

**THE 2007-2008 CIVIL GRAND JURY
FOR THE
CITY AND COUNTY OF SAN FRANCISCO**

**A YEAR OF FIVE ELECTIONS
FOR THE CITY/COUNTY OF SAN FRANCISCO**

**RELEASE DATE
JULY 3, 2008**

The Purpose of the Civil Grand Jury

The purpose of the Civil Grand Jury is to investigate the functions of city and county government, tax-supported agencies and districts, and any agencies or districts created by state law to develop constructive recommendations for improving their operations, as required by law.

Each Civil Grand Jury has the opportunity and responsibility to determine which departments, agencies and officers it will investigate during its one-year term of office. To accomplish this task, the Civil Grand Jury divides into committees. Each committee conducts its research by visiting government facilities, meeting with public officials, and reviewing appropriate documents.

The nineteen members of the Civil Grand Jury are selected at random from a pool of thirty prospective jurors. San Francisco residents are invited to apply. More information can be found at: <http://www.sfgov.org/site/courts>, or by contacting Civil Grand Jury, 400 McAllister Street, Room 008, San Francisco, CA 94102, (415) 551-3605.

State Law Requirement

Pursuant to state law, reports of the Civil Grand Jury do not identify the names or provide identifying information about individuals who spoke to the Civil Grand Jury.

Departments and agencies identified in the report must respond to the Presiding Judge of the Superior Court within the number of days specified, with a copy sent to the Board of Supervisors. For each finding of the Civil Grand Jury, the response must either (1) agree with the finding, or (2) disagree with it, wholly or partially, and explain why. Further, as to each recommendation made by the Civil Grand Jury, the responding party must report either (1) that the recommendation has been implemented, with a summary explanation of how it was implemented; (2) the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation; (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of the report); or (4) that recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (California Penal Code, sections 933, 933.05).

TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY	1
II.	INTRODUCTION	2
III.	DISCUSSION	3
A.	THE CENTRALIZATION OF THE DEPARTMENT OF ELECTIONS	3
	1. Space Needs of the Department of Elections	3
	2. DOE Facilities	4
	3. Santa Clara County Election Facilities	6
B.	VOTING MACHINE CERTIFICATION FOR RANKED-CHOICE VOTING (RCV)	7
C.	THE VOTERS: VOTER EDUCATION AND OUTREACH FOR REGISTRATION, RANKED-CHOICE VOTING, ABSENTEE (VOTE-BY-MAIL) BALLOTS	8
	1. Voter Registration	8
	2. Ranked-Choice Voting and Absentee (Vote-by-Mail) Ballots	8
	3. Voter Outreach	9
IV.	FINDINGS	10
V.	RECOMMENDATIONS	11
VI.	CHART OF REQUIRED RESPONSES	13
VII.	APPENDIX	I
A.	MATERIALS PROVIDED TO AND REVIEWED BY 2007-2008 CIVIL GRAND JURY	I

B. ELECTION DAY AND ELECTION RESULT OBSERVATIONS BY 2007-2008 CIVIL GRAND JURY	II
C. TRAINING CLASSES FOR NEW EXPERIENCED AND ADVANCED INSPECTORS (POLLWORKERS)	III
D. OBSERVATIONS OF VOTING MACHINE TESTING	IV
E. VALIDATION OF REGISTERED VOTERS	V

I. EXECUTIVE SUMMARY

Between November 2007 and November 2008, the San Francisco Department of Elections will conduct five elections -- a special election, two primaries, and two general elections, including the 2008 presidential election. For three of the five elections, the key question of the validity of the results has been answered. The legally-required internal audit of the election (the "canvass" process) validated the results of the November 2007 and the February and April 2008 elections.¹ The Secretary of State has certified the results of all three elections.

The Department of Elections (the "DOE"), not the Mayor or the Board of Supervisors, deserves the credit for conducting well run elections. The DOE does so even with the significant challenges it faces. The DOE does not have permanent space that is secure for the storage of voting machines, offers adequate working conditions, and provides sufficient training space. These conditions persist in spite of the 2002-2003 Civil Grand Jury (the "2002-2003 Jury") recommendation: "*The City should identify and secure a single site for consolidation of DOE operations.*"² (emphasis added) While it took a year, the DOE, the City Administrator, and the Real Estate Division finally indicated their full agreement with the recommendation in 2004. Even so, the Mayor and the Board of Supervisors (the "Board") have yet to take action to implement the Jury's recommendation. Now in mid-2008, the need for permanent space remains unfulfilled. The current site at Pier 48 is a modest improvement over the prior space, but it is not permanent and must compete with potential demands for development of the site. In short order, the Office of the Mayor and the Board of Supervisors must provide a permanent, consolidated home for DOE functions.

In addition to the sheer number of elections, the DOE faced and still faces increased scrutiny from the Secretary of State. The November 2008 presidential election will involve Ranked-Choice Voting ("RCV") for local elections in much of the City, and yet the Sequoia voting machine has not been certified by the Secretary of State for counting RCV ballots. The lack of a back-up plan for counting RCV ballots in the event certification is not received must be remedied, especially in view of the high voter turnout anticipated for the November 2008 election.

The DOE must create better and more effective outreach efforts to the electorate, particularly on the intricacies of RCV and the technicalities of casting provisional and absentee (vote by mail) ballots.

¹ At the time of this report, certification of the June 2008 election is not yet complete.

² "Improving the Infrastructure of Democracy ..." Report of the 2002-2003 Civil Grand Jury. www.sf.courts.org

II. INTRODUCTION

The 2007-2008 San Francisco Civil Grand Jury (the "Jury") decided to conduct this inquiry because of the total number of elections occurring during its term. The Jury was also aware of concerns about the integrity of local elections generally and controversy surrounding voting machines specifically. In conducting this inquiry and through issuing this report the Jury seeks to inform the citizens of the City and County of San Francisco of the conduct of the four elections in November 2007 and February, April, and June 2008 and to determine whether the elections met the standard of competence, thoroughness and integrity demanded and expected by the citizens of San Francisco and by applicable laws.

The Jury notes that from the first, the DOE leadership granted the Jury's request to have virtually unlimited access to all aspects of the election process. DOE leadership, mindful of the concerns voters had about accurate election results, was committed to making all aspects of the election process transparent to the Jury.

In the conduct of this inquiry the Jury reviewed the report of the 2002-2003 Jury, the San Francisco Charter, and the official Department of Elections Election Plans. The Jury observed numerous aspects of the election process for the November 2007 and February 2008 elections. This included voting machine testing, pollworker training, precinct voting, ballot processing, ballot counts, and verification. In addition, there were several interviews with DOE staff, Election Day personnel, temporary workers, and pollworkers. Many aspects of the special election in April and the June primary were observed as well.³ (see Appendix)

The Civil Grand Jury thanks the Department of Elections staff for their cooperation and support during its investigations and observations. The Jury found that DOE personnel were informed, competent, flexible, and efficient. The staff took ownership of their specific area of responsibility. They were willing to work as long and hard as it would take to complete a process or resolve a problem. They were well trained with adequate back-up to meet unforeseen requirements. During the February election, they were able to deal with the larger than expected voter turnout and the more than expected Provisional Ballots that required additional processing time.

The Jury believes there are some areas where improvements would strengthen the efficiency of the DOE's operations and would clarify voter registration and voting procedures. The Jury has developed recommendations in those areas.

³ A list of the materials provided by the DOE and of the Civil Grand Jury's observations of the myriad activities that take place prior, during, and following an election are included in the Appendix.

III. DISCUSSION

The San Francisco Department of Elections is charged with the following responsibilities:

“...Conduct all public federal, state, district and municipal elections in the City and County ... [This includes] voter registration; the nomination and filing process for candidates to City and County offices; the preparation and distribution of voter information materials; ballots, precinct operations and vote count; the prevention of fraud in such elections; and the recount of ballots in cases of challenge or fraud.”

(San Francisco Charter, sec. 13.104)

The Department of Elections faced several challenges for the November 2007 and February 2008 elections. Some of these same challenges were factors in the April and June 2008 elections, as they will be in the November 2008 election. These include:

- Working locations dispersed across the City, creating loss of efficiency and productivity;
- Machine storage and testing facility with poor security, adverse working conditions and the potential to damage machines;
- Ranked-Choice Voting for several City offices;
- Use of voting machines from Election Systems & Software (“ES&S”) that were not certified by the Secretary of State to count RCV ballots;
- Introduction of the new Sequoia voting machines requiring testing and training;
- Unexpectedly high voter turnout for the February 2008 partisan presidential primary election.

A. The Centralization of the Department of Elections

1. Space Needs of the Department of Elections

The DOE lacks adequate, permanent space for its day-to-day operations. Furthermore, its space requirements, which increase significantly during an election, have been inadequate for some time. The 2002-2003 Jury reported that the Department of Elections was operating in and out of six different facilities during the election periods it observed, including City Hall, Pier 29, and Cor-o-Van Storage (“COV”) on lower Potrero Hill. The 2002-2003 Jury recommended a consolidation of all activities into a single site. The Director of the DOE, the Director of the Real Estate Division, and the City Administrator each issued official responses to the recommendation between June 8 and July 6, 2004. Each response indicated full agreement with the recommendation that a consolidated site should be provided. Four years later, the DOE is still spread across the City, with the 2002-2003 Jury recommendation unimplemented.

Currently, the primary offices used by DOE staff are in the basement of City Hall. City Hall also serves as a polling place for early voting and on election day. The polling place is set up in a lobby immediately outside the DOE offices. The regular DOE offices are a series of interconnected office spaces along one side of the basement corridor on the Van Ness side of City Hall. The path of travel from one end of DOE to another is so complicated that it is easier to go out into the hall and down a busy corridor to get to another part of DOE than it is to snake one's way through multiple doorways, past intervening desks and storage racks. This is not the full extent of all the space complications, though; during elections, the DOE expands into other areas of the basement, including the cafeteria, basement meeting rooms, and even hallways.

The DOE's other significant needs include space to store voting equipment, to conduct pollworker training, to manage post-election activities, and to process all the paperwork generated during each election – ballots, registers, etc. As City Hall does not have the space, the DOE must use additional locations in various parts of San Francisco.

Given the very important DOE mandate to conduct trustworthy elections with credible outcomes, it must have space that is secure, accessible to staff and public, and environmentally appropriate for equipment and personnel. Storage of voting machines is especially critical, as the space needs to be secure and to be adequate for maintenance and testing. DOE staff must often work with the machines, making employee safety and convenience vitally important. Furthermore, it is disruptive to the efficient running of the DOE for the storage areas to change frequently.

Once the polls close and in the days following an election, DOE needs space to receive, process and secure the ballots, as well as perform post-election activity. Here also, space in City Hall is not adequate for DOE's needs.

2. DOE Facilities

The Jury observed some of the facilities used by the DOE – City Hall, the Cor-O-Van public storage warehouse, Pier 29, and Pier 48. Cor-O-Van (COV) and Pier 29 were in use for the November 2007 election. Pier 48 came into use for the 2008 elections, replacing Pier 29 and COV.

a. Cor-O-Van

Cor-O-Van is where DOE stored and tested voting machines, along with other equipment needed to conduct elections. COV is a commercial storage facility. The concrete floors were uneven and cracked, potentially causing damage to the sensitive machines, as well as creating hazards for DOE personnel. The loading dock to the unheated, un-insulated building was open during business hours. Reflecting weather conditions, the building could be quite cold, drafty, and damp, thereby making it uncomfortable for DOE staff members attempting to carry out their duties. On one occasion, the Jury observed staff wrapped in blankets or wearing heavy jackets as they worked. The COV facility had no onsite parking or nearby eating facilities for use by DOE personnel.

DOE sites need to be accessible to members of the public, who are invited to observe the election process. COV had limited on-site visitor parking with one disability parking space and a few spaces for visitors. DOE did not have designated spaces. During one visit, the disabled-accessible parking space was blocked by a COV truck. The building could be accessed by a ramp, which was not a designated walkway, but designed for moving stored material. The same was true of the entrance, where people competed with equipment for space.

Security of the COV site was a concern, since COV is a commercial facility available to the public. Storage company employees and other customers had relatively easy access to the area where election machines were stored. The DOE space was not separately secured or guarded. DOE did not provide security for the facility. For reasons of insurance liability coverage, only COV personnel were permitted to access DOE equipment from facility shelves. This may seem a reasonable policy for COV, but not for DOE, as it increased the Department's costs.

b. Pier 48

For the elections in 2008, a different storage site was used -- Pier 48. This facility is an improvement; however, Pier 48 still presents drawbacks. Working conditions are less than ideal (for example, drinking water is unavailable and there is a lack of nearby eating facilities). This Pier is far from the other DOE operations and public transportation to and from this location is inefficient, with only one MUNI line stopping nearly two blocks away. Two blocks is a long walk for the disabled or for personnel transporting documents or equipment. Furthermore, the DOE's lease for Pier 48 expires in a few more years, presenting again the challenge to find adequate and permanent space. The site is also threatened by the Port's consideration of developing the space for other uses.

The Jury again toured Pier 48 shortly after the June 2008 election and found various hazards and problems. Most significant was the lack of drinkable water. The water fountains installed after the February 2008 election were wrapped in multiple layers of yellow caution tape. This was to prevent personnel from drinking brownish tap water.

Due to the Mayor's ban on buying bottled water, there was no water in the water cooler jug, nor were there any cases of bottled water—unlike in February, when both were readily available.

Additional safety hazards (electrical and tripping) that the Jury observed involved the use of an extension cord, running along a wet floor. The cord provided power to a microwave used by staff to prepare their food.

These problems at Pier 48 show DOE management's lack of proper attention to workplace safety and the need to meet both the legal requirement to provide drinking water and the City's policies regarding bottled water in the workplace.⁴

⁴ California Code of Civil Regulations Title 8. Div.1. Chap. 4. § 3363. Water Supply.

c. City Hall

City Hall is the site used to conduct such standard election activities: taking out candidacy papers, registering to vote, being a polling place for absentee/early voting, and conducting pollworker training.

City Hall is an attractive, ceremonial location for DOE. It is not essential for the DOE to be housed in City Hall. When City Hall was closed for the multi-year earthquake repair/retrofit, the DOE moved to leased space at 633 Folsom Street. Several elections were held during this time, with no reports of major problems.

There is insufficient space to consolidate all DOE activities within City Hall. Yet, elected and appointed officials appear reluctant to consolidate all DOE operations at one site outside City Hall. The Jury believes it is imperative that the DOE have a unified site with space for equipment storage, training, canvassing, and all of its day-to-day, year-round work.

3. Santa Clara County Election Facilities

The Jury had the opportunity to observe an example of such a unified setting. Santa Clara County has approximately 714,000 registered voters, San Francisco nearly 400,000. Santa Clara County's election offices are located in two side-by-side buildings, one for staff members requiring public contact and the other for equipment maintenance, testing, and storage. The locations are excellent, accessible, efficient, and highly secure. These two side-by-side office spaces have approximately 60,000 square feet of space - vastly greater than the constantly varying space allocated to San Francisco's DOE in all its various locations.

FINDINGS:

- 1. The Department of Elections' City Hall space is inadequate for the performance of all of its functions, so the Department utilizes various locations throughout the City.**
- 2. The use of multiple locations impacts the efficiency of DOE operations and potentially compromises the security and even the integrity of elections.**
- 3. Five years after the 2002-2003 Civil Grand Jury recommended that "the City should identify and secure a single site for consolidation of DOE operations," the DOE is still without consolidated, permanent space.**
- 4. The current off-site location at Pier 48 does not offer DOE personnel consistent access to a reliable supply of drinking water.**

B. Voting Machine Certification for Ranked-Choice Voting (RCV)

In 2002, San Francisco voters approved a Charter Amendment requiring the City to utilize a Ranked-Choice Voting, or “instant run-off voting” method for elections for certain City offices. By allowing voters to rank a first, second and third choice candidate for a single office, RCV eliminates separate runoff elections.

The official DOE explanation of RCV is found in How Ranked-Choice Voting Works:⁵

- To start, every first-choice selection is counted. Any candidate who receives a majority (more than 50%) of the first-choice selections is declared the winner.
- If no candidate receives more than 50% of the first-choice selections, the candidate who received the fewest number of first-choice selections is eliminated.
- Voters who selected the eliminated candidate as their first choice will have their vote transferred to their second choice.
- The votes are then recounted. If any remaining candidate receives more than 50% of the votes, he or she is declared the winner.
- If no remaining candidate receives more than 50% of the votes, the process of eliminating candidates and transferring votes to the next ranked candidate is repeated until one candidate has a winning majority.

RCV was used for the November 2007 election for the offices of Mayor, District Attorney, and Sheriff. The voting machine used for that election, Election Systems & Software (ES&S), had not been certified by the California Secretary of State for its use for counting RCV ballots. As a result, the count and tally of each precinct’s ballots had to be done at a location other than the local precincts. This delayed the issuing of the election results. The delay would have been considerably greater if the RCV second and third choice ballots had had to be counted. However, each race subject to RCV resulted in one candidate getting a majority of the first choice votes cast, so no RCV ballot counting procedure was needed. Counting of second and third choice ballots is required only if no candidate receives a majority of first choice votes.

RCV will be used for some local elective offices in the November 2008 election. The new Sequoia voting machine has not yet been certified by the California Secretary of State for counting RCV ballots. Voter turnout for the November 2008 presidential election is likely to be high. An alternative way of counting RCV ballots must be in place in the event the Secretary of State does not issue the required certification in sufficient time for the election.

FINDINGS:

- 5. Sequoia must obtain the Secretary of State’s certification that Sequoia voting machines have the capacity to count RCV ballots.**

⁵ Tuesday, November 6, 2007 Voter Information Pamphlet & Sample Ballot, page 14

- 6. If Sequoia fails to obtain the needed certification, the Department of Elections must have a plan for counting RCV ballots.**
- 7. As of the date of this report, the DOE does not have a contingency plan for counting RCV ballots.**
- 8. The perception of fair and accurate elections requires that voters know in advance and understand the alternative plan for counting RCV ballots.**

C. The Voters: Voter Education and Outreach for Registration, Ranked-Choice Voting, Absentee (Vote-by-Mail) Ballots

1. Voter Registration

The election in February 2008 was a partisan primary election that required voters to be registered with a specific political party to vote that party's ballot. Voters who wished to change party affiliation were required to re-register before the voter registration deadline. However, undeclared (or nonpartisan) registered voters had the option to request a specific party's ballot at the time they cast their vote.

Many partisan voters, already registered with a political party, did not know that in order to cast a ballot in another party's primary election, they needed to re-register and change their party affiliation before the registration deadline. That this process differed from the procedures for undeclared voters no doubt contributed to this confusion. This resulted in some voter discontent. When a voter insisted on a ballot of a party other than his or her current registered party, the voter was required to use a Provisional Ballot. Votes cast for a party candidate in a party other than the current registered party of the voter were not valid, and were not counted.

FINDINGS:

- 9. For partisan primary elections, some voters with a declared party affiliation believed incorrectly that they could appear at the polling place and request the ballot of another party.**
- 10. These voters were unaware of the fact that they had to re-register and change their party affiliation prior to voting for another party's candidate[s].**

2. Ranked-Choice Voting and Absentee (Vote-by-Mail) Ballots

RCV ballots were used in the November 2007 election for the offices of Mayor, District Attorney, and Sheriff. Some pollworkers and voters told the Jury that they did not understand how to vote for candidates where RCV ballots were used. In the November 2008 election, RCV ballots will be used for some local offices. Additional education and outreach need to be provided to the voters to clarify the RCV process so that the ballots accurately reflect the intentions of the voters.

During the Jury's observations of the Absentee Ballot (vote-by-mail) signature verifications, it became clear that many voters fail to follow the requirement for the signature on the envelope. To be a valid Absentee Ballot, each individual's ballot requires its own registered voter signed envelope. As a result those Absentee Ballots, where the signature requirements were not met, could not be counted.

There were cases where multiple ballots were found in one envelope, often ballots from members of the same household. In such cases, none of the ballots in the envelopes would be counted, because each voter's ballot requires its own signed envelope.

There has been a steady increase in the number of Absentee (vote-by-mail) Ballots cast, and this trend is likely to continue. Additional education and outreach need to be provided to the voters to clarify the Absentee Ballot (vote-by-mail) procedures, timing and signature requirements.

FINDINGS:

11. Some pollworkers and voters do not understand the procedures for voting for candidates where Ranked-Choice ballots are used.

12. There is a lack of understanding by some voters of the requirements for submitting a valid Absentee Ballot.

3. Voter Outreach

The Department of Elections is required by various federal, state, and local laws - such as the Help America Vote Act - to provide voter outreach and education. The DOE has performed many tasks to respond to these obligations. The Jury applauds the DOE's efforts to educate voters through extensive outreach for each of the elections it observed.

Education and outreach uses many approaches, including:

- DOE staff members who can communicate in English, Mandarin, Cantonese, Spanish and Russian
- Brochures are provided in those languages
- Community presentations
- Specialized outreach for voters with disabilities
- Use of the media and website

The Jury is aware that other jurisdictions have used additional techniques that have proven effective. For example, the Sacramento elections department has placed display cards in vehicles operated by the Rapid Transit District, notifying passengers of voter registration deadlines.

San Francisco's MUNI/MTA has a provision in its advertising contract that space must be made available for public service advisories on and within MUNI passenger vehicles. For the cost of

printing and posting these advertisements, the DOE could get its registration message out to many more people than currently reached. The DOE could pursue arrangements for placing display cards in MUNI passenger vehicles before the mid-October deadline for registering to vote in the November 2008 election.

FINDINGS

13. The Department of Elections is subject to federal, state, and local laws regarding voter outreach and education.

14. While the DOE does meet these legal requirements, additional outreach efforts are needed on voter registration requirements and deadlines, the Ranked-Choice Voting process and the requirements for submitting a valid Absentee Ballot.

IV. FINDINGS

A. Department of Elections Space

1. The Department of Elections' City Hall space is inadequate for the performance of all of its functions, so the Department utilizes various locations throughout the City.
2. The use of multiple locations impacts the efficiency of DOE operations and potentially compromises the security and even the integrity of elections.
3. Five years after the 2002-2003 Civil Grand Jury recommended that "the City should identify and secure a single site for consolidation of DOE operations," the DOE is still without consolidated, permanent space.
4. The current off-site location at Pier 48 does not offer DOE personnel consistent access to a reliable supply of drinking water.

B. Voting Machine Certification for Ranked-Choice Voting (RCV)

5. Sequoia must obtain the Secretary of State's certification that Sequoia voting machines have the capacity to count RCV ballots.
6. If Sequoia fails to obtain the needed certification, the Department of Elections must have a plan for counting RCV ballots.
7. As of the date of this report, the DOE does not have a contingency plan for counting RCV ballots.

8. The perception of fair and accurate elections requires that voters know in advance and understand the alternative plan for counting RCV ballots.
- C. The Voters: Voter Education and Outreach for Registration, Ranked-Choice Voting, Absentee (Vote-by-Mail) Ballots
9. For partisan primary elections, some voters with a declared party affiliation believed incorrectly that they could appear at the polling place and request the ballot of another party.
 10. These voters were unaware of the fact that they had to re-register and change their party affiliation prior to voting for another party's candidate[s].
 11. Some pollworkers and voters do not understand the procedures for voting for candidates where Ranked-Choice ballots are used.
 12. There is a lack of understanding by some voters of the requirements for submitting a valid Absentee Ballot.
 13. The Department of Elections is subject to federal, state, and local laws regarding voter outreach and education.
 14. While the DOE does meet these legal requirements, additional outreach efforts are needed on voter registration requirements and deadlines, the Ranked-Choice Voting process and the requirements for submitting a valid Absentee Ballot.

V. RECOMMENDATIONS

1. The Office of the Mayor and the Board of Supervisors must provide an adequate budget and direct the Division of Real Estate to find permanent, unified, secure, and safe space for the San Francisco Department of Elections where all DOE staff can efficiently perform all their duties.

Response required: Office of the Mayor; Board of Supervisors; Division of Real Estate; City Administrator; Department of Elections; Elections Commission

2. An appropriate source of drinking water must be made available at all times for on-site employees.

Response required: Office of the Mayor; Department of Elections; Elections Commission; Division of Real Estate

3. The DOE should publicly establish a date certain by which Sequoia must receive the Secretary of State's certification regarding the counting of RCV ballots. This date should be no later than September 15, 2008.

Response required: Department of Elections; Elections Commission

4. To prepare for the possibility that Sequoia fails to obtain the required certification, DOE must develop a contingency plan for counting RCV ballots, which should be in final form by October 6, 2008.

Response required: Department of Elections; Elections Commission

5. The DOE should keep the public apprised of the status of the Secretary of State's certification of the Sequoia voting machine for counting RCV ballots and the status of the contingency plan if required.

Response required: Department of Elections; Elections Commission

6. For a partisan primary election, where separate ballots are used based on a voter's party affiliation, the DOE's training and voter outreach programs need greater emphasis on the fact that in order to vote for a candidate in another party, voters must re-register and change their party affiliation by the voter registration deadline.

Response required: Department of Elections; Elections Commission

7. The DOE's pollworker training needs to emphasize the Ranked-Choice Voting process.

Response required: Department of Elections; Elections Commission

8. The DOE's outreach program needs to improve voter instructions on the Ranked-Choice Voting process and the use of Absentee Ballots.

Response required: Department of Elections; Elections Commission

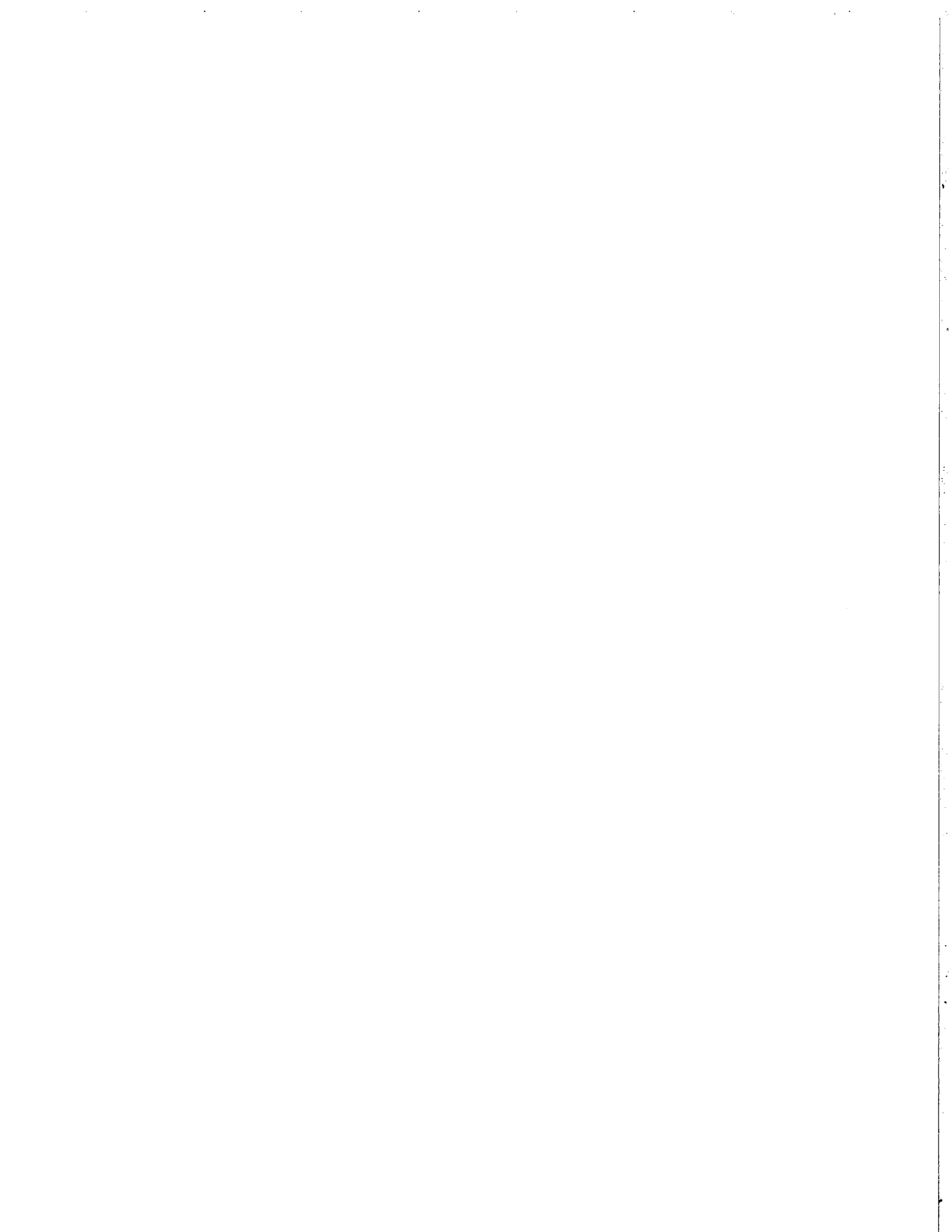
9. In addition to its established communication approaches, the DOE should explore enhanced techniques to communicate information on the less understood aspects of voting such as partisan primary elections, Ranked-Choice Voting and Absentee Ballots.

Response required: Department of Elections; Elections Commission

VI.
CHART OF REQUIRED RESPONSES

YEAR OF FIVE ELECTIONS
FOR THE CITY AND COUNTY OF SAN FRANCISCO

RECOMMENDATION	1	2	3	4	5	6	7	8	9
<i>RESPONSE REQUIRED IN 90 DAYS</i>									
BOARD OF SUPERVISORS	X								
<i>RESPONSE REQUIRED IN 60 DAYS</i>									
THE MAYOR	X	X							
THE DEPARTMENT OF ELECTIONS	X	X	X	X	X	X	X	X	X
THE CITY ADMINISTRATOR	X								
THE DIVISION OF REAL ESTATE	X	X							
THE ELECTIONS COMMISSION	X	X	X	X	X	X	X	X	X



VII. APPENDIX

A. MATERIALS PROVIDED TO AND REVIEWED BY 2007-2008 CIVIL GRAND JURY

The 2007-2008 San Francisco Civil Grand Jury reviewed the materials provided by the Department of Elections for the November 2007 and February 2008 elections, including

- Election Plan for the Municipal Election – November 6, 2007
- Election Plan for the Presidential Primary Election – February 5, 2008
- Pollworker Training Manual
- Voting Machine descriptions and operations manuals
- Voter Information Pamphlet & Sample Ballot
- California Primary Election – Official Voter Information Guide
- Vote-by-Mail instructions
- Registration requirements and instructions
- Observer Guide
- Press Releases, letters and announcements

VII. APPENDIX

B. ELECTION DAY AND ELECTION RESULT OBSERVATIONS BY 2007-2008 CIVIL GRAND JURY

The following is a list of the observations performed by members of the 2007-2008 Civil Grand Jury prior, during, and following Election Day:

- Polling Place set-up, operations, and closing
- Field Election Deputy (FED) ride-along - trouble shooting roamers that visited polling places to resolve problems and deliver supplies
- The Election Center – the hub of Election activities at City Hall
- Transporting ballots from polling place to Pier 29 (Nov. 2007) and to Pier 48 (Feb. 2008)
- Ballot re-making – “Under certain circumstances, when a ballot is lawfully cast but unreadable by the vote counting equipment, the DOE must “remake” the ballot so it can be read and processed by the equipment.” (Reference: “Election Plan City and County of San Francisco, Presidential Primary Election February 5, 2008, pp. 10-12.”)
- Absentee Ballot (Vote-by-Mail) signature verification
- Provisional Ballot signature verification and voter registration compliance
- Computer Ballot count
- Final Report and Certification of Election Results and Canvass Procedures - The Secretary of State’s certification of the Edge II machines requires the DOE to manually count all Voter Verified Paper Audit Trails and compare those results to the machines electronic records.
- “California State law requires an official canvass, which is an internal audit of the election to ensure the accuracy and validity of the results. This entails numerous manual processes that verify the accuracy of the computer count, including a hand tally of ballots cast in 1% of the polling places...” (Reference: California Elections Code # 15301, Election Plan City and County of San Francisco, Presidential Primary election February 5, 2008, p. 15). Members of the Civil Grand Jury witnessed the random selection of 1% of the precincts to be included in the canvass.

VII.
APPENDIX

**C. TRAINING CLASSES FOR NEW EXPERIENCED AND ADVANCED INSPECTORS
(POLLWORKERS)**

The Civil Grand Jury attended training classes for New, Experienced, and Advanced Inspectors scheduled to work in precincts throughout the City. Every worker in the polling places was required to attend training classes.

The instructors were knowledgeable. They used a comprehensive PowerPoint™ presentation. There were usually two instructors per class which helped to keep the material more interesting and to the point. In an effort to conclude the training within the time allotted, the instructors asked the students to hold their questions until the end. This process was not always followed and resulted in some sections hurried and some questions left unanswered. This was a problem in the New Inspector class and not a problem in the Experienced or Advanced Inspector classes.

There was no hands-on training on voting machine set-up, operation, and closing during the class for the February 2008 election. The likely reason was that the machines were not available in time for the training.

VII.
APPENDIX

D. OBSERVATIONS OF VOTING MACHINE TESTING

The Civil Grand Jury observed voting machine testing for the November election at the Cor-O-Van location and at City Hall, and for the February election at the new voter machine facility at Pier 48.

There was a disciplined test schedule for all voting machine testing, with supplier personnel on hand to remedy any machine problems found. The test scripts used by the DOE testers were thorough, detailed, and well documented. All ballot configurations were tested.

VII. APPENDIX

E. VALIDATION OF REGISTERED VOTERS

The Civil Grand Jury observed the process used for the validation of registered voters. This process is used during the months prior to an election to validate lists received from the Secretary of State of residents of California who have moved out of California and are now registered in another state, and of registered voters who have died. Some change of address information within California is also made available to the Department of Elections. If there is a question, the DOE will try to contact the voter for clarification.

The signature of every Absentee (vote-by-mail) Ballot envelope is examined by at least two DOE personnel to verify the authenticity of the signature. Every Absentee Ballot must have its own envelope – one signature, one ballot. This is the only way a ballot can be verified as from a registered voter. This verification of authenticity is done by comparing the voter's signature on the Absentee Ballot envelope with the signature on the affidavit of registration on file.

In addition every Provisional Ballot is also signature and address verified with the current Voter Registration affidavit of registration on file.

If the signature does not match, an authorized DOE staff may declare the ballot void.