

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

2 Written by Commissioner Richard Matthews

3 ~~March 2015~~

4 January 1, 2014 – December 31, 2014

5 (As amended and adopted by the Elections Commission on \_\_\_\_\_)

6  
7 Introduction [same]

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

12 The Commission Itself [same]

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

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

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

30 Here is additional information about Commission membership in 2014:

- The Commissioners serving at the beginning of the year were Charles Jung, Jill Rowe, Catalina Ruiz-Healy, Rosabella Safont, Winnie Yu, and myself.
- Christopher Jerdonek was appointed to the Commission by the Board of Supervisors on April 1, 2014.
- Commissioner Ruiz-Healy was elected Vice President in January.
- Commissioner Jerdonek was elected Vice President in June after Commissioner Ruiz-Healy's resignation.
- The Board of Education did not appoint a replacement for Commissioner Ruiz-Healy in 2014.

Here is information about the Budget and Oversight of Public Elections Committee (BOPEC):

- The committee met four times in February, April, September, and December.
- Commissioner Ruiz-Healy was appointed Chairperson starting with the first meeting.
- Commissioner Rowe served throughout the year.
- Commissioner Safont served from February to April.
- Commissioner Jerdonek was appointed to the committee as Chairperson in June.
- The committee had a vacancy after Commissioner Ruiz-Healy's resignation.

Improvement in Access to Elections Commission Public Information [same]

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. He also revived a page that records Commissioner attendance at each meeting.

Commissioner Jerdonek also created a Twitter account for the Commission (~~@sfelectionscomm~~ @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 [same]

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.

Before the November election, for the first time in recent memory, the Elections Commission forwarded to the Board of Supervisors the Sheriff's transportation and security plan for the election. This is a requirement of Sec. 13.104.5 of the San Francisco Charter that may have been overlooked in prior elections.

66 Significant Election Events

67 The Department made a number of significant improvements starting with the November  
 68 election. For example—

- 69 1. The Department created an e-mail list to which members of the public could subscribe  
 70 for Departmental announcements.
- 71 2. The Department included all ballots in the 1% manual tally; and the Department finished  
 72 counting all of the ballots, as well as releasing the corresponding precinct-level vote  
 73 totals, prior to the 1% random selection.
- 74 3. The Department used 10-sided dice for the 1% random selection.
- 75 4. The Department released preliminary and final precinct-level vote totals in an open,  
 76 machine-readable format, specifically TSV.
- 77 5. The Department notified voters after the election if their vote-by-mail (VBM) ballot was  
 78 not counted, and why.

79  
 80 The Department also dealt with some significant challenges in the November election. For  
 81 example—

- 82  
 83 1. The election required a lengthy 5-card ballot.
- 84 2. Approximately 1.2 million precinct ballot cards were misprinted by the vendor. The  
 85 Department made up the lost time, with the vendor paying for the reprinting.
- 86 3. The envelopes of about 9,400 VBM ballots were damaged by the Post Office when being  
 87 sent to voters. The Department mailed new VBM ballots to the affected voters the day  
 88 after receiving information about which ones were affected, with the Post Office paying  
 89 for the new mailings.
- 90 4. The election results web page had slowness issues on Election Night, which the  
 91 Department is working to address for the next election.

92 Oversight of the Director and Department of Elections [same]

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

96 Regarding the oversight of the Director, a duty specified in San Francisco Charter section 13.104,  
 97 the Commission has been historically incomplete, taking the course of least resistance—and I  
 98 admit this as a member from summer of 2004 until March of 2015. There has been an ongoing  
 99 disagreement dating back over ten years between Director John Arntz and various rotating  
 100 members of the Commission over the exact areas of that oversight and review of his work.  
 101 Director Arntz has consistently held the position that the Commission's only valid area of  
 102 oversight of the Director's work are the effectiveness of the elections; that is, if the elections

103 were found to be properly and effectively conducted, then that ends the Commission's  
 104 legitimate review of the Director and the Department. He has annually said that the Director  
 105 should be "judged by the results."

106 Various Commissioners, including myself, over the years have held a different view. They believe  
 107 that the Director's job is two parts: one part is as the Elections Officer for this county as defined  
 108 by the California Elections Code and empowered by the San Francisco Charter to run the  
 109 department that conducts our elections; and the other part is as the head of a county agency of  
 110 government with the same managerial and employer responsibilities as any other department  
 111 head. As such, these Commissioners have believed that the employee performance review must  
 112 encompass the entirety of the job, not just half. To oversee and review just the "delivered  
 113 results" part and not also the "employer and manager of employees" part would leave the  
 114 Director of Elections as the only unelected employee in our city government without oversight  
 115 or accountability to his or her direct superior for his or her actions as an employee and  
 116 employer.<sup>1</sup>

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

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

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

132 Richard Matthews

133 Elections Commissioner 2004-2015

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