

Annual Report of the San Francisco Elections Commission for the Year 2014

Written by Commissioner Richard Matthews

March 2015

Introduction

The bylaws of the San Francisco Elections Commission (“the Commission”) require that the president produce an annual report at the end of his or her term as president for the year just completed. The intent, among other things, is that it will help preserve institutional memory for the Commission.

The Commission Itself

The Commission hired a new secretary in May. Unfortunately, she chose to leave in July. The secretary position remained unfilled the remainder of the year, the bulk of the secretarial work being completed by me as president, Commissioner Jerdonek as a skillful web user, and Deputy City Attorney Joshua White who kindly volunteered to post the physical copies of agendas outside the usual meeting room.

Commissioner Catalina Ruiz-Healy, appointed by the Board of Education, resigned from the Commission on May 18, 2014. The Board of Education finally appointed Commissioner Dominic Paris to the Commission in February 2015.

My own term expired on January 1, 2015, subject to continuing to serve for a maximum of sixty days (i.e., until March 1, 2015) or until a successor is appointed by the City Attorney, whichever came first. I was fortunate enough to be appointed to the Commission by City Attorney Dennis Herrera in 2004 to complete the term of Commissioner Robert Kennealy, who withdrew due to illness. Mr. Herrera was kind enough to appoint me to two more terms of my own. The San Francisco Charter limits Elections Commissioners to two terms (plus up to one-half of someone else’s term, if applicable). I am grateful for the opportunity to have served, both to City Attorney Herrera who appointed me and to all of the Commissioners and Deputy City Attorneys with whom I served.

Improvement in Access to Elections Commission Public Information

In 2014, Commissioner Chris Jerdonek improved the Commission’s web page by removing layers of links that were not intuitive for users, clarifying links, and reordering the information that was already there; he added historical information in logical places.

Commissioner Jerdonek also created a Twitter account for the Commission (@sfelectionscomm) as well as a YouTube channel by which one can hear the recordings of the meetings of the Commission or its Budget and Oversight of Public Elections Committee.

Oversight of Elections

There were two elections in 2014, a primary on June 3 and a general on November 4. On both occasions, the Commission discharged its duties under the San Francisco Charter sec. 13.103.5 by approving an Election Plan before each election, and made a post-election finding that the Department of Elections had substantially complied with the approved Election Plan.

Oversight of the Director and Department of Elections

As with practically all commissions, the Elections Commission is responsible for conducting performance review and oversight of its employees. This Commission has two employees, its secretary and the Director of Elections.

Regarding the oversight of the Director, a duty specified in San Francisco Charter section 13.104, the Commission has been historically incomplete, taking the course of least resistance—and I admit this as a member from summer of 2004 until March of 2015. There has been an ongoing disagreement dating back over ten years between Director John Arntz and various rotating members of the Commission over the exact areas of that oversight and review of his work. Director Arntz has consistently held the position that the Commission's only valid area of oversight of the Director's work are the effectiveness of the elections; that is, if the elections were found to be properly and effectively conducted, then that ends the Commission's legitimate review of the Director and the Department. He has annually said that the Director should be "judged by the results."

Various Commissioners, including myself, over the years have held a different view. They believe that the Director's job is two parts: one part is as the Elections Officer for this county as defined by the California Elections Code and empowered by the San Francisco Charter to run the department that conducts our elections; and the other part is as the head of a county agency of government with the same managerial and employer responsibilities as any other department head. As such, these Commissioners have believed that the employee performance review must encompass the entirety of the job, not just half. To oversee and review just the "delivered results" part and not also the "employer and manager of employees" part would leave the Director of Elections as the only unelected employee in our city government without oversight

or accountability to his or her direct superior for his or her actions as an employee and employer.¹

However, historically this Commission has largely deferred to Director Arntz when performing its evaluations of his performance. Frankly, the Commission has opted out of a confrontation of these two beliefs. The Commission has not chosen to create an evaluation process that goes beyond its own observations and reviews of the elections, along with Director Arntz's own self-reported evaluations of job performance. Specifically, until now, there has been no formal structure by which employees of the Department can report their complaints, praise, observations, concerns, or suggestions about the Department or the Director to the Commission, and there is no structure by which Commissioners could seek those things out for performance evaluations.

The Commission dedicated itself at the end of 2014 to undertake a more comprehensive, "360 degree" approach to the performance reviews of its employees. It will no doubt take some adjustment for all parties concerned. But the review process and the value of the Commission to the citizens and the government of San Francisco will be much better, in my opinion.

Again, with gratitude for the opportunity to serve on the Elections Commission for over ten years, this report is respectfully submitted,

Richard Matthews

Elections Commissioner 2004-2015

¹Discussing this issue is not to suggest that this specific Director is being accused by the Commission of any incorrect behavior, but merely providing the background of an ongoing discussion of the boundaries between the Commission and the Director and the Department.