Terry W. Reilly

TO: Elections Commission

Date: 4/23/10

From: Terry Reilly

Number of pages including cover: 7

Regarding: SF's Grand Jury RCV Report - Elections in San Francisco

Dear Election Commission,

In July of 2008, nearly 4 years after educating the voters on RCV, the Civil Grand Jury for the City and County of San Francisco released a report on elections in San Francisco. Attached are their findings and the city's response as it relates to RCV.

Sincerely yours,

Terry Reilly

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

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.

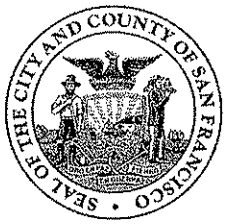
Education and outreach uses many approaches, including:

- 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

DEPARTMENT OF ELECTIONS
City and County of San Francisco
www.sfgov.org/election



John Arntz
Director

August 29, 2008

The Honorable David Ballati, Presiding Judge
Superior Court of the State of California, County of San Francisco
400 McAllister Street
San Francisco, California 94102

Re: Response of the San Francisco Department of Elections to Civil Grand Jury Report, "A Year of Five Elections for the City and County of San Francisco."

Dear Judge Ballati:

The San Francisco Department of Elections submits its responses to the Findings and Recommendations from the 2007 – 2008 Civil Grand Jury.

The Department wants to commend the Jurors' high level of motivation to perform their work and their seriousness in studying and understanding how the Department conducts elections in San Francisco. The breadth of the Jurors' efforts is exemplified by the fact that the Jurors visited or contacted elections departments in other counties to develop a basis for a comparative analysis of elections processes. The Jurors were always professional in their interactions with the Department and sensitive to fulfilling their obligations while considering if their activities might interfere with the Department's work. I believe this Civil Grand Jury exemplified the effectiveness of a panel of citizens to objectively consider how their government operates and then provide thoughtful insight to our community and to City agencies.

Respectfully,

John Arntz, Director

cc: Civil Grand Jury
Honorable Gavin Newsom, Mayor
Honorable Members, San Francisco Board of Supervisors
Elections Commission

Voice (415) 554-4375
Fax (415) 554-7344

1 Dr. Carlton B. Goodlett Place, Room 48
San Francisco CA 94102-4634

Vote-By-Mail Fax (415) 554-4372
TTY (415) 554-4386

on the back cover of the voter information pamphlets. The Department also issues press releases regarding non-partisan voters being able to vote on ballots for certain political parties and provide notice indicating voters' needing to re-register with specific parties to vote for all contests on those parties' ballots. The Department has emphasized in its outreach efforts how voters' political affiliations affect which ballots they can vote in primary elections.

Additionally, with a newly developed voter registration look-up tool on the Department's website, checking a registration status including political party affiliation will be a very convenient and accessible process. When a voter accesses the registration information, he or she sees what party he or she registered with. Preceding a primary election, the Department will add an explanation of ballot issuing rules and the importance of re-registering to be eligible to receive a preferred party's ballot.

Since the primaries are statewide elections, the Department always encourages the political parties themselves to assist the Department and the Secretary of State's office in informing voters of the registration requirements to vote ballots for the specific parties.

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

The Department agrees with this recommendation. The Department can provide pollworkers with information that explains the Ranked-Choice Voting process. The Department can also provide materials to the pollworkers to place inside polling places for voters to use and that explain RCV in more detail. Pollworker classes are relatively short for the amount of material that must be covered. Not only must pollworkers understand the basic operation of the voting equipment, but also the procedures related to voting, which include voting at the polls, voting by mail, and provisional voting, as well as how to open, run, and close the polls.

This is why the Department will provide information for the pollworkers, which can also be provided to voters at the polling places, while being mindful of the pollworkers' need to understand the other information relevant to their election-day responsibilities.

Furthermore, the pollworkers are instructed to refer voters who are interested in RCV to the instructions provided on the ballot, posted in the voting booths, to the voter information kiosk located in each polling place, and to information included in the voter information pamphlet. If voters have further questions, pollworkers are instructed to call the Department's call center from which more detailed information could be provided to voters.

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

The Department agrees with this recommendation. The Department has developed information that is more explanatory on how the RCV method tallies votes. This information is already posted on the Department's website and will now be mailed to all voters registered

in Districts voting on contest with candidates for the Board of Supervisors. The Department in the past has focused more on how to mark the RCV ballot than on the elimination and reallocation of votes since many voters find the RCV method confusing.

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.

For the November 4, 2008 general election, the Department of Elections will continue to educate San Francisco voters and the public-at-large about the voting process using established communication approaches with additional emphasis placed on registration requirements and deadlines, ranked-choice voting, and procedures for voting by mail. Outreach approaches include:

- Community presentation in English, Cantonese, Mandarin, and Spanish
- Attendance at community events throughout San Francisco
- Distribution of multilingual brochures, posters, flyers, and newsletters
- Newspaper advertising in ethnic media
- Earned media
- The Department's website

The Department will also look for new avenues to communicate information directly to voters, including:

- MUNI bus shelter and interior bus card advertising
- A ranked-choice voting educational mailing that includes a pictorial demonstration for the candidate elimination and vote transfer process.
- Educational and informational emails sent directly to voters using email addresses collected from voter registration affidavits