

**SUNSHINE ORDINANCE  
TASK FORCE**



City Hall  
1 Dr Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-7724  
Fax No. (415) 554-7854  
TTD/TTY No. (415) 554-5227

**ORDER OF DETERMINATION  
October 12, 2016**

**DATE ISSUED**  
September 7, 2016

**CASE TITLE – Mirka Morales v. Gregory Slocum and the Department of Elections**  
(File No. 16058)

**FACTS OF THE CASE**

On June 24, 2016, Mirka Morales (Complainant) filed the following complaint:

**File No. 16058:** Complaint filed by Mirka Morales against Gregory Slocum and the Department of Elections for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On September 7, 2016, the Sunshine Ordinance Task Force (Task Force) heard the matter.

Mirka Morales (Complainant) provided an overview of the complaint and requested the Task Force to find violations. Ms. Morales stated that the information regarding the number of provisional ballots received on election night and copies of the “Posted Ballot Statements” have not yet been provided. Bill Simpich spoke in support of the Complainant. Director John Arntz, Department of Elections (Respondent), provided a summary of the department’s position and described the election night count procedure. Mr. Arntz stated that he was unaware that the “Posted Ballot Statements” were requested until it was stated during the meeting and that the remainder of the requested information was posted online and provided to Ms. Morales. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent and Complainant were provided the opportunity for rebuttals.

The Task Force opined that the Department of Elections responded to the request for records in a timely manner. However, specific documents were not provided most likely due to misunderstanding or a difference in terminology for certain records.

## FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds that a violation of Administrative Code (Sunshine Ordinance), Section 67.21, did not occur.

## DECISION AND ORDER OF DETERMINATION

The Sunshine Ordinance Task Force found that Gregory Slocum and the Department of Elections DID NOT violate Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request.

However, the Task Force requested that the Department of Elections provide the number of provisional ballots received on election night and provide copies of the "Posted Ballot Statements" to the Complainant. The matter will be referred to the Compliance and Amendments Committee to insure that the Department of Elections complies with the request of the Task Force.

### **The motion PASSED by the following vote:**

Ayes: 9 - Baranetsky, Eldon, J. Wolf, Maass, Cannata, Fischer, Hinze,  
Hyland, B. Wolfe

Noes: 0 - None

Absent: 1 - Chopra

Excused: 1 - Tesfai

Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

- c. Nicholas Colla, Deputy City Attorney
- Mirka Morales, (Complainant)
- Gregory Slocumb, Department of Elections
- Director John Arntz, Department of Elections