appear in the voter profile; it is public information. Therefore, the Elections Commission of San Francisco recommends that the state code be changed to permit a "for administrative use only" designation for the voter to choose if he or she

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wishes to do so, which would be expected to result in more voters' choosing to provide phone or email information—a necessary safeguard in the era of vote-by-mail balloting.

Background

The primary task for elections administrators is to conduct free and fair elections. A major focus is to ensure counting every single ballot cast during an election. During any election, a number of ballots are delivered to the Department of Elections or cast at polls on Election Day, which present administrative challenges because they may not have properly executed documentation as required by California Elections Code.

For example, voted vote-by-mail ballots must be returned to the Department of Elections before the close of Election Day in a specially designed return envelope, sealed and bearing the voters original signature on the exterior. Voted vote-by mail ballots which do not have the required voter's signature cannot be processed and cannot be counted.

The goal of counting every single ballot requires the Department of Elections to research and determine any remedy that could allow a ballot to processed and counted. This goal requires removing any ambiguity before determining that a submitted voted ballot does not comply with legal requirements and therefore cannot be processed and counted.

Nowhere is the issue of ambiguous ballots more notable than in recent elections where final vote totals were so close that just a few votes separate winning and losing. Most of these infamous elections involved costly and contentious administrative and legal challenges where the parties involved focused on a few ballots, and in some cases argued over individual ballots. See the table below:

Recent Notable Close Elections

Election	Difference in votes when challenge ended
Minnesota US Senate 2008	312
Vallejo California Mayor 2007	3
Washington State Governor 2004	129
US President (Florida) 2000	537

Proper elections administration – and voter protection – requires having all the tools necessary to ensure the fewest number of ambiguous ballots at the end of vote counting.

Vote-By-Mail Ballots

Over the past few years the use of vote-by-mail ballots has dramatically increased in the City & County of San Francisco.

Increase in ballots returned as Vote-By-Mail in San Francisco County

General Election Date	% Vote-by-Mail
11/04/08	46%
11/07/06	43%
11/02/04	37%
11/05/02	29%
11/07/00	26%
11/03/98	27%
11/05/96	25%

The California Elections Code requires that voted vote-by-mail ballots must be returned to the Department of Elections in a specially designed return envelope, sealed and bearing the voters original signature on the exterior. Voted vote-by mail ballots which do not have the required voter's signature cannot be processed and cannot be counted:

“Upon receipt of the vote by mail ballot the elections official shall compare the signature on the envelope with that appearing on the affidavit of registration and, if they compare, deposit the ballot, still in the identification envelope, in a ballot container in his or her office. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot. If the ballot is rejected because the signatures do not compare, the envelope shall not be opened and the ballot shall not be counted. The cause of the rejection shall be written on the face of the identification envelope.” (Cal. Elec. Code sec. 3019, emphasis added.)

Voter Telephone Number and Email Information

The California Voter Registration form requires voters to provide certain personal information (birth date, home address, California ID number or last four digits of one's Social Security Number); however, telephone number (Section 13 of the voter registration form) and e-mail address (Section 12) are specifically noted as “optional.” Indeed, this complies with Section 2150 of the Elections Code:

“(a) The affidavit of registration shall show:

...

(3) The affiant's place of residence, residence telephone number, if furnished, and e-mail address, if furnished. No person shall be denied the right to register because of his or her failure to furnish a telephone number or e-mail address, and shall be so advised on the voter registration card.”

An individual voter's information becomes known as a “voter's profile.”

[Image of voter registration form]

Need for the Department of Elections to Contact Voters by Telephone or Email

There are numerous scenarios in which the Department of Elections would need to contact a voter, not the least of which is to let a voter know that he or she submitted a vote-by-mail ballot which cannot be processed and counted because the return envelope is missing the required voter's signature.

Currently, the Department of Elections contacts voters who have forgotten to sign the envelope of a returned vote-by-mail ballot to inform them of their options to have an otherwise valid ballot counted. This contact can be made by telephone if the voter provided a telephone number when registering to vote.

There is a possible second opportunity to collect this information from the voter: A voter's telephone number might also supply a telephone number when submitting a request (application) for a vote-by-mail ballot before an election—again, the telephone number is optional on this application, too. However, most vote-by-mail ballots are issued using voter profiles that designate the voter opted to permanently receive vote-by-mail ballots – that is, on the voter's registration form – therefore no further application is required, and this second opportunity to collect contact information doesn't exist.

If there is no telephone number for the voter in their profile, the Department of Elections can attempt to contact the voter by mail (postal delivery). In the case of encountering a vote-by-mail ballot without a signature during processing after the Friday prior to an election, it is unlikely the Department of Elections would be able to contact a voter by mail to inform them that the submitted ballot cannot be processed and inform the voter of options to cast a valid ballot, and to do so in sufficient time to cure the error.

Public Availability of Voter Profile Information

An individual voter's information, known as a 'voter's profile,' becomes part of the county's complete database of all voters' profiles is the master "voter index." California Elections Code allows access to voter indexes by various individuals and organizations outside of the Department of Elections. Certain personal information is specifically withheld from disclosure in the voter index (such as voter's Social Security Number or scans of a voter's signature). Additionally, whole voter profiles are withheld for individuals identified as "at risk" if any disclosure of their location is made.

Therefore, if a voter provides the optional telephone number and/or e-mail address, then that information become parts of the publicly available voter profile.

Voter profile lists for each precinct are publicly posted outside of polling places each election. Further, complete Master Voter data files are provided to and made available to

certain qualifying individuals and organizations. These are broadly described in California Elections Code sections 2184 and 2185:

“2184. Upon demand of any Member of the Legislature, of Congress, or any candidate who is to be voted for in the county, in a city therein, or in a political subdivision of either, or upon written demand of his or her campaign committee, of any committee for or against any proposed ballot measure, or of any committee for or against any referendum or initiative measure for which legal publication has been made, the county elections official shall furnish to the Member of the Legislature, of Congress, or to either the candidate or his or her campaign committee or to the ballot measure committee no more than two copies of the printed indexes of the registration for the primary and general elections in which the Member of the Legislature or Congress may participate as a candidate, or for the election in which the candidate will participate, or the ballot measure will be voted upon, at a charge of fifty cents (\$0.50) per thousand names. All moneys collected shall be deposited in the county treasury to the credit of the general fund.

“2185. Upon written demand of the chair or vice chair of a party state central committee or of the chair of a party county central committee, the county elections official shall furnish to each committee, without charge therefor, the index of registration for the primary and general elections, for any special election at which a partisan office is to be filled, or for any statewide special election.”

The California Elections code goes on to specify the restrictions on who can have access to voter profile information:

2194. (a) The voter registration card information identified in subdivision (a) of Section 6254.4 of the Government Code:

(1) Shall be confidential and shall not appear on any computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the county elections official's office.

(2) Shall not be used for any personal, private, or commercial purpose, including, but not limited to:

(A) The harassment of any voter or voter's household.

7(b)₅

(B) The advertising, solicitation, sale, or marketing of products or services to any voter or voter's household.

(C) Reproduction in print, broadcast visual or audio, or display on the Internet or any computer terminal unless pursuant to paragraph (3).

(3) Shall be provided with respect to any voter, subject to the provisions of Sections 2166.5, 2166.7, and 2188, to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.

(Emphasis added.)

The opportunity for misuse of the voter profile information that is provided by the permission in the last subsection is obvious ("Shall be provided ... to any person for election, scholarly, journalistic, or political purposes[.]).¹ It is fair to say that the incentive for voters to withhold the optional telephone numbers or email is great considering the wide access to this information by others besides a county's elections office.

Indeed, some of the information from voter profiles and county master voter files is obtained by commercial data list brokers. Data list brokers combine information on individual voters and their voting record as it pertains to frequency of voting at precincts on Election Day and/or returning voted vote-by-mail ballots to be counted. This voting

¹ Cal. Elections Code sec. 2194 continues to describe which profile information will remain confidential, which may or shall be revealed during certain circumstances, and shield government employees from civil liability for disclosure:

"(b) (1) Notwithstanding any other provision of law, the California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on a voter registration card of a registered voter, or added to voter registration records to comply with the requirements of the Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.), are confidential and shall not be disclosed to any person.

(2) Notwithstanding any other provision of law, the signature of the voter shown on the voter registration card is confidential and shall not be disclosed to any person, except as provided in subdivision (c).

(c) (1) The home address or signature of any voter shall be released whenever the person's vote is challenged pursuant to Sections 15105 to 15108, inclusive, or Article 3 (commencing with Section 14240) of Chapter 3 of Division 14. The address or signature shall be released only to the challenger, to elections officials, and to other persons as necessary to make, defend against, or adjudicate the challenge.

(2) An elections official shall permit a person to view the signature of a voter for the purpose of determining whether the signature matches a signature on an affidavit of registration or a petition, but shall not permit a signature to be copied.

(d) A governmental entity, or officer or employee thereof, shall not be held civilly liable as a result of disclosure of the information referred to in this section, unless by a showing of gross negligence or willfulness.

(e) For the purposes of this section, "voter's household" is defined as the voter's place of residence or mailing address or any persons who reside at the place of residence or use the mailing address as supplied on the affidavit of registration pursuant to paragraphs (3) and (4) of subdivision (a) of Section 2150."

record data is often merged with additional data from other sources such as banking and mortgage records, credit data, student/school records, and other public records such as hunting licenses, property deeds, and marriage licenses. These commercial list brokers are able to create specific and enhanced versions of voter profiles which are sold to campaigns and any organization with interests in elections and political matters.

A Solution: Create an Optional "For Administrative Use Only" Category

A straightforward solution would be to create a third category of information in the California Elections Code in addition to "public" and "confidential"—the "provided for administrative use only" category which would give the voter the option of providing a telephone or email address solely for the use of elections departments, while keeping the option of providing telephone or email addresses for public use.

In other words, on the voter registration form (or applications for such things as vote-by-mail ballots), the voter would face this choice:

1. Provide a telephone number and/or email address for elections administrative use only, which would be masked from the public profile; OR
2. Provide a telephone number and/or email address which would become part of the public profile, as now; OR
3. Not provide a telephone number or email address.

This would require some minor modifications to the voter registration form, and it would be some expense to each county's registrar of elections to change their computer files to mask certain fields from public view. The size of this investment is not currently known to this Commission.

However, by offering this option to voters, we expect that more would provide contact information for use by county elections offices, which would provide a crucial safeguard for voters' ballots and might just be the difference between that person's ballot being counted or not.



Item
8(a)

Election Plan Municipal Election November 3, 2009

I. Introduction

The Department of Elections drafts an Election Plan prior to every election as required by San Francisco Charter section 13.103.5. The Election Plan provides information on how the Department will conduct an election in a manner that is free, fair, and functional. Afterwards, the Elections Commission will assess whether the Election Plan allowed for elections that are free, fair, and functional.

This Plan is organized according to the subject matters listed below.

- II. Dates and Deadlines
- III. New Practices
- IV. Voter Outreach and Education
- V. Pollworker Recruitment and Training
- VI. Voting Equipment
- VII. Polling Places
- VIII. Ballots
- IX. Election Night
- X. Vote Counting
- XI. Remaking Ballots
- XII. Results Reporting Schedule
- XIII. Canvassing of Election Materials

II. Dates and Deadlines

- September 4: Mailing of ballots to overseas voters begins
- October 5:
 - Early Voting begins in City Hall, 8 a.m. to 5 p.m.
 - Mailing of Vote-By-Mail ballots begins
 - Deadline to mail Voter Information Pamphlet to people registered to vote by October 5 (San Francisco Municipal Elections Code 500)
- October 19: Early Voting Counter Opens in City Hall, Room 48
- October 19: Chinese and Spanish Voter Information Pamphlets mailed by this date
- October 19: Deadline to register to vote
- October 27: Deadline for Voters to request Department to mail a Vote-By-Mail ballot.
- October 31 and November 1: Weekend of Early Voting at City Hall, 10 a.m. – 4 p.m.
- November 3: Election Day
- November 5: Official Canvass period begins
- November 25: Deadline for Department to Certify the election

III. New Practices

Precinct Consolidations

The Department will consolidate the same precincts for the November election as were consolidated for the May Statewide Special Election. The Department will support 409 polling sites compared to the 561 sites from recent elections. For the June and November 2010 elections the Department will not consolidate precincts and will support 561 polling sites. While making the consolidations, the Department sought to eliminate inaccessible and smaller sites and sought sites with a minimum of 300 square feet. The Department also considered topographical impacts and natural barriers such as hilly areas, freeways, reservoirs and parks while not crossing district lines. Inaccessible sites were reduced from 21 to 13; smaller sites less than 300 feet were reduced from 69 to 32.

Vote totals and turn outs in consolidated precincts will be reported as single precincts and not separated according to the two precincts that were consolidated.

Vote-By-Mail Application Online

The Department's website provides a page that allows voters to apply for a vote-by-mail ballot online. This feature expands the accessibility for voters to request vote-by-mail ballots. However, voters who want to become permanent vote-by-mail voters will still be required to fill out a paper form, which can be downloaded from sfelections.org, or use the application found on the back of their Voter Information Pamphlet. The reason is state law requires voters to provide the Department a signed application to prior to receiving permanent vote-by-mail status.

Remaking Ballots from the VVPATs onto Paper Ballots

The Secretary of State's conditional certification of the Sequoia touch screen machines for November requires the Department to transfer votes recorded on the VVPATs onto paper ballots as occurred for the May 2009 election. The votes on the paper ballots will then be tabulated using the 400-C optical scan machine located in the Department's computer room in City Hall. Since no tallying of votes will occur at the polls, the pollworkers will not transcribe touch screen results onto tally sheets for posting at the end of the night. The Department will require pollworkers to indicate the number of voters who used the touch screens on the Posted Ballot Statement which is posted at each polling place after the polls close. As in previous elections, the VVPATs will be transported to the Department's warehouse at Pier 48 by the Deputy Sheriffs for eventual transfer of the votes onto paper ballots.

IV. Voter Outreach and Education

The Department of Elections is obligated to comply with 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 Voter Outreach and Education Program for the November 3, 2009 Municipal Election will maintain objectives from previous years as well as criteria governed by California Elections Code and Code of Regulations, the Voting Rights Act, the Help America Vote Act (HAVA), and San Francisco's Equal Access to Services Ordinance.

The objective of the Voter Education and Outreach Plan is to identify and register qualified electors; to educate San Francisco voters and the general public about San Francisco's voting process by increasing voter understanding and awareness of election laws and procedures; to provide hands-on presentations on San Francisco's accessible voting system called the "Edge II"; and to educate voters on services available for limited English-speaking Chinese- and Spanish-Speaking voters and persons with disabilities.

The Department will also look to increase awareness of resources on its website sfelections.org, including a downloadable voter registration form, an on-line vote-by-mail application, online Voter Information Pamphlet, and look-up tools.

The Department will accomplish program objectives by taking a broad approach and disseminate voter information to voters in all parts of San Francisco. The Department will further target specific communities with additional voter education and outreach. These communities include populations protected under the Voting Rights Act (limited English-speaking Chinese- and Spanish-speakers), seniors, persons with disabilities, younger voters, ex-offenders, limited English-speaking Russians-speakers, immigrants, and communities with low voter turnout.

Staffing

For the November 3, 2009 Municipal Election, the Voter Outreach and Education Division will be staffed with outreach coordinators who speak the following languages:

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

Brochures

For the November 3, 2009 Municipal Election, the Department will produce and distribute brochures and posters throughout San Francisco at community presentations, street fairs and festivals, and registration drives. Copies of all brochures and posters will also be made available for distribution by community organizations, with electronic versions available for download from the Department's website.

In compliance with the Voting Rights Act and San Francisco's Equal Access to Services ordinance, voter education materials will be translated into Chinese and Spanish. Additionally, some materials will be produced in Russian. To reach out to individuals with sight impairments, large-print and Braille versions of some materials will be produced and distributed to organizations that serve the disabled community.

Community Presentations

The Department's Outreach Division will begin conducting community presentations during the first week of September. Presentations will be conducted at locations throughout San Francisco such as community centers, schools, places of worship, and organization and neighborhood meetings. To meet the language needs of organizations, presentations will be conducted in English, Cantonese, Mandarin, Spanish, and Russian. To accomplish this goal successfully, the Department will hire bilingual outreach coordinators in order to communicate effectively in the voter's spoken language.

The Department will also use other formats to meet and educate voters face-to-face such as voting machine demonstrations, participation in street fairs and festivals and tabling at commercial outlets.

The Department will also continue to partner 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 who are eligible to register to vote and request a 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.

Media

The Department will utilize the media to communicate important election information 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 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.

Public Service Announcements

Targeting the ethnic media, the Department will develop a 30-second public service announcement (PSA) to send to Chinese and Spanish-language and local community radio stations. In addition to free public service advertising, the Department will work with the Singtao Chinese Radio Station to produce a 30-second radio advertising in the Singtao Chinese Radio station.

Advertising

The Department of Elections will run print advertising in 14 San Francisco Neighborhood Newspapers for the month of October. Two weeks of Chinese- and Spanish-language advertising in both the Singtao Daily and El Mensajero. English, Chinese, and Spanish-language advertising will also run in MUNI buses during September and October.

Website

The Department will continue to maintain website information that includes important dates and deadlines, a list of frequently asked questions, information on different voter services provided to the voters by the Department. Voter education materials will also be available for download along with a calendar of outreach events.

eNewsletter

The Department will send eNewsletters directly to voters using email addresses collected from voter registration affidavits. eNewsletters will be used to provide important voter information directly to voters and include links to information on candidates and measures and services provided by the Department. The content of the eNewsletter will primarily be in English with information in Chinese and Spanish directing recipients to where they can find information in

those languages. The Department plans to send three eNewsletters: October 5, October 20, and November 3.

V. Pollworker Recruitment and Training

A. Pollworker Recruitment

For the November 3, 2009 Municipal Election the Department will recruit approximately 1,800 pollworkers. Each polling place will be staffed with four pollworkers: one Inspector and three Clerks. In addition to 409 Inspectors and 1270 Clerks that will be assigned to work at the precincts, the Department will recruit 120 stand-by pollworkers to station at City Hall for dispatch to precincts as needed on Election Day.

All pollworkers recruited for the November 3, 2009 Municipal Election, will be selected from a pool of experienced pollworkers who have worked in either the November 2008 or May 2009 elections. No recruitment of new pollworkers will take place in preparation for the upcoming election.

The Department will continue to expand its services to voters who may need language assistance on Election Day. For the November 3, 2009 Municipal Election, the Department plans to exceed the 3% standard imposed by the California Elections Code, Chapter 4, Article 1, Section 12303 (b)-(c) by placing at least one bilingual pollworker in every precinct where 10 or more registered voters have requested election material in Chinese or Spanish.

The Department will further target precincts where language assistance may be required 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:

- 264 precincts (65% of 409 polling places) will be staffed with Chinese-speaking pollworkers; and
- 160 precincts (39% of 409 polling places) will be staffed with Spanish-speaking pollworkers.

B. Pollworker Training

Pollworker training is conducted each election as mandated by the California Elections Code and the Secretary of State's Training Task Force. The training for the upcoming November 3, 2009 Municipal Election will continue to cover the following topics:

- Proper operation of and Department policies regarding the 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; Knowledge regarding issues confronting voters with disabilities including, but not limited to, access barriers and need for reasonable accommodation; and
- Provisional voting.

Approximately 1,800 pollworkers will be trained in 77 training classes conducted at several locations near City Hall in the month preceding the election. Training for Clerks will begin on Saturday, October 10, 2009; Inspector classes will start on Wednesday, October 28, 2009. 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, and Student Clerks. Clerk classes will last one and one-half hours; Inspector classes will last two hours.

VI. Voting Equipment

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 recorded properly and tabulated accurately.

A Logic and Accuracy Testing Board oversees the testing, approves the test plan and certifies the results of the test. The L&A Board, which is composed of registered voters 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). For the November 3, 2009 Municipal Election, L&A testing must be certified by October 27.

After Department of Elections staff have completed testing all the machines, including the 400-C machines, the results are presented to the L&A Board.

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 400-C machines will occur on September 23, testing for the Insights will occur from September 28 – October 6, testing for the Edge II machines will occur October 7 – October 22, and the testing for the Edge II machines used for early voting will occur on October 2.

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

A. Testing of Voting Equipment Used in Polling Places

For the November 3, 2009 Municipal Election, the Department the “Insight” and the Edge II voting machines are stored in the Department’s warehouse at Pier 48, Shed B which is located near AT&T baseball stadium in San Francisco. The warehouse has been renovated to be a secure facility. As a security precaution, 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. At least 500 Insight machines and 429 Edge II machines as well as associated printers, card activators and audio devices will be tested for use on Election Day.

Prior to testing, the Insights undergo preventative maintenance. The memory packs and ID cards are sorted and distributed to each machine for testing. 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 or unauthorized 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 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 is done for each ballot type; however, for the November 3, 2009 Municipal Election there is only one ballot type to be tested.

B. Vote-by-Mail Ballot Equipment

November 3, 2009 Municipal 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 September 23, 2009. The Department will publicly notice the scheduled dates for testing at least three days before testing begins. The 400-C machine will be stationed in the Computer Room of the Department of Elections. 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 and approve testing results no later than seven (7) days before an election.

VII. Polling Places

A. Delivery of Voting Equipment and Election Materials to Polling Places

Prior to Election Day, the Insight, Edge II, blue supply boxes, red boxes and additional supplies are delivered to the 409 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 Department staff prior to loading on the proper delivery van. Department staff and delivery vendor staff together double check the Insights, using a route sheet, as they load the trucks. The Edge II is left sealed in a "banker's bag" that is sealed with a serialized

lock, which is verified by the Inspector on Election Day. Department 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.

B. Retrieval of Voting Equipment and Election Materials from Polling Places

The day after the Election, the Department in conjunction with Sequoia and a moving company, begins retrieving the voting equipment, including the Edges, Insights, grey Insight bins, and red supply boxes and will continue 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. If any materials are found, they are placed in the red supply box.

Upon arrival at Pier 48, the red boxes and Edges are scanned in and stacked in a secure area of the warehouse; grey bins with corresponding Insights are also scanned in and lined up numerically in rows. In addition to the barcode scan, a manual tally is kept to account for each Insight.

The contents of each red box are then emptied one at a time, and piece-by-piece returned to the box. A DOE staff records on a spreadsheet the number of ballots, the precinct number of the red box they were found in, and whether or not they have been voted. Ballot stubs and registration cards are also collected.

Concurrently, each gray Insight auxiliary bin and bins #1 and #2 are unlocked and thoroughly searched. If and 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 DOE staff sign and place a seal on the lid of the boxes to ensure the containers are sealed. A copy of the spreadsheet is taped to the top of the box.

A member of the Department staff then brings the box to the canvass supervisor, and they both sign for chain of custody.

VIII. Ballots

A. Vote-by-Mail Ballots

Sealed Vote-by-Mail ballots are sent from the printer to the USPS main office in San Francisco for mailing starting on October 5, 2009.

B. 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: Mailing begins October 5, 2009. Follow-up Vote-by-Mail ballot requests will be mailed as requests arrive to the Department.
- Voted Vote-by-Mail ballots will be secured in the Department's office at City Hall Room 48.

C. Precinct Ballots and Precinct Generic Ballots

Unvoted precinct and precinct generic ballots are staged in Brooks Hall and distributed to polling place Inspectors from room 34 within City Hall. Rice Bags and precinct ballots will be distributed to the polling place Inspectors upon their completion of training classes beginning Wednesday, October 28 through Saturday, October 31, 2009. If Inspectors cannot pick up their ballots after training class, the Department may deliver the cards to their residences.

IX. Election Night: Transporting and Securing Precinct Ballots after the Polls Close

The Sheriff's Deputies will retrieve the voted and unvoted ballots from the polling sites and transport them to the Department's Processing Center at 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.

At the close of voting, voted ballots must be removed from the Insight optical scan tabulator and the Red Box and readied for transport to the Department's warehouse at Pier 48. Pollworkers are to reconcile the number of remaining unused ballots with the number delivered to the precinct and the number used on the Posted Ballot Statement (PBS). A copy of the PBS must be posted outside each polling place along with the Insight tape. 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 touch screen 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 Voter Verified Paper Audit Trail (VVPAT) memory devices will be taken to the Department's Processing Center at Pier 48 by Deputy Sheriffs.

Sheriff's deputies will also obtain the Provisional and Vote-by-Mail ballots that have been dropped off at a polling place and transport these items to the Department's Processing Center at Pier 48 and deputies will escort the transport of these ballots to the Department's office in City Hall the day after the election. Department staff are to process all Provisional and Vote-by-Mail ballots to determine whether they are 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 (California Elections Code Section 10262) allows 24 days following an election for the election official to conduct the official canvass and certify the election results.

X. Vote Counting

A. Counting Vote-by-Mail and Early Voting Ballots

In San Francisco, a Vote-by-Mail ballot is placed into the return envelope, which must be signed by the voter. The envelope also has a label with the voter's name and address printed on it. Upon receipt at Department of Elections, the signature on the Vote-by-Mail ballot envelope is compared to the voter's signature on the affidavit of registration on file (California Elections Code Section 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 a 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 issued a precinct ballot or the voter will have to cast a Provisional ballot. The Department also provides a supplemental list of voters who requested Vote-By-Mail ballots that is printed the day before Election Day. The pollworkers use this supplemental list to update the rosters with the most recent information possible.

- The Department of Elections begins processing Vote-by-Mail ballots after the mailing of Permanent Vote-by-Mail ballots on October 5 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 – October 23.
- For this election, Vote-by-Mail ballots are to be processed at the Central Count location in the Department's computer room in 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: November 4.
- At the polling places, Vote-by-Mail voters will place their voted ballots into the red ballot 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 from processing room to another location 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.

B. Counting Precinct Ballots

Precinct ballots are scanned at the polling places after voters place their voted ballot cards into the Insight machines. The vote is tallied and stored in the memory pack in each Insight. Also, votes cast on the Edge II touch screen are stored on a memory device. 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 memory pack information from the Insights will be uploaded into the tabulation database; however, the information from the Edge memory device will not be uploaded for this election and used as official tallies. The paper ballots and VVPAT will be transported to Pier 48 by Deputy Sheriffs and the votes recorded on the VVPAT will be made onto paper ballot cards at Pier 48, and these paper ballots will be counted using the 400-C machines at City Hall.

C. Counting Provisional Ballots

San Francisco will use one ballot type for this election. Provisional envelopes contain the ballots of voters whose names did not appear on the roster of the polling place in which they voted. Provisional ballots require individual review by a Department of Elections employee who 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.

XI. Remaking 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 the Department's conference room from October 26 until November 3, and after November 3 will take place in City Hall Room 34 and the votes recorded on the VVPAT will be made onto paper ballot cards at Pier 48.

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.

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

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:

- "V" to indicate that the original was an Vote-by-Mail ballot;
- "PV" to indicate that the original was a Provisional ballot;
- "E" to indicate that the original vote was on an Edge ballot;
- "PCT" to indicate that the original was a polling place 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 a Vote-by-Mail ballot, precinct number 3254, remade by MM on 05/20/09, 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 05/20/09001

The "remade" votes are placed onto a ballot clearly stamped "Duplicate."

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.

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 24 days of the election.

- 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.

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

- 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 contest (or candidates listed on the ballot) are stamped "VOID" in red ink across the write-in name(s).
- 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.).

- Each recording team will consist of four people: the Caller, the Observer, and two Recorders. In addition, a Monitor will oversee the workflow.
- 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.
- This process will continue until each contest with a valid write-in vote has been recorded.
- Continue until all ballot cards with write-in votes have been processed.
- 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.
- 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.
- The Vote-by-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 has 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 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.

RCV Ballot Cards with Write-In Votes

- Sort the ballot cards by precinct number.
- Segregate cards according to the voters' write-in choices for *all* RCV contests on the ballot card.

Beginning with the first precinct in the first district to be reviewed, a team of two screeners will review each ballot card, checking each contest and each choice with a write-in vote. Keeping the ballots in precinct order, they will create four stacks, grouping ballot cards with write-in choices for:

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

For one or more contests or choices, the voter has completed the arrow next to the space for write-in candidates and written in the name of a candidate who appears on the certified write-in list for that contest and precinct.

2. Only candidates whose names appear on the ballot

For one or more contests or choices, the voter has completed the arrow next to the space for write-in candidates and written in the name of a candidate listed on the ballot for that contest and precinct.

3. Only invalid candidates or blanks

For one or more contests or choices, the voter has completed the arrow next to the space for write-in candidates and has written in something other than the name of a candidate who appears on the certified write-in list or on the ballot, or has left the write-in area blank

4. Any combination of the above

The voter has made more than one RCV write-in choice, either for the same contest or for different contests. The voter's choices include a combination of valid candidate names (listed on the certified write-in list or on the ballot) and/or invalid candidate names. Keep in mind that the groupings should be determined based on *all* write-in choices on the entire ballot card (all contests and choices). Overvoted ballot cards should also be categorized according to the above criteria.

- A team of two screeners will separate the ballot cards in each of the above categories into two groups: those that require remakes and those that are ready for processing. Remakes are generally required if a voter has written in an invalid candidate or a candidate listed on the ballot. Ballot cards that are ready for processing will be reviewed by another team of two screeners, then collected in a container for transfer to the City Hall computer room, to be processed by the 400-C machine.

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

- **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).
- **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).

6. Only candidates whose names appear on the ballot

- **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* 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).

7. Only invalid candidates or blanks

- **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*
- **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 Eagle 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).

8. 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.

XII. Election Results Reporting

A. Reporting Results on Election Night after the Close of Polls

After the polls close, the Department will first release results at approximately 8:30 p.m. which will represent the tallied results from the Vote-by-Mail ballots received before Election Day. The Department will tabulate and release results from votes cast at the polling places as they become available until 100% of precincts have reported. The results will be displayed on a large-screen television in the North Light Court of City Hall, SFGTV Channel 26, and on the Department's website: www.sfelections.org.

B. Updates: Reporting of Results after Election Day

The DOE will report results on a near-daily basis around 4 p.m. for up to three weeks following Election Day. 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 24 days of the election.

Canvass: Final Report and Certification of Election Results

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 24 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:

- Inspection of all materials and supplies returned from polling places;
- A reconciliation of the number of signatures on the roster with the number of ballots recorded on the ballot statement;

- 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;
- 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;
- Processing and counting any valid Vote-by-Mail and Provisional ballots not included in the semifinal official canvass;
- Counting any valid write-in votes;
- Remaking any damaged ballots, if necessary; and
- Reporting final results to the governing board and the Secretary of State, as required.