

City and County of San Francisco  
Elections Commission

Approved: -----

Minutes of the Meeting at City Hall Room 408  
August 19, 2009

1. **CALL TO ORDER.** President Joseph Phair called the meeting to order at 6:09 pm.
2. **ROLL CALL. PRESENT.** Commissioners Rosabella Safont, Richard P. Matthews, Winnie Yu, Gerard Gleason, Joseph Phair, Arnold Townsend (arrived at 6:28 pm), Deputy City Attorney Mollie Lee, and Director of Elections John Arntz.
3. **Announcements.** President Phair reported that he asked the secretary to contact the Board of Education to determine if they would be filling their vacancy on the Elections Commission. The position on the Commission has been vacant since April. There has been no response to date, and President Phair said that he would follow up on the request before the next Elections Commission meeting in September.
4. **Discussion and possible action to approve the minutes of the June 17, 2009 Elections Commission Meeting.** Commissioner Matthews MOVED and Commissioner Safont SECONDED this item.

The Roll Call Vote was UNANIMOUS to approve the minutes.

President Phair requested that item 7 – NEW BUSINESS, be discussed out of order because Commissioner Matthews might need to leave early.

7. **OLD BUSINESS**

(c) **Discussion and possible action regarding potential for enhanced method(s) to allow voter registration to include personal contact information (phone numbers and e-mail, currently optional – include or exclude) to the Department of Elections with option for administrative use only.** Commissioner Gleason

Commissioner Gleason explained that this item is in response to post elections communications from voters about how their phone numbers and email addresses are handled by the Department of Elections (DoE). At precincts where the Commissioner has volunteered as a pollworker, voters have told him that DoE staff have called them and advised the voters that they did not sign their vote-by-mail envelopes – thereby invalidating their vote until it is signed.

The staff person advised them that they could come down to the DoE and sign their envelopes if they wish, or vote provisionally on election day at their precinct.

Commissioner Gleason said that he was impressed that the Department was doing this. However, voters can't be given this information if the Department does not have their phone number. There is a major incentive for voters to not give their email address or phone number. The new voter registration form has these areas as optional and there is a new section that voters can decline to register with a political party. Commissioner Gleason recently discussed these issues with Kim Alexander, Executive Director of the California Voter Foundation, which worked on the new form. Ms. Alexander was surprised to know that the Department calls to let voters know when they fail to sign their vote-by-mail ballot envelopes. She informed the Commissioner that the voter's phone number and email address are optional in most states.

Commissioner Gleason said that he would like the Department to be able to let registrants know that their phone and email would be used by the Department for administrative use only. He explained that this is standard practice by the federal trade commission, and for example, department stores – if a person places an order, that person can request that their contact information not be given to anyone other than for processing their order.

The Commissioner said that the DoE, the Secretary of State (SoS) and the federal election commission could state that the reason the phone numbers are needed is if there is a problem with the voter's registration. Vote-by-mail ballots are increasing in percentage each election and the Commissioner gave examples of past national and local elections in which a small number of voters determined the outcome.

Commissioner Gleason suggested that this be brought to the attention of the SoS, and perhaps tried in San Francisco on a trial basis. He reminded the Commission that the disclosure of campaign expenses is an example of a change that happened first on a trial basis in San Francisco (1995). The Commissioner asked that this item be assigned to the Elections Commission's Budget and Oversight of Public Elections Committee (BOPEC) with the goal of changing email addresses and phone numbers from "optional" to "optional for administrative use only (out of the public profile)". This will require state action.

Commissioner Gleason MOVED that this item be assigned to BOPEC for study regarding legislative action to modify the Election Code, Commissioner Matthews SECONDED. The Roll Call Vote was Unanimous.

**(a) Continuation of Commissioner reports and observations from the May 19, 2009 Statewide Special Election.** Commissioner Yu reported that she examined the IRIS report from the election and did not see any outstanding

issues. Because the numbers of voters were so small there were few issues, however, some common issues were lock outs at precincts because of inability to contact the property owner, broken seals on machines, jams in both the Insight and Edge machines, attendance issues by Inspectors and Clerks, primarily, and following instructions in the pollworkers manual. Commissioner Yu said that these incidents were much less than those observed in the November 2008 election.

Commissioner Safont reported that she worked in a consolidated precinct (two precincts at one site) and the materials and supplies were in place and ready for voters with the site opened at 7:00 am. Approximately five or six voters said they were not sure if they were at the correct location, and it was determined that three needed to be directed to another site. One of the voters had mistakenly gone to an old site but was advised by a posting there where the new site was located.

**(b) Discussion and possible action to approve the Elections Commission Annual Report for 2008.** Commissioner Gleason.

Commissioner Matthews MOVED and Commissioner Safont SECONDED. The Roll Call Vote was UNANIMOUS after a minor addition and typographical corrections.

**(d) Discussion and possible action to adopt a policy that supports the elimination of the legal text for the VIP and to calendar a meeting to solicit public comment on the subject.** Commissioner Townsend asked that his opinion on this item be clarified. He said that his opinion is the opposite of the one stated here. The Commissioner is in favor of including the legal text in the Voter Information Pamphlet (VIP) and not just having the legal text available to voters on line because not all voters have access to the internet.

Commissioner Matthews said that the item was considered previously as a possibility for cutting costs and is now something about which the Commission is seeking public comment. The Commissioner asked that the members explore the possibility of eliminating legal text.

President Phair recalled that for a local election, with the approval of the Board of Supervisors (BoS), the Department could eliminate the legal text, but it would require an election code change. The City Attorney's Office pointed out it would require working with the BoS legislative committee and action at the state level.

Deputy City Attorney Lee clarified that the Department could eliminate the legal text in the VIP for strictly local elections but would require amending the Municipal Elections Code.

Commissioner Safont said that she has noticed that many VIPs are discarded by voters. The Commissioner said that the text is important but many of the people she knows do not read it, although she does. It should be printed and made available at certain locations such as libraries or where people could congregate.

Commissioner Gleason said that although people don't read it, the City should provide it.

President Phair added that many voters wait until the day or evening before election day to make their decisions about how they will vote. These people may not have access to a computer. He suggested that the Commission revisit this subject for public input or send a letter to the SoS letting them know that the Commission has discussed this for cost savings and pointing out the contra issued discussed.

Commissioner Gleason said that he has heard voters comment that they get two voter pamphlets at their home and the state only sends them one. There is no understanding by the voter of why the DoE has to individually send out its VIP with the sample ballot in it. The Commissioner said the Commission needs to support the Department and clarify to the voter the materials that must be minimally provided.

Director Arntz said that the legal text is the purist form of outreach that the Department does regarding ballot information, and that he personally feels it should stay in the VIP.

President Phair said that with the Director's comments, and no further comments from Commissioners, this item will not be acted upon.

## **5. Director's Report.**

Ballot Distribution – Division is making purchasing preparations for the November election ballots, vote-by mail ballot assembly preparations with the vendor, and staffing is being considered.

Budget/Personnel – Division is making preparations for November staffing and working with division managers and other City agencies.

Campaign Services – Division has completed the argument phase of the election cycle. There are 29 paid arguments for November. This is the lowest number in the past five years. There are five measures and, so far, two candidates for the two contests.

Outreach – Division has put together two posters, one is for Muni, and a new flyer has been developed. New staffing has begun.

Publications – Division is involved in producing the ballot and the VIP. The Ballot Simplification Committee has completed its work, and the digest is done.

Poll Locating/ADA – Division has sent out availability letters to former precinct sites. A review of these sites is being conducted. Treasure Island is in the process of renaming and numbering buildings which will be an improvement.

Pollworker – Division is conducting interviews for coordinators.

Technology – Division is reviewing its data bases, and has developed an on-line form for ballot arguments.

Voter Services – Division is conducting file maintenance.

## **8. NEW BUSINESS**

### **(a) Discussion and possible action regarding evaluation of the Election Plan for the May 19, 2009 statewide special election.**

President Phair MOVED that the Elections Commission finds that the Department was in compliance with the Election Plan for the May 19, 2009 statewide special election, Commissioner Yu SECONDED this MOTION.

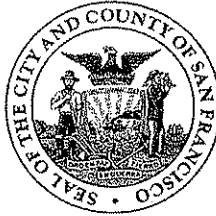
The Roll Call Vote was UNANIMOUS.

## **9. Discussion and possible action regarding items for future meeting agendas and meeting dates.**

President Phair suggested the following items for upcoming meetings:

- A Presentation by interested citizens (Brent Turner and Alan Dechert) regarding "voting system security issues and proposed open source solutions".
- Completion of the Director of Elections Annual Performance Review.

**Adjournment at 6:55 pm**



## Memorandum

**To:** Elections Commission  
**From:** John Arntz, Director  
**Date:** September 11, 2009  
**Re:** Waiver Allowing City Employees to Assist the Department of Elections with the November 3, 2009 Municipal Election

This memorandum requests that the Elections Commission approve the Department of Elections' (Department) request for the Board of Supervisors to waive the prohibition under Charter section 13.104.5 that disallows City employees from assisting the Department in the conduct of elections. The Department seeks a general waiver of this prohibition so the Department is able to utilize the services and expertise of City personnel when necessary; however, the Department presently expects to require the assistance of approximately 10 people from other City departments.

The Department will require technical assistance to upload the vote tallies contained in the memory packs that will be transported from each polling place to City Hall, as well as preparing the information for results reporting. The memory packs record the voting that occurs in the polling places on vote tabulation machines. The City personnel will assist in uploading the voting information contained inside the memory packs into the central count system located in the Department's computer room in City Hall Room 48.

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

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

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

The Department does seek to conduct elections exclusively with its permanent and temporary staff, but we find it necessary in some instances to utilize the skills of City personnel who work with other departments. Thus, after considering staffing needs for the November 3, 2009 Municipal Election, I recommend that the Elections Commission request from the Board of Supervisors a waiver of the prohibition of City employees performing election-related tasks and allow City personnel to assist the Department of Elections.

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

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

Encl; waiver request list

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September 11, 2009

**Re: Waiver Allowing City Employees to Assist the Department of Elections with the  
November 3, 2009 Municipal Election**

**TECHNICAL SUPPORT**

**Number of City Employees: 10**

**Departments:** Department of Technology, General Services Agency, and City Attorney's  
Office.

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