

City and County of San Francisco
Elections Commission

Approved: -----

Minutes of the Meeting at City Hall Room 408
November 18, 2009

1. **CALL TO ORDER.** President Joseph Phair called the meeting to order at 6:01 pm.
2. **ROLL CALL. PRESENT.** Commissioners Rosabella Safont, Richard P. Matthews, Gerard Gleason, Joseph Phair, Winnie Yu, Deputy City Attorney Jon Givner, and Deputy Director of Elections Nataliya Kuzina. **EXCUSED:** Commissioner Arnold Townsend.
3. **Discussion and possible action to approve the minutes of the October 21, 2009 Elections Commission Meeting.** Commissioner Matthews MOVED and Commissioner Safont SECONDED this item.

The Roll Call Vote was UNANIMOUS to approve the minutes.

4. **ANNOUNCEMENT.** President Phair announced that the Board of Education's new appointee to the Elections Commission, Mr. Derek E. Turner, was present and is ready to be sworn in to take his seat on the Commission.

SWEARING IN. Executive Secretary to the Elections Commission, Shirley Rodriques, administered the Oath of Office and Commissioner Turner took his seat.

President Phair asked Commissioner Turner to say a few words about why he wanted to be on the Elections Commission. Commissioner Turner explained that he has worked several times during elections as a poll inspector and is very interested in the technology used in voting and providing good experiences to voters. He said that he works as a software engineer.

5. **Public Comment on any issue within the Elections Commission's general jurisdiction.** *Kim-Shree Maufas*, President of the SFUSD Board of Education, said she was very happy to have Commissioner Turner on the Elections Commission, and that she believes the new Commissioner takes voting and Constitutional rights very seriously. *Brent Turner* said he was present on behalf of Open Voting Consortium, and welcomed Commissioner Turner and his strong background to the Commission.

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6. Director's Report.

Deputy Director Nataliya Kuzina reported that the voter turn out for the November 3, 2009 General Municipal Elections was 23%: 15% by mail and 7% at the precincts. 1,258 voters cast their ballots prior to election day at City Hall. There were only 148 calls into Election Central on election day. The Department of Elections sent out 184,346 vote-by-mail ballots, 71,000 were delivered to the Department and of those 69,335 were accepted. 1,743 provisional ballots were received and 1,602 were accepted. 189 votes were cast on the accessible voting machines during early voting and 571 were cast at the polls on election day.

Deputy Director Kuzina advised the Commission that the Department did not receive any calls about the ballot navigation issue when choosing Chinese language on touch screens which the Department brought to the SoS (Secretary of State) attention before election day. As instructed by the SoS, the Department provided written explanations to the pollworkers on election day and instructed them to make these documents available for voters who requested to use the Edge. Following the election, the SoS directed Sequoia (the company from which the S. F. Elections Department has purchased its voting equipment) to devise mitigations for this existing issue. The SoS and her staff visited the Department's warehouse today to observe Sequoia's presentation of mitigations which consisted of modifying voting instructions and navigational buttons. At this meeting a ranked-choice voting write-in issue that exists in an audio mode was also discussed. Deputy Director Kuzina explained that when an audio voter selects a write-in candidate in a ranked-choice voting contest, the ranking of the candidate is not read back to a voter during the review of the ballot. This condition exists only in the audio mode and was demonstrated to the SoS during the visit today. Sequoia proposed having additional voting instructions added to the audio instructions.

The meeting went well, and currently the DoE (Department of Elections) is awaiting further communications from the SoS.

President Phair requested that the Director's Office, before the 2010 June election, provide a further report regarding the difficulties with the voting equipment and how they have been remedied.

Commissioner Matthews asked why approximately 2000 vote-by-mail ballots were not counted. Deputy Director Kuzina answered that she had not reviewed the status of these ballots. However, of the 140 rejected provisional ballots, the majority, 77, were rejected due to registration status, meaning persons who cast these ballots were not registered voters. The remaining provisional ballots had no signatures, non-matching signatures or were not sealed.

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All vote-by-mail ballots were processed by November 13, 2009. All provisional ballots were counted by November 16, 2009. Canvassing was completed on November 17, 2009 and certification of the election with the SoS was completed November 19, 2009.

Deputy Director Kuzina advised the Commission that the Department is currently in the process of paying off invoices and separating temporary staff. The remaining budget is yet to be determined. On October 16, the Controller's office issued a report on the First Quarter General Fund Budget Status. The Controller's forecasts show a General Fund shortfall of \$53 million if departmental spending city-wide is maintained at current levels.

Deputy Director Kuzina advised the Commission that there will be a budget meeting with the Mayor and all Department Heads tomorrow. President Phair asked that if the Director is advised of additional cuts that must occur within the Department, that he communicate this information to the Commission. Deputy Director Kuzina said that the Department has been very careful with spending during this election and all of the projected staff for the election were not hired. President Phair asked if the Department received any reimbursement for the May 2009 Special Election. Ms. Kuzina said that none has been received and none is expected in this fiscal year.

President Phair asked Deputy Director Kuzina to pass the following information on to the Director: At the July 19, 2006 Commission meeting, the Director agreed that the draft Election Plan would be available for review by the Commission no less than 55 days prior to the election. This number of days was the Director's suggestion, but over the years, the Department has moved away from that number. President Phair said that the Commission will expect for the upcoming election in June that the Election Plan, and plans for all future elections, be delivered no later than 55 days prior to each election for the Commission's review. Deputy Director Kuzina said that she would notify the Director of this expectation.

7. Commissioners' Reports

(a) **Commissioners may report on their experiences and observations of the November 3, 2009 General Municipal Election.** *Commissioner Safont* reported that she decided to surrender her vote-by-mail ballot and vote at her precinct location which was in a Starbuck's Coffee Shop on Portola Street, but the precinct worker did not know what to do with her ballot. However, the Commissioner was able to advise the pollworker of the proper procedure. Commissioner Safont said that in past elections the line of voters was out the door, but for this election she was one of three voter there at the time she gave the pollworker her ballot.

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Commissioner Matthews reported that he observed some training sessions for this election, but was out of town on election day. The Commissioner said that he will be making a report later regarding the DRE (Direct-Recording Electronic) machines performance on election day, once he has had the opportunity to review the data from this election.

Commissioner Gleason reported that he worked as a pollworker for the election at a fire house. The pollworker training that he observed was excellent, including the additional demonstration videos that were added. The Commissioner suggested that pollworkers should be advised of the impact to the Department if workers do not do things correctly. Commissioner Gleason gave an example of a pollworker who had a problem with the roster of vote-by-mail ballots and filled in the wrong bubble. The roster cannot be automatically balanced when this happens, and this impacts the Department because the rosters have to be manually balanced.

Commissioner Yu reported that she voted at the City Hall counter during the lunch hour on election day. The Commissioner said that she was very surprised that there was no line. Her experience was quick and the service was excellent. Commissioner Yu said that she will be reviewing the IRIS (Incident Reporting Information System) Report and checking for any reoccurring problems or pollworker concerns from the election.

President Phair gave a brief explanation to the new Commissioner of the process that the Commission makes in assigning areas of observation. Commissioner Turner suggested that he would like to observe the tabulation process during the next election with the goal of finding a way to make the results available more quickly, maybe as the results come in. President Phair suggested that Commissioner Turner discuss this possibility and the possibility of observing the tabulation process with Director Arntz.

8. Old Business

- (a) **Discussion and possible action to approve the Draft Resolution on The Voter Profile.** Commissioner Matthews MOVED that the Commission adopt the resolution and to assign to the President or his designee the responsibility of carrying the resolution forward to the State Legislation Committee and the Secretary of State. Commissioner Safont SECONDED the MOTION.

Commissioner Matthews offered several typographical changes which were noted by the Commission Secretary.

President Phair said that he would like to coordinate the presentation of the resolution with Commissioner Gleason, who was the author of the resolution. Commissioner Gleason agreed.

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THE ROLL CALL VOTE was UNANIMOUS to present this resolution to the State Legislation Committee and to send an FYI to the Secretary of State.

- (b) **Discussion and possible action to approve the Draft Memo to accompany the Resolution on The Voter Profile.** Commissioner Matthews MOVED and Commissioner Safont SECONDED that the Memo accompany the Resolution.

THE ROLL CALL VOTE was UNANIMOUS that this memo accompany the resolution to the State Legislation Committee and to send an FYI cover letter to the Secretary of State.

9. **Discussion and possible action regarding evaluation of the effectiveness of the Election Plan for the November 3, 2009 General Municipal Election.** Commissioner Matthews asked that this item be held over until more analysis of the election is completed. President Phair MOVED that the Director or his Division Managers give the Commission details of the actions taken regarding the items listed in the Elections Plan on pages three and four: Brochures, Community Presentations, Media, Public Service Announcements and Advertising. This information should be provided to the Commission at its next meeting. This motion was SECONDED by Commissioner Matthews.

THE ROLL CALL VOTE was UNANIMOUS to hold this item over to the next meeting.

ADJOURNMENT at 6:51 pm

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The following are pages 3 and 4 from the

**Election Plan
Municipal Election November 3, 2009**

Item # 6

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.

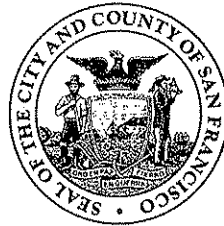
Website

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

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



**RICHARD P. MATTHEWS, CHAIR
ROSABELLA SAFONT
GERARD GLEASON**

City and County of San Francisco

**ELECTIONS COMMISSION
BUDGET AND OVERSIGHT
OF PUBLIC ELECTIONS COMMITTEE
City Hall, Room 421
City and County of San Francisco**

**Minutes of the Meeting Held
Wednesday, December 2, 2009**

(Approved: _____)

1. **Call to Order and Roll Call.** Chairperson Matthews called the meeting to order at 6:01 pm. PRESENT: Commissioners Richard P. Matthews, Rosabella Safont, and Deputy Director Aura Mendieta. EXCUSED: Commissioner Gerard Gleason.
2. **Announcement.** Chairperson Matthews reported that the City Attorneys Office will not provide the usual Deputy City Attorney to attend these meetings in the future due to budget restrictions. However, a Deputy City Attorney will be provided to attend if it is anticipated the legal issues will be discussed. In that case, the Commission will need to request that a Deputy City Attorney attend in advance.
3. **Discussion and possible action to approve the Budget and Oversight of Public Elections Committee minutes for October 7, 2009.** Chairperson Matthews MOVED and Commissioner Safont SECONDED approval of the minutes. The Roll Call Vote to approve the minutes was UNANIMOUS.
4. **Discussion and possible action in reviewing the November 3, 2009 General Municipal Election.**
Chairperson Matthews asked Deputy Director Mendieta if she wanted to offer an analysis or review of the election. The Deputy Director said she was prepared to discuss items from the IRIS Report. She said that the IRIS Report showed there were minimal calls (129). Precinct 3906 did not open at 7:00 am but voters were able to vote outside the building where pollworkers had set up. Later that day the Precinct was relocated a block away. Other than this relocation, Deputy Director Mendieta reported no major election day problems. Chairperson Matthews agreed and said that he had read the complete IRIS Report and noted no anomalies. He commended the Department for handling the situation where the Precinct building was locked, but the poll opened on the sidewalk on time.

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Commissioner Safont reported that she, too, had read the IRIS Report and noticed no issues that needed to be discussed.

Chairperson Matthews said that there were a couple of broad issues that he wanted to bring before the Director, but since he was not present, he asked the Deputy Director to make the Director aware. The issues were: (1) the DRE and (2) the Department's providing the Commission the agreed upon post-election documents requested in the past as they become available.

The documents the Commission has requested after elections in the past have not changed. They are DRE Report, formatted IRIS Report, the Provisional Ballot Report, the Absentee Ballot Report, and Voter Correspondence. Chairperson Matthews asked that once these reports are completed, the Commission has requested they be sent to the members.

Chairperson Matthews said that the Commission used to specifically request these documents in advance of each election. However, in May or June of this year, the Director advised the Commission that he well understood that providing this list of documents to the Commission after each election was an on-going request. This November was the first election in which the Commission did not make its usual request, operating under the Director's representation that he knew what the Commission wanted and would make it available. This has not happened. Chairperson Matthews said that he wasn't sure if the problem was an issue with the Department or if the Commission should resume its procedure of requesting these same documents after each election.

Deputy Director Mendieta said that if the Commission Secretary could provide her with the list, she would check with the Department to determine the best plan of action in the future.

Commission Secretary Rodriques said that she would provide the Deputy Director with the list.

Chairperson Matthews shared his findings after his examination of the DRE Report. He reported that on August 20, 2008, the Elections Commission unanimously approved the Policy on Favoring Paper Balloting Over Other Forms of Voting. That policy referred to the Secretary of State's (SoS) twelve-page conditional certification of the voting equipment that the San Francisco Elections Department uses, the first seven pages of which harshly criticizes that equipment's security, accuracy and "hackability". The Policy is binding on the Department. Chairperson Matthews asked the Commission Secretary to make the Policy an attachment to these minutes.

Chairperson Matthews noted that over the past eight to ten elections, there have been some polling sites that have overuse of DRE on election day – that is, use by voters for whom the conditional certification from the SoS and the Elections

Commission's Policy did not mean to include. The DRE is intended to be used by voters who have some physical disability that prevents them from marking a paper ballot.

Chairperson Matthews reminded the Committee that this has been an ongoing concern after every election, and no improvement in reducing the use of the DRE has been made.

Chairperson Matthews shared the following statistics at the meeting:

At the November 2009 election, which had a very low turnout, there were 571 votes cast on the DRE. Half of this usage was in eleven polling sites or 2.6% of all the polling sites. Three Hundred – Sixty Four polling sites had zero DRE usage.

At the June 2008 election (which was picked at random for a comparison), there were two polling sites that had a very high DRE usage and the same polling sites had high usage again in the November 2009 election.

Chairperson Matthews suggested that the staff at those sites need to understand the Paper Ballots Only Policy and not encourage voters without physical disabilities to use the DREs.

Chairperson Matthews asked the Department the following questions:

Regarding the DRE usage, in what ways does the Department implement the Policy on Favoring Paper Balloting Over Other Forms of Voting directive in all of the Department's functions?

What tracking or analysis does the Department do after each election to identify anomalies in usage of DRE, including detecting polling places/ pollworkers that have repeatedly high usage; for example, does the Department do a similar type of analysis in sorting the data that Commissioner Matthews does?

In what ways can the Department work to address this issue, in addition to training? Commissioners have attended the training but it sometimes does not sufficiently emphasize that voters are supposed to use paper ballots unless they have a physical need that would make DRE more convenient for them to complete their ballot.

Deputy Director Mendieta said that she would direct these questions to the appropriate personnel. She said she was aware that personnel look at the reports and that statistics are examined, not just for the DRE, but for equipment needs, and differences in current and past elections. The Deputy Director said that she could email the responses to these questions to the Commission.

Commissioner Safont asked that Deputy Director Mendieta ascertain in what ways the Department can work to address this issue other than in training. The Commissioner said that she has attended the training and has observed that there is not much time spent explaining who is supposed to use the DRE and that these machines are not the preferred option for voting.

Commissioner Safont asked that the Deputy Director request that the Director notify the Commission if he is not going to attend Commission meetings in advance of those meetings.

ADJOURNMENT @ 6:33 PM

The Director's Responses to questions asked at this meeting follow. →

From: Director John Arntz

Requests from the December 2, 2009 BOPEC Meeting

1. Regarding the DRE usage, in what ways does the Department implement the Policy on Favoring Paper Balloting Over Other Forms of Voting directive in all of the Department's functions?

Through its outreach methods and voter information materials, the Department continuously seeks to balance the use of touch-screen equipment with the conditions stipulated by the California Secretary of State and provisions of the Help America Vote Act. The Department trains poll workers and staff at the early voting counter to provide paper ballots to all voters and to inform voters of the availability of the AVC Edge while specifying that the equipment is designed to assist voters with disabilities to cast their ballot privately and independently; provides voters with instructions on how to use it; trains pollworkers through a uniformed curriculum to adhere to the Department's policy regarding the use of the AVC Edge; and, monitors compliance with this policy through a series of established methods. Furthermore, the Department works with the Mayor's Office on Disability to ensure that the Department is not seen as representing the touch-screen machines as a substandard option, inadequate for people who are not perceived to have disabilities and acceptable only for those voters who are perceived to be disabled.

2. What tracking or analysis does the Department do after each election to identify anomalies in usage of DRE, including detecting polling places/ pollworkers that have repeatedly high usage; for example, does the Department do a similar type of analysis in sorting the data that Commissioner Matthews does?

The Department monitors the usage of DREs on Election Day. On Election Day, every precinct is called twice by an Election Center Phone Bank Coordinator and asked for the current Insight and Edge vote totals. For DRE vote totals above 5, the precinct is called back by an Election Center Monitor. The Monitor reviews departmental policy with the Inspector and confirms the script on the Roster Clerk Job Card ("You will be issued a paper ballot unless you request the accessible machine") is the sole communication concerning the DRE relayed to voters by pollworkers. The Monitor also dispatches the Field Election Deputy assigned to that precinct to assess—and if necessary, impose—full compliance.

In the November election, there were 346 precincts with no Edge votes, up from 308 in May election. The overall number of votes cast on the Edge show that 86 precincts decreased Edge usage between May and November elections.

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BOPEC Responses

In the November election, 29 precincts had 1-5 Edge votes. The usage of the Edge in these precincts complies with the California Secretary of State's conditional re-approval of use of Sequoia Voting Systems which mandates that to "protect voter privacy, in instances in which at least one voter has cast their ballot on the [AVC Edge] device, jurisdictions are required to ensure that at least five persons voluntarily cast their ballot on the device over the course of Election Day."

Of the 34 precincts with more than 5 votes, 12 had fewer votes on the Edge in November than in May.

Of the remaining precincts, where Edge usage increased:

- 3 were senior centers or senior housing facilities that previously had no Edge votes. The procedures of stating the Roster Clerk script may have informed voters with needs of the availability of an accessible machine who were previously unaware of it.
- 4 precincts had a different Inspector, but the polling location that inspector supervised in May had no Edge votes, which implies the increase was not due to pollworkers actions.
- There were only 2 precincts where the Inspectors were assigned to different precincts in the May and November elections and both precincts had greater than usual number of Edge votes.
 - One inspector who switched locations had decreased Edge votes from 15 in May to 7 in November.
 - The other increased Edge voters from 15 in May to 20 in November. In such instances the Department routinely plans to contact poll workers and reinforce the Commission's policy on the use of the Edge and the Department also monitors such identified pollworkers.
- 15 precincts had the same Inspector as in May election but it is unclear whether the increase is due to pollworkers actions.

3. In what ways can the Department work to address this issue, in addition to training? Commissioners have attended the training but it sometimes does not sufficiently emphasize that voters are supposed to use paper ballots unless they have a physical need that would make DRE more convenient for them to complete their ballot.

Training is the primary method by which the Department can comply with the Commission's policy. While the touch-screen equipment continues to be a required component of the City's voting system the Department will continue to reinforce the Commission's policy regarding the use of paper ballots and to monitor pollworkers. The Department will continue to seek methods that balance the use of the Edge with the duty to provide accessible voting equipment in a manner that does not have the unintended effect of "singling out" voters with disabilities so they may be informed of its availability and functions designed to

BOPEC Responses

assist voters with disabilities to cast their ballot privately and independently. Prior to every election the Department will continue to review its materials and training of pollworkers to comply with all Commission policies regarding the use of the Edge. Although the number of voters who use the Edge is small, the percentage of votes cast at the polls on the Edge for each election beginning in November 2008 has decreased. The Department believes with continued emphasis on training and the monitoring of polling place practices that the use of the Edges will continue to comply with the Commission's policy and the needs of voters with disabilities.

San Francisco Elections Commission

Proposed Amendments to the Commission's By-Laws

1. Amendment to Article III, Section 2., Paragraph M., second sentence:

From: "This annual report shall cover the fiscal year of the City from July 1 through June 30."

To: "This annual report shall cover the calendar year of the Commission's President's term, from January 1 through December 31."

2. Amendment to Article V, Section 2, Paragraph E., second sentence:

From: "The President shall present a draft annual report to the full Commission in November of each year and the annual report shall be approved by the full Commission no later than December 31st of that year."

To: "The President shall present a draft annual report to the full Commission in January of each year following completion of the President's term the previous calendar year and the annual report shall be approved by the full Commission no later than February 28th of that year."