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San Francisco Elections Commission

COMMISSION ANNUAL REPORT

January 01, 2008 – December 31, 2008

Pursuant to the Bylaws of the San Francisco Elections Commission, Article XI, I herewith submit the Commission's Annual Report for the Commission's seventh year, 2008.

Gerard Gleason  
President

Approved by the San Francisco Elections Commission on XXXXXX

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## 1 Purpose

The purpose of this report is to describe significant elections events during 2008 and Commission initiatives in the context of these events. The intent of this report is to give a brief history of the Commission events that transpired this year.

## 2 Commission Organizational Description

### 2.1 Commission Members

During 2008, the Commission operated with a full membership for most of the year. The appointments to the Commission by the Mayor and the San Francisco Board of Education (for San Francisco Unified School District) were made at the beginning of 2008, with the existing appointees for those seats, Arnold Townsend and Jennifer Meek being reappointed to five-year terms.

In February, Tajel Shah, the Treasurer's appointee resigned from the Commission. The Treasurer appointed Rosabella Safont to the Commission in May.

In August, Jennifer Meek, the San Francisco Board of Education's appointee resigned from the Commission. The San Francisco Board of Education appointed Malcolm Yeung to the Commission in September.

Jennifer Meek had been Vice President of the Commission when she resigned, therefore after her departure the Commission voted Joseph Phair to be Vice President of the Commission for the remainder of the year.

The Commission had one committee, the Budget and Oversight of Public Elections Committee (BOPEC). BOPEC consisted of three Commission members. The table below details each Commissioner, their dates of service, and their roles on the Commission:

<b>Appointing Authority</b>	<b>Commissioner</b>	<b>Months of Service (2008)</b>	<b>Roles</b>
Board of Supervisors	Gerard Gleason	January – December	President of Commission
Board of Education	Jennifer Meek	January – August	Vice-President of Commission
	Open	August – September	NA
	Malcolm Yeung	October – December	Commission Member
Public Defender	Joseph Phair	January – December	BOPEC Member & Vice-President of Commission
Mayor	Arnold Townsend	January – December	Commission Member
Treasurer	Tajel Shah	January – February	BOPEC Member
	Open	February – April	NA
	Rosebella Safont	May – December	Commission Member
City Attorney	Richard Matthews	January – December	BOPEC Member
District Attorney	Winnie Yu	January – December	Chairperson of BOPEC

## 2.2 Commission Secretary

During 2008, the Commission Secretary's hours (gross salary) were cut to half time. In 2005 and prior, the Commission Secretary's position had been a full-time position. In 2006, the Commission Secretary's position had been cut to three-quarters time. Shirley Rodrigues, who has served as the Commission Secretary since her appointment in 2003, continued to serve as the Commission Secretary in 2008 under these difficult circumstances.

## 2.3 Deputy City Attorney

During the course of 2008, Mollie Lee served as Deputy City Attorney to the Commission with support from her colleagues, Jon Givner and Andrew Shen.

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## 2.4 Director of Elections

John Arntz continued to serve as the Director of Elections in 2008.

## 3 Department Accomplishments

### 3.1 Elections in 2008

By far the most significant accomplishment by the Department of Elections was the successful organization and conduct of four elections held during 2008:

- 1) February 5, 2008 Presidential Consolidated Primary Election
- 2) April 8, 2008 Special Election for 12<sup>th</sup> Congressional District
- 3) June 3, 2008 Consolidated Statewide Primary Election
- 4) November 4, 2008 Consolidated General Election

In addition, the Department of Elections is called upon throughout the year to conduct non-public elections for such entities as the City Employee's Retirement Board.

The unprecedented scheduling of two primary elections in one year, the unanticipated election in April required for Congressional District 12, and the high turnout General Election in November caused logistical and administrative challenges which the Department of Elections handled with outstanding professionalism.

### 3.2 Implementing a Voting System for the 2008 Election Year

The February 5, 2008 Election was the first election in San Francisco using the voting system supplied under contract by Sequoia Voting Systems. The optical scan voting equipment (brand: Insight) utilize ballots and scanning operations similar in function to the equipment used under the previous contract held by Elections Systems & Software (ES&S). As the Department had noted, voters appeared to find no significant difference in the voting experience using the new optical scan equipment.

The Sequoia voting systems did introduce a completely new component to voting equipment in San Francisco. The Help America Vote Act (HAVA) requires voting machines be made available that allow voting for disabled persons which is both accessible and private. As the marking of optical scan ballots is physically difficult for some voters, the Sequoia voting system contract provided Direct Recording Electronic (DRE) voting machines (brand: Edge), sometimes commonly referred to as *touchscreen* voting.

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As with any new equipment, the operators, specifically poll workers on Election Day, needed training to be familiar with the new voting system. The Department of Elections conducted extensive training prior to the February initial use of the new voting system and continued training and support on using the new equipment prior to all of the elections in 2008.

## 4 Commission Accomplishments

### 4.1 Elections

The Commission assessed and approved written election plans prior to, as well as reviewed and evaluated effectiveness of election plans after each of the following elections in 2008. The Commission's findings of compliance with written election plans are noted below:

- 1) February 5, 2008 Election: Commission found the election to be effective and in compliance with written election plan. [Minutes of April 16, 2008]
- 2) April 8, 2008 Election: Commission found the election to be effective and in compliance with written election plan. [Minutes of August 20, 2008]
- 3) June 3, 2008 Election: Commission found the election to be effective and substantially complied with written election plan, noting the exceptions of deviation from pre-election disclosure of pollworker instructions to voters at precinct regarding voting equipment choices and the Department's extraction practices for vote-by-mail ballot processing. [Minutes of August 20, 2008]
- 4) November 4, 2008 Election: Commission found the election to be effective and substantially complied with written election plan, noting the exceptions of deployment of DRE voting equipment, including lack of training regarding the Commission adopted policy regarding preference for paper ballots except for voters who prefer to use the DRE device. [Plan originated October 2008 and final evaluation in of Minutes of February 18, 2009]

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## 4.2 Voting System

Starting with the February 5, 2008 election, the Department rolled out new voting equipment as provided under the new contract with Sequoia Voting Systems. While the optical scan equipment provided under the contract is similar in scope and operation to the optical scan system under the previous contract with Election Systems & Software, the separate Sequoia component provided to meet accessible voting equipment requirements is a DRE unit. DRE voting equipment in California is subject to restrictions for operation by the California Secretary of State. These restrictions included variable and changing mandates from the Secretary of State during 2007 and 2008 that the Department sought to comply with and caused challenges to standardization of operating procedures such as instructions to pollworkers and vote tabulation process for votes cast on DRE equipment.

The situation described above resulted in a number of actions and discussions by the Commission in 2008.

- 1) Reports on patterns of DRE voting machine use during elections in 2008 [Minutes: February 20, 2008, June 18, 2008, and December 17, 2008, by Commissioner Matthews]
- 2) Commission authorized discussion with representative of the Secretary of State regarding vote randomization requirements for DRE voting equipment. [Minutes: July 19, 2008, by Commissioners Gleason and Matthews]
- 3) Commission adopted formal policy for the Department to prefer use of paper ballots that are marked over systems using electronic capture of votes (except for voters who prefer to use the DRE machine). [Minutes: August 20, 2008, proposed by Commissioner Matthews]

## 4.3 Director Appointment

The new five-year appointment for the Director of Elections position began in May 2008 (term: May 2008 – May 2013). Due to the number of elections in 2008, the Commission made a decision in 2007 to offer John Arntz a reappointment to the position in advance of the previous term expiring. This is noted in last year's annual report from the Commission.

#### 4.4 Response to Civil Grand Jury Report

The Commission reviewed and responded to the 2007/2008 Civil Grand Jury Report: *A Year of Five Elections for the City & County of San Francisco*. [Minutes: July 19, 2008 & August 20, 2008]

#### 4.5 Commission Observation and Oversight of Elections

The Commission adopted policy to formalize practices for the Commission to act as a body to authorize and assign individual Commission members specific areas of observation and investigation regarding the conduct of elections. The following policy was adopted:

*“It shall be the Election Commission’s policy to assess the conduct of an election as delineated in the Election Plan in specific areas, agreed upon in advance, by the Elections Commission, through reasonable and appropriate observations, investigation and/or further inquiry of those areas.”*

[Minutes: January 16, 2008]

The intent of this action was to address the issues cited in the Commission Annual Report of 2007 under the heading of Commission Roles and Responsibilities. [Commission Annual Report 2007, section 4.8]

#### 4.6 Specific Elections Issues Discussed in 2008

Various issues were brought before the Commission to discuss in 2008. Many were the result of observations of elections operations by members of the Commission. Some were the result of input and inquiry by members of the public. Full descriptions and dialog can be found in the minutes of the meetings as noted. The following is a brief synopsis of some of the more substantial issues discussed in 2008.

- 1) As noted previously, issues related to paper ballots and DRE voting machines. [Minutes: January 16, 2008, February 20, 2008, April 16, 2008, June 18, 2008, July 16, 2008 and August 20, 2008.]
- 2) Ballot design and voter confusion [Minutes: February 20, 2008]
- 3) Provisional ballots cast due to voter registration status and impacts of voter registrations coming from DMV. [Minutes: April 26, 2008 and June 18, 2008]
- 4) Polling places located in operating commercial establishments. [Minutes: June 18, 2008]



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- 5) Impact of voters using electronic devices (cell phones) in polling places during voting. [Minutes: November 19, 2008 and December 17, 2008]
  - 6) Review of Election Precinct Polling Places. (December 17, 2008)

#### 4.7 Department Budget

The Commission continued to review budgets submitted by the Department, noting the challenges to operations and that cutbacks are required of all departments in the City & County of San Francisco.  
[Minutes: February 20, 2008]