**San Francisco Elections Commission**

**Regular Meeting**

**June 17, 2020**

**In attendance:** Lucy Bernholz, Roger Donaldson, Chris Jerdonek, Viva Mogi, Jill Rowe

**Absent**: Commissioner Jung

**Deputy City Attorney** Jenica Maldonado

**Director** John Arntz

**Minutes by** Lucy Bernholz

**The meeting took place remotely:**

1. **Call to Order and Roll Call**

President Mogi called the Meeting to order at 3:00 pm.

1. **General Public Comment**

Brent Turner of CAVO. Thank the commission for previous work on open source elections systems. Noted that open source had been removed from the agenda. Wanted to remind the Commission that the same security challenges facing our elections are in play and hoping to see the commission pick up this issue again.

1. **Department of Elections Amended Budget Proposals (FY2020-2021, 2021-22)**

President Mogi asked Director Arntz to review the amendments.

Director Arntz noted that worksheet 1A provides the summary of budget cuts from Department to the Mayor’s office. Mayor asked department to cut $1 million, based on FY 2018-2019 budget. Had to cut $2.7 million from budget for FY 2020-2021. This is very difficult as costs for Vote By Mail and Nov election are increasing by 29%. Both Governor’s orders and Board of Supervisors orders for expanded outreach are contributing to increase in costs. Documentation does not include costs potentially reimbursable from federal government.

Process: Budget analyst reviews the proposed cuts, provides analysis to Mayor’s office, and then next week, the Mayor’s Office will put forth proposed cuts.

Commissioner Rowe: Thank you Director Arntz. Department was told to cut budget, Director has done best to meet that requirement. The proposals seem pretty dramatic and might influence Department’s ability to run free, fair and functional elections in 2021. Another set of cuts would have to be made for FY 2021-2022. Wants to encourage more involvement from Commissioners, budget meetings, etc. – concerned that these cuts would damage ability to conduct elections. She sees it as the wrong time to do this – more than ever we need to be protecting our elections.

Director Arntz: the impact of these cuts are indicated in the summary. Next week we will know more about which cuts would damage the election process.

Commissioner Rowe: Have to stand up to protect the election system as a priority. We’ve taken for granted in the past that elections would be preserved and protected. She doesn’t want to take it for granted that will happen in this context.

Director Arntz: Individuals can contact the Mayor’s Office – express individual concern.

Commissioner Rowe: What are the department’s priorities.

Director Arntz: The items in the brownish box are the ones that would fundamentally damage the process. Also reduction in advertising on TV/radio– could be problematic for those who are not used to receiving VBM ballots. Chinese language radio, for example, is key to turnout.

Commissioner Rowe: When is decision to be made, and who in the Mayor’s Office should be reached out to?

Director Arntz: Mayor’s budget director, Kelly Kirkpatrick; acting director Ashley Rothenberger will be stepping in for Kirkpatrick. Decisions being made next week.

Commissioner Jerdonek: Questions on spreadsheets – what is total of the proposed budget cuts? Where is open source funding? Would like to re-examine idea of cutting off-year elections and consolidating it into other years – this would potentially protect quality of services during elections and address budget cuts that will be needed for years to come.

Director Arntz: The proposed responses on the spreadsheet approximately add up to: $882,000, yellow. 1.3 million for orange columns. $3.6 million in grey.

Funding for open source has already been taken from the department.

Commissioner Donaldson: understands there is a statutory requirement about voter guide, can’t just do it electronically. Is it possible to encourage people to request it electronically. What is the latest date by which Dept has to mail the guide?

Director Arntz: Guide has to be mailed no later than 29 days prior to election. The option to opt out has existed for years and very few people do. Could try to cut these costs going forward.

President Mogi: In the yellow section there is a reduction of translation costs? Just a reduction, not an elimination, correct?

Director Arntz: negotiated a cut in costs from vendors, not in services.

President Mogi encouraged Commissioners to follow up on Commissioner Rowe’s suggestion about contacting Mayor’s Office about budget.

Commissioner Rowe also expressed dismay at the re-allocation of public approved funding for open source technology; postponing this funding is postponing election security. We have already sacrificed this core funding; any further cuts will be truly damaging. Question for DCA Maldonado, is there something to be gained by advocacy of the Commission, and if so, is there a motion needed from the Commission?

DCA Maldonado: A motion and a vote would be useful, would indicate seriousness of the concern as recognized by the Commission.

Director Arntz: About $800,000 was cut from open source program budget, leaving some for RLA and services to people with disabilities.

Commissioner Rowe: Move that Elections Commission make an announcement that it is deeply concerned that the City’s proposed cuts to the Elections Department budget dramatically compromises the ability of the Department to hold free, fair, and functional elections, that these cuts will challenge the security and the integrity of the elections, and that we as the Commission plan to express our concerns to the Mayor’s Office and the Board of Supervisors. And authorize the President to submit this to the BOS and Mayors office.

Commissioner Jerdonek: seconded the motion

Commissioner Donaldson: Amend the motion to include integrity as well as security. Also authorize President of Commission to write a note to BOS and Mayor’s Office expressing the above.

Commissioner Donaldson: Offered to draft the memo to be sent over President’s signature on behalf of Commission.

Commissioner Jerdonek: Seconded the amended motion.

Motion by Commissioner Rowe, seconded by Commissioner Jerdonek.

**ROLL CALL VOTE ON MOTION:**

AYES: Bernholz, Donaldson, Jerdonek, Rowe, Mogi

Nos: none

Motion passes

President Mogi: Specifically called for discussion of the proposed budget cuts as well as on the amended communication to the Mayor’s Office and BOS.

Public comment: No public comment.

Commissioner Rowe – question to DCA Maldonado: What is the effect if the Commission does not approve the budget cuts? The Charter requires consideration of the budget; the budget has already been submitted. Asked Director Arntz if he’d ever been in position of having Commission not approve the budget. Director Arntz said no, it hasn’t happened.

Director Arntz: the comments to the BOS and Mayor are more important.

Commissioner Jerdonek: By approving the budget we don’t want to signal that we approve of the budget cuts.

**Motion on Amended Budget:**

Commissioner Rowe: Make a motion that the Commission does not approve the amended budget, with proviso that if that causes legal concerns we’ll call a special meeting to review/approve the budget.

Commissioner Jerdonek: seconded.

**ROLL CALL VOTE ON MOTION:**

AYES: Bernholz, Donaldson, Jerdonek, Rowe, Mogi

Nos: none

Motion passes

1. **Commissioners’ Reports**

Commissioner Jerdonek:

* TAG membership – appointments are expiring. 90 days to address
* City of SF being joined by other CA cities in using Ranked Choice Voting.
* Included memo in agenda packet on possibilities of consolidating elections. Law allows consolidation when turnout drops significantly. Commissioner Jerdonek noted that the SF turnout in off-year elections meets the criteria for consolidation.

Commissioner Jerdonek’s question to DCA Maldonado: Does SF have to consolidate according to these rules.

DCA Maldonado: Prior to every consolidated election the BOS has to announce.

Commissioner Jerdonek asked DCA Maldonado to look into possibility that law requires us to consolidate.

President Mogi: Thanked Director Arntz for joining the President in meetings with San Francisco Foundation (modeled on outreach plan in Kings County, WA with Seattle Foundation). Possible path forward: SF Elections Dept will make grants and SFF will consider adding funds to those grantees. Discussions are ongoing. No funding commitment yet from foundation.

Public comment: None

1. **Director’s Report**

Director Arntz:

* Dept will have full complement of polling places in November
* Working on how to conduct safe elections for poll workers and voters
* RFP for community groups was sent out yesterday. There was a typo in the RFP but addendum was sent out. Review period ends June 30
* Still figuring out where Dept will process VBM ballots. Bill Graham Auditorium will allow its use but funding has not been secured yet to make
* AB 860 moving to Governor’s desk – will allow all voters to use remote accessible VBM system. Voters will be able to print out ballots at home. Department has to begin planning about this.

President Mogi: Is state providing personal protective equipment for poll workers?

Director Arntz: SOS office is discussing this. SOS has asked counties to provide detail on necessary PPE from counties.

Commissioner Jerdonek: Question on report to BOS – is this unusual and what do you expect to hear from BOS. Does the report discuss the budget cuts?

Director Arntz: Yes, this is first time for this report. Response to BOS Ordinance 200400. Does not know how BOS will respond. Department has had discussions with Supervisor Ronen’s office. Dept has plans in place, but budget cuts happening before the report gets filed. Report will have to have contingency language for the BOS because of timing of these budget discussions.

Commissioner Rowe: Is it possible to make a motion requesting Director Arntz to attach our resolution to his report to the BOS?

DCA Maldonado: Phrase the motion to include language to “the extent permitted by Ordinance 200400”

Director Arntz: Commission can also petition to do a communication directly to the BOS.

Proposed Motion:

Commission urges the Director of Elections to include the Commission’s prior resolution in his report to BOS, pursuant to ordinance 200400, to the extent legally permitted by the ordinance and at the Director’s discretion.

Seconded: Commissioner Donaldson.

Commissioner Jerdonek: What does Director Arntz think about this?

Director Arntz: It’s not required as part of the submission, and the report will note the impact of the cuts. Can note that the commission asked this to be attached. Thinks he can proceed in this fashion.

Public Comment:

**Roll Call Vote**

Ayes: Bernholz, Donaldson, Jerdonek, Mogi, Rowe

Nos: None

Motion Carries

1. **Public Employee Appointment/Hiring: Class 1450 – Elections Commission Secretary**

Report from President Mogi: Application closed Monday June 9. Applications have been received (over 50). DHR has vetted them for minimal qualifications, leaving about 22 candidates. DHR sent President Mogi top five candidates and then the full 22 cleared. Requesting Commission’s permission to pursue this process including interviews. Goal is to have a candidate for Commission consideration by next meeting.

Commissioner Bernholz: Offered to participate in interviews of finalists.

Commissioner Rowe: Offered historical perspectives on process.

Commissioner Jerdonek: Supports process as described, supports having a backup pool of 2nd and 3rd choices, given both time to decision.

Motion: Commissioner Rowe moves that Commission authorizes the President to review resumes, interview at her discretion, and invite candidates to appear for final interviews before the full commission.

Second: Commissioner Donaldson

Public Comment: None

**Roll Call Vote**

Ayes: Bernholz, Donaldson, Jerdonek, Mogi, Rowe

Nos: None

Motion Carries

After Review DCA Maldonado noted that Charter Section 4.102 requires Commissions to approve budgets and budget modification. Need to revisit prior motion

Commissioner Rowe: Thank you DCA Maldonado

Motion to rescind prior motion and to approve the modified budget under protest.

Seconded: Commissioner Jerdonek

Commissioner Donaldson: offers proposed amendment to the motion – That the Commission agrees with the Director’s analysis about the criticality of the impact of the proposed cuts on the security and integrity of the elections.

Motion not amended.

Public Comment: None

**Roll Call Vote**

Ayes: Bernholz, Donaldson, Jerdonek, Mogi, Rowe

Nos: None

Motion Carries

1. **Agenda items for future meetings**

* Interview of secretary candidates
* Put open source back on agenda, address TAC member terms
  + Would like to request specific recommendations from Commissioner Jerdonek
* Address work that has been done on open source, would like to invite Director Gerull for an update on accomplishments and maintenance plans
* Legal advice on issue of consolidated elections for discussion

Public Comment: None

Meeting adjourned. 4:46 p.m.