

City and County of San Francisco
Elections Commission

Approved: _____

Minutes of the Meeting at City Hall Room 408
January 20, 2010

1. **CALL TO ORDER.** President Joseph Pair called the meeting to order at 6:11 pm.
2. **ROLL CALL. PRESENT.** Commissioners Rosabella Safont, Gerard Gleason, Joseph Phair, Winnie Yu, Derek Turner, Arnold Townsend (arrived at 6:18 pm), Deputy City Attorney Andrew Shen, and Director of Elections John Arntz. **EXCUSED.** Commissioner Richard P. Matthews.
3. **Announcements.** President Phair announced that City Attorney Dennis Herrera has reappointed Richard Matthews to a new five year term on the Elections Commission.
4. **Discussion and possible action to approve the minutes of the December 16, 2009 Elections Commission Meeting.** Commissioner Safont MOVED and Commissioner Turner SECONDED this item.

The Roll Call Vote was UNANIMOUS to approve the minutes.

5. **Director's Report**

Division Updates:

Ballot Distribution is inventorying and organizing materials at Brooks Hall and at the warehouse. Staff is preparing the initial ballot order for the June election, updating the vote by mail envelopes, obtaining quotes from vendors, preparing street closure requests, examining the ballot security plan and organizing memory pack pick up routes for the November election since the number of polling places will increase for that election from 407 to 561.

Budget and Personnel has, along with the Director, produced the first draft budget for the upcoming fiscal year which has been presented to the Commission. The total is now \$9.2 M which represents the Mayor's Office's mandated 10% reduction in costs. There will be two school district elections in November, but that revenue is not shown yet in the draft, but will be added once information from the School District is received. Other items which are not yet shown are: Work orders with other agencies who assist in the elections, and reductions for temporary salaries, materials and supplies. The division has been looking at its processes and believes it will be able to meet the 10% cut.

Campaign Services Division is handling the Petition to Recall Supervisor Sophie Maxwell of District 10. The suggested deadline to begin review of the petition signatures is January 25, 2010. Staff has held a workshop to answer questions from candidates regarding the Judicial Offices for the Superior Court. At this time, there are 40 candidates who have filed for the primary election in June, and staff is working already on the November election which so far has 54 candidates for supervisor who have taken out papers to run.

Outreach Division has been working on the next newsletter, and a brochure that describes the accessible services of the DoE. Staff is beginning its work to create public service announcements for the June and November elections.

Publications Division is determining where they can be more efficient, such as building templates, and an in depth review of changes in the developments of typesetting and printing the information that goes into the voter guide, especially what goes into the primary election because it will be a very large book with ballot types and party information.

Poll Locating and ADA Division is working to find 157 more polling locations in time for the June election. We had fewer sites for the last two elections because state law allowed us to consolidate them. Staff is also checking if previous sites have increased voters above the 1,000 registered voters limit set by law. If so, those precincts must be split into two.

Pollworker Division. The SoS (Secretary of State) has issued pollworker training guidelines which may have changes that the Division may need to incorporate in its training and pollworker manual.

Technology Division is conducting extensive database changes. Staff is implementing a database for the warehouse to centralize tracking procedures. In addition, the Division is working for a database for the Outreach Division and one for logic and accuracy.

Voter Services Division is currently heavily involved in the upkeep of voting registration information which involves purging the names of voters who have not voted in the last two federal elections (since the year 2004), and haven't changed their address or party affiliation. The DoE will ask these voters, by mail, if their information is current, and if there is no reply or if the post office returns the letter, that voter will be removed from the rolls. Staff is checking voters rolls against the deceased persons list the Division gets from the state.

Director Arntz advised that he has notified President Phair regarding the change in the campaign finance ordinance that affects how notices related to campaign expenditure ceilings are provided to the public. The Director said

that it was not the Municipal Elections Code that was changed, it was a change within the Campaign Finance Reform Ordinance. In the past, there was an indication of which candidates accepted or rejected the expenditure ceiling inside the VIP (Voter Information Pamphlet). This will no longer be the case. It will, however, be posted on the Ethics Commission's website.

Commissioner Gleason mentioned that campaign finance reporting was the subject of a recent newspaper clipping forwarded to the Commissioners by the Commission Secretary. Commissioner Gleason said that he did not want the Commission to find out about these concerns after the fact, through the newspaper rather than through the Department. The Commission needs to get information on legislation that impacts the City's elections in a more timely way. This item should be addressed at a future meeting.

President Phair asked the Director to let the Commission know when such legislation occurs.

Deputy City Attorney Andrew Shen said that, on behalf of the City Attorney's Office, his office would do its best to keep the Commission updated regarding changes in legislation that may effect the operation of the Department, especially since the City Attorney's Office often helps to prepare such legislation. Mr. Shen said his department will be more vigilant in the future.

6. Old Business

- (a) **Discussion and possible action to amend the Elections Commission's bylaws as regards the Commission's annual report (the "Report") to conform the period to be covered by the Report to the Commission's practice of a calendar year report and to revise the timing for preparation of the Report by the Commission President and approval of the report by the Commission all as set forth on Attachment A to this Agenda, and to authorize the Commission Secretary to prepare an amended and restated Commission bylaws to reflect the current state and content of the Commission's bylaws.** Commissioner Turner MOVED and Commissioner Gleason SECONDED this item for discussion.

The Roll Call Vote was UNANIMOUS to approve the amendment of the Elections Commission Bylaws.

7. New Business

- (a) **Discussion and possible action regarding the Voter Outreach Report that was presented at the December 16, 2009 Elections Commission**

meeting. (President Phair) President Phair reminded the members that this report was not circulated prior to the start of the December 16th meeting and that he asked the Commission to review it and be prepared to discuss it at this meeting.

Director Arntz added that the turnout by district would be provided to Commissioner Yu, per her request and that there is a table that shows the events by supervisorial district. He asked the Commissioners if they had other suggestions that could be used to make the report more comprehensive.

Commissioner Safont said that she was pleasantly surprised to have a representative from the DoE come into her non-profit office with voting information and ask if she knew of other community based offices that could use voting information.

Commissioner Yu said that she thought that the tables could be put in a consolidated one page form or matrix that could be used to track performances over several elections. She added that a table showing how the budget effects outreach could be included. This would help the Commission and the Department to advocate for these needs.

Commissioner Townsend said that he would like to see the Commission be more actively involved in outreach.

Commissioner Turner said that before he became a member of the Commission, he would have never guessed that the Department's outreach was as extensive as it is. He agreed that a matrix comparing elections, season to season, would be very useful in measuring success.

- (b) **Discussion and possible action regarding the DRAFT Elections Commission Annual Report for 2009.** (President Phair)
President Phair and Commissioners Turner and Safont offered minor typographical corrections to the report. Commissioner Turner MOVED and Commissioner Safont SECONDED adoption of the Annual Report with corrections.

The Roll Call Vote was UNANIMOUS to approve the draft Commission Annual Report for 2009.

- (c) **Discussion and possible action regarding the review of the howsfvotes.com website's precinct mapping and suggestions regarding openness and community innovation with election data.**
(Commissioner Turner)
Commissioner Turner explained that this website takes the statement of the vote and color maps the results to the precinct level and turnout. He asked

if there was any feedback regarding how the Commission and Department could support these kinds of efforts particularly when, in this case, the creator of the website is hampered by how quickly the information is made available.

Director Arntz said that the current system that the City uses does not by default provide real-time information on a precinct level. He said that he thinks the DoE can get close to near real time election results with perhaps a 15 minute delay. Aggregate totals may be possible for the June election with the totals for the candidates and measures. The precinct breakdowns can be available within a week of an election.

Commissioner Townsend asked Commissioner Turner the name of the person responsible for the sfvote website. Commissioner Turner answered that he thinks the website is an important service to voters and the name of the person responsible is Jesse Costello Goode, a software developer who does the website as a hobby.

- (d) **Discussion and possible action to elect Officers of the San Francisco Elections Commission.** The process shall be as follows: The current president will open nominations first for the office of president of the Elections Commission. When there are no further nominations, the president will close nominations. Public comment will then be sought. At the conclusion of public comment, there will be a roll call vote of all commissioners during which each commissioner shall say then name of a nominee for whom he or she wishes to vote. Any nominee receiving four votes shall be elected president. The same process will then be followed for the office of vice president. The terms of office for the new officers begin immediately at the conclusion of tonight's meeting. (Elec. Comm. Bylaws, Art. V, Sec. 1(B).)

President Phair opened the floor for nominations for the office of President. Commissioner Gleason nominated Commissioner Phair and Commissioner Townsend SECONDED the nomination. There were no further nominations for President. The Roll Call Vote to elect Joseph B. Phair to the office of President of the Elections Commission for a second term was UNANIMOUS.

President Phair opened the floor for nominations for the office of Vice President. Commissioner Safont nominated Commissioner Winnie Yu and Commissioner Phair SECONDED the nomination. There were no further nominations for Vice President. The Roll Call Vote to elect Winnie Yu to the office of Vice President of the Elections Commission was UNANIMOUS.

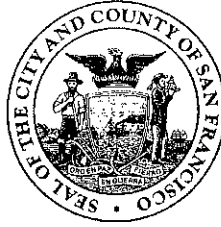
Commissioner Safont thanked President Phair and said that it had been a pleasure working with him last year as his Vice President, and wished the best to the new Vice President, Commissioner Yu, in the coming year.

8. Discussion regarding items for future agendas

Commissioner Gleason said that he would provide better wording regarding how the Commission is to be apprised of information and legislation that may effect elections in the future.

Adjournment at 7:03 pm.

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



**RICHARD P. MATTHEWS, CHAIR
DEREK TURNER
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, February 3, 2010**

(Approved: _____)

1. **Call to Order and Roll Call.** Chairperson Matthews called the meeting to order at 6:03 pm. PRESENT: Commissioners Richard P. Matthews, Derek Turner, Gerard Gleason and Deputy Director Nataliya Kuzina.

Chairperson Matthews asked that note be taken that tonight's meeting was not attended by a Deputy City Attorney, due to that department's efforts to meet their budget constraints and added that one could be provided should the Committee make such a request in advance if such presence is warranted. Chairperson Matthews reported that Commissioner Derek Turner has become the third Committee member, replacing Commissioner Rosabella Safont whose expertise will be missed. He thanked Commissioner Safont for her contributions to the Budget and Oversight of Public Elections Committee over the past year.

The Chairperson noted for the record that Director of Elections John Arntz was not present but was represented by Deputy Director Nataliya Kuzina.

2. **Discussion and possible action to approve the Budget and Oversight of Public Elections Committee minutes for December 2, 2009.** Commissioner Gleason MOVED and Commissioner Turner SECONDED approval of the minutes. The Roll Call Vote to approve the minutes was UNANIMOUS.
3. **Director's update regarding the Draft Budget for FY 2010-2011.** Deputy Director Kuzina handed out the second draft of the budget and called the Committee's attention to several changes. She reminded the members that the previous draft totaled \$10.5M, and the one presented tonight has been reduced by \$600,000. This reduction is due to the recovery of funds for the expenses involved in running the School Board, BART and Community College Board

8.0

elections last year. Thus, the current budget amount is \$9.8M. Deputy Director Kuzina said that the Department is expecting to cut another \$600,000 to reach its goal of \$9.2M – the amount proposed by the Mayor's Office. This additional \$600,000 savings is expected to come from materials and supplies used for the office, polling places and outreach. It is believed that this reduction will not greatly impact the Department operations, and it is expected that staff will be able to reuse materials that are currently on hand. The Department is considering cutting back printing projects which were previously sent to Reproduction Services which may result in not distributing materials as freely during Outreach presentations as in the past. Instead they will be made available on our website.

Deputy Director Kuzina said that in the area of overtime funding, the DoE is constantly looking for ways to improve the efficiency. The core staff has a long history with the Department and there are plans to do more cross training of this staff to improve operation efficiency. Also, we are considering working staggered shifts during the busiest periods around elections, such as around registration deadlines, or processing vote-by-mail ballots.

The Department is considering automating the submission of candidate statements and ballot arguments. Electronic submission would greatly cut labor costs.

The deadline for submission of the budget to the Controller's Office is February 22, 2010.

Commissioner Matthews said that this is probably his seventh budget on the Commission and he is very sympathetic with the demands on the Department each budget cycle. He expressed frustration with the arbitrary constraints placed upon the Department's Budget, and complimented the Department for complying with them.

Commissioner Gleason said that he has observed the DoE's budget process over many years and offered his appreciation for the Department's Draft Budget never containing any fat. The Commissioner expressed an opinion that the built-in problem is that the Department must prepare for essentially a one hundred percent turn out at both 561 polling places and vote-by-mail.

Commissioner Turner asked what would be saved, and from where, if the number of polling sites were cut.

Commissioner Gleason answered that the DoE would save the amount paid for rental stipends, supplies, pollworkers and equipment deliveries.

Commissioner Turner asked the Deputy Director if the Department has been compiling data regarding the cost per voter for vote-by-mail and the cost per

voter for polling place voting, including the fixed costs for each. Deputy Director Kuzina said that the data is available but she could not quote it accurately at this meeting but would research and provide it to the Commission.

ADNOURNMENT @ 6:28 PM.

8.2

Item 9 (a) – Report regarding a review of the performance of the DRE (Direct Recording Equipment) used during the November 3, 2009 General Municipal Election.

Any written information regarding this item will be faxed to Commissioners prior to meeting on February 17, 2010, will be provided to the public at the meeting, and will be attached to the minutes of this meeting on the Elections Department web site.

9(a)

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 18th day of November 2009

Joseph B. Phair, President, San Francisco Elections

Commission

I so attest:

Shirley Rodriques, Secretary, San Francisco Elections Commission

9 (6)

ELECTIONS COMMISSION
City and County of San Francisco



Joseph B. Phair, President
Rosabella Safont, Vice President
Gerard Gleason
Richard P. Matthews
Arnold Townsend
Derek E. Turner
Winnie Yu

John Arntz
Director of Elections

Shirley Rodrigues
Commission Secretary

December 16, 2009

Ms. Nancy Kirshner-Rodriguez, Chair
State Legislation Committee of the City and County of San Francisco
Director of Government Affairs
Office of the Mayor
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102

Dear Chairwoman Kirshner-Rodriguez,

On November 18, 2009, the Elections Commission of the City and County of San Francisco adopted a resolution to urge your Legislation Committee to pursue the necessary changes to the California Elections Code to assist certain important voter safeguards detailed in the accompanying Resolution and memorandum.

As the accompanying Resolution and memorandum make clear, increasing numbers of voters are using the vote-by-mail option, and with that increase in usage comes an unfortunate increase in user errors that can prevent a ballot from being counted. One typical error is the failure of the voter to sign the return envelope; the ballot cannot even be opened without the voter's signature. In such a case, the county elections officers attempt to contact that voter to cure the problem before the end of Election Day, and that is easy enough to do if the voter had provided a phone number or e-mail address when registering to vote. Unfortunately, however, some voters decline to provide a phone number because they want to prevent unwanted intrusions by entities who might obtain their public contact information.

Therefore, the Elections Commission finds that there would be enhanced protection of voters' ballots being counted if the California Elections Code were modified to allow an option for voters to provide telephone and e-mail contact information for administrative use only which would not become public information, along with the current option to provide that information and have it be part of the public voter profile. Having telephone or e-mail contact information would allow the county's elections department to contact a voter in a time-critical situation such as curing an error that would prevent the ballot from being counted.

As this remedy requires state legislative action, the Elections Commission respectfully requests that the State Legislation Committee of the City and County of San Francisco consider this matter and forward it to the California State Legislature for the benefit of voters in our county as well as voters across California.

9(b)1

The Elections Commission would greatly appreciate this matter being placed on an agenda for the State Legislation Committee at the earliest opportunity. Please feel free to contact me or the Elections Commission Secretary, Ms. Shirley Rodriques (554-7494) at any time.

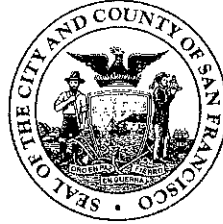
Thank you for your kind attention to this Resolution and memorandum.

Sincerely,

Joseph B. Phair
President, San Francisco Elections Commission

9 (b) 2

ELECTIONS COMMISSION
City and County of San Francisco



Joseph B. Phair, President
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Shirley Rodrigues
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December 16, 2009

Ms. Nancy Kirshner-Rodriguez, Chair
State Legislation Committee of the City and County of San Francisco
Director of Government Affairs
Office of the Mayor
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102

Dear Chairwoman Kirshner-Rodriguez,

On November 18, 2009, the Elections Commission of the City and County of San Francisco adopted a resolution to urge your Legislation Committee to pursue the necessary changes to the California Elections Code to assist certain important voter safeguards detailed in the accompanying Resolution and memorandum.

As the accompanying Resolution and memorandum make clear, increasing numbers of voters are using the vote-by-mail option, and with that increase in usage comes an unfortunate increase in user errors that can prevent a ballot from being counted. One typical error is the failure of the voter to sign the return envelope; the ballot cannot even be opened without the voter's signature. In such a case, the county elections officers attempt to contact that voter to cure the problem before the end of Election Day, and that is easy enough to do if the voter had provided a phone number or e-mail address when registering to vote. Unfortunately, however, some voters decline to provide a phone number because they want to prevent unwanted intrusions by entities who might obtain their public contact information.

Therefore, the Elections Commission finds that there would be enhanced protection of voters' ballots being counted if the California Elections Code were modified to allow an option for voters to provide telephone and e-mail contact information for administrative use only which would not become public information, along with the current option to provide that information and have it be part of the public voter profile. Having telephone or e-mail contact information would allow the county's elections department to contact a voter in a time-critical situation such as curing an error that would prevent the ballot from being counted.

As this remedy requires state legislative action, the Elections Commission respectfully requests that the State Legislation Committee of the City and County of San Francisco consider this matter and forward it to the California State Legislature for the benefit of voters in our county as well as voters across California.

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The Elections Commission would greatly appreciate this matter being placed on an agenda for the State Legislation Committee at the earliest opportunity. Please feel free to contact me or the Elections Commission Secretary, Ms. Shirley Rodriques (554-7494) at any time.

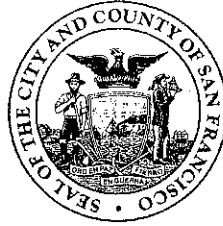
Thank you for your kind attention to this Resolution and memorandum.

Sincerely,

Joseph B. Phair
President, San Francisco Elections Commission

9 (b) 4

ELECTIONS COMMISSION
City and County of San Francisco



Joseph B. Phair, President
Rosabella Safont, Vice President
Gerard Gleason
Richard P. Matthews
Arnold Townsend
Derek E. Turner
Winnie Yu

John Arntz
Director of Elections

Shirley Rodrigues
Commission Secretary

December 16, 2009

The Hon. Debra Bowen
California Secretary of State
1500 11th Street
Sacramento, CA 95814

Dear Secretary Bowen,

On November 18, 2009, the Elections Commission of the City and County of San Francisco adopted a resolution involving an increasingly important voter safeguard: voter registration data and the ability of the county elections officers to be able to contact voters who have submitted voted ballots which may not be counted due to the voter's inadvertent error. The Commission has urged the appropriate entity in our county's government to pursue the necessary changes to the California Elections Code as detailed in the accompanying Resolution and memorandum.

As the Resolution and memorandum make clear, increasing numbers of voters are using the vote-by-mail option, and with that increase in usage comes an unfortunate increase in user errors that can prevent a ballot from being counted. One typical error is the failure of the voter to sign the return envelope; the ballot cannot even be opened without the voter's signature. In such a case, the county elections officers attempt to contact that voter to cure the problem before the end of Election Day, and that is easy enough to do if the voter had provided a phone number or e-mail address when registering to vote. Unfortunately, however, some voters decline to provide a phone number because they want to prevent unwanted intrusions by entities who might obtain their public contact information.

Therefore, the Elections Commission of the City and County of San Francisco finds that there would be enhanced protection of voters' ballots being counted if the California Elections Code were modified to allow an option for voters to provide telephone and e-mail contact information for administrative use only which would not become public information, along with the current option to provide that information and have it be part of the public voter profile. Having telephone or e-mail contact information would allow the county's elections department to contact a voter in a time-critical situation such as curing an error that would prevent the ballot from being counted.

As this remedy requires state legislative action, the Elections Commission has asked our county's State Legislation Committee to consider this matter and requested that it be forwarded to the California State Legislature for the benefit of voters in San Francisco and across California. Because a statutory change would have statewide impact, our Commission would like you to be aware of this matter.

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We would greatly appreciate any input from your office regarding this matter. Please feel free to contact me or the Elections Commission Secretary, Ms. Shirley Rodriques (415-554-7494) at any time.

Thank you for your kind attention to this issue.

Sincerely,

Joseph B. Phair
President, San Francisco Elections Commission

9(b)6