

Draft

SAN FRANCISCO ELECTIONS COMMISSION
ANNUAL REPORT

January 1, 2020 – December 31, 2020

[if approved] Approved by the San Francisco Elections Commission on July 21,
2021

Prepared by: Viva Mogi

Dr. Carlton B. Goodlett Place, Room 48
San Francisco, CA 94102 website: www.sfgov.org/elections
email at: elections.commission@sfgov.org
phone: (415) 554-4305
fax: (415) 554-7457

1 Purpose

1.1. The San Francisco Election Commission

The Elections Commission was established by San Francisco Charter § 13.103.5 pursuant to a Charter amendment called Proposition E that was passed by voters in the November 6, 2001 Consolidated Municipal Election. The Elections Commission assumed policy-making authority and oversight of all public federal, state, district and municipal elections in the City and County of San Francisco effective January 1, 2002.

1.2 Commission Annual Report

Pursuant to Article XI of the Bylaws of the Elections Commission, the purpose of this report is to preserve and pass on to successive Commissions relevant information so as to make more effective subsequent Commission tenures by providing institutional memory to assist in resolution of recurring Commission problems. This report contains the President's report of the activities of the Commission during 2020, as well as other information the President deems significant and of likely assistance to subsequent Commissions.

2 Commission Organizational Description

2.1 Commission Members

The San Francisco Election Commission members are appointed to staggered 5 year terms by the elected office holders as defined in the San Francisco Charter § 13.103.5

The Commissioners, Commission Role, Appointed By and Term in 2020 were:

- | | | | |
|-------------------|----------------|----------------------|----------------|
| • Viva Mogi | President | District Attorney | 2020 Full Year |
| • Lucy Bernholz | Vice President | Treasurer | 2020 Full Year |
| • Roger Donaldson | Commissioner | City Attorney | 2020 Full Year |
| • Chris Jerdonek | Commissioner | Board of Supervisors | 2020 Full Year |
| • Charles Jung | Commissioner | Mayor's Office | 2020 Full Year |
| • Jill Rowe | Commissioner | Public Defender | 2020 Full Year |

The following Commissioners left the Commission in the first quarter

- | | | |
|------------------|---------------------------------|----------|
| • Charlotte Hill | Commissioner Board of Education | Mar 2020 |
|------------------|---------------------------------|----------|

2.2 Budget and Oversight of Public Elections Committee (BOPEC) Members

The Commission's Budget and Oversight of Public Elections Committee reviews Election Plans, Budgets and other matters referred to it by the President or full Commission and provides findings and recommendations for consideration at Commission Meetings. The Committee consisted of the following members:

- | | | |
|-------------------|-------|----------------|
| • Roger Donaldson | Chair | 2020 Full Year |
|-------------------|-------|----------------|

- Lucy Bernholz Vice Chair 2020 Full Year
- Jill Rowe Commissioner 2020 Full Year

2.3 Director of Elections

The Director of Elections is hired by the Election Commission, serves as the executive of the San Francisco Department of Elections, and is a full time employee of the City and County of San Francisco.

- John Arntz Director of Elections 2020 Full Year

2.4 Secretary

The Commission Secretary is hired by the Election Commission and serves as the administrative staff to the Commission and is an employee of the City and County of San Francisco

- Martha Delgadillo Commission Secretary July 2020

2.5 Deputy City Attorney

The deputy City Attorney is assigned to the Election Commission to advise the body on matters pertaining to its authority.

- Andrew Shen Deputy City Attorney 2020 Full Year
- Jenica Maldonado Deputy City Attorney 2020 Full Year

3 Commission Activities

3.1. Elections

The Department of Elections conducted two (2) City-wide elections. March 3, 2020 Consolidated Primary Presidential Election and November 3, 2020 Consolidated Municipal Election.

3.1.1 March 3, 2020 Consolidated Primary Presidential Election

The Commission assessed the March 3, 2020 Consolidated Primary Presidential Election Plan on January 15, 2021. With the Primary Election in March, the Department worked diligently to meet the earlier Primary date and the Commission unanimously approved the plan.

3.1.2 November 3, 2020 Consolidated Municipal Election

During the May 27, 2020 Special Elections Commission meeting, Director Arntz shared the Governor’s Executive Order M-64-20 to instruct the Department of Elections to send every voter a vote-by-mail ballot due to the COVID19 pandemic.

At the September 16, 2020 Elections Commission meeting the Commission assessed the November 3, 2020 Election Plan. The Commission noted that due to the COVID19 pandemic, the November election Voting Center would now be outdoors at Civic Center Plaza to provide safe and healthy voting options for poll

workers and voters. In addition, ballot drop-off stations were placed in every Supervisorial District. Motion to approve the Election Plan was made and was unanimously supported by the Commission. On December 7, 2020, the Commission sent a letter commending the Department of Elections for conducting exceptional elections in 2020. **(Appendix A)**

3.2 FY2020 – 21 and FY 2021-22 Budget

BOPEC reviewed and assessed the budget for FYI 2020-21 at \$20.7M and FY2021-22 AT \$23.3M on February 12, 2020. FY 2021-22 included funds for the consultant for the Redistricting Task Force. For 2020, the Department plans to expand Voting Centers from three to four centers, totaling in \$1.4M in expenses. BOPEC made a positive recommendation to approve the proposed budget and the full commission unanimously supported to approve the budget on February 19, 2020.

On May 27, 2020, the Commission was informed the Department will be making reductions to the budget due to the COVID19 pandemic. During the June 17, 2020 Regular Meeting, the Commission reviewed the budget and was alarmed to see \$2.8M budget cut and agreed to send a letter to the Mayor and her staff to not cut the department's budget by \$2.8M. Due to the Charter Section 4.102 requires Commissions to approve budgets and budget modification and advised that the Commission would need to approve the budget. The Commission voted to approve the amended budget and agreed to send a letter of concern to the Mayor. **(Appendix B)**

3.3 COVID19 Pandemic

Due to the COVID19 Pandemic, the Commission canceled their regular meetings during the months of March and April. They reconvened as a Special Meeting on May 27 via WebEx, an online platform, to conduct meetings online. Due to the COVID-19 health emergency and to protect our Elections Commissioners, Department of Elections staff, and members of the public, the Elections Commission did not meet for its regular May 20, 2020 meeting. This special meeting shall be held remotely pursuant to the Governor's Executive Order N-29-20 and the Fifth Supplement to the Mayoral Proclamation Declaring the Existence of a Local Emergency. The meeting will be held on the WebEx platform.

3.4 Elections Commission Executive Secretary

On July 15, 2020, the Commission approved to hire a new Commission Executive Secretary.

3.5 Redistricting Task Force

Beginning September 16, 2020, the Commission began discussing their process on how their selection of the three members to the Redistricting Task Force for 2021- 2012 pursuant to Charter § 13.110. The public was made aware at the December 16, 2020. **(Appendix C & Appendix D)**

3.6 Technical Advisory Committee (TAC) and Open Source Election System (OSSES)

At the May 27, 2020 Commission Meeting, during Commissioner's Reports, Commissioner Jerdonek reported the Technical Advisory Committee (TAC) and Open Source Election System met in March. Also, TAC terms would be ending next month. Commission re-appointed 4 TAC members at July 15, 2020, leaving one open slot.

Santa Clara sent an email to John Arntz, Director of Elections, and Linda Gerull, Director of Department of Technology, in early March to ask about Open Source Voting collaboration. Due to the COVID19 pandemic, discussions on the Open Source Voting was removed from the agenda for the remaining of the year.

3.7 Racial Equity Action Plan (REAP)

Under the City's Ordinance No. 188-19, all departments must complete REAP and the Department's plan must be approved by the Elections Commission. At the December 16, 2020 Commission Meeting, the Commission discussed and approved the Department's REAP. As part of the plan, the Commission committed to a few immediate actions toward racial equity including to pass a resolution on Ramaytush Ohlone Land Acknowledgement and to focus on racial diversity for the upcoming appointment for the Redistricting Task Force appointment. (Plan can be found in the December 16, 2020 agenda packet)

3.8 Director's Annual Performance Evaluation

The Commission reviewed the process for the Director's annual performance evaluation in the November meeting. The annual performance was completed at the December 16, 2020 meeting.

Appendix A

Elections Commission City and County of San Francisco

Viva Mogi, President
Lucy Bernholz, Vice President
Roger Donaldson
Christopher Jerdonek
Charles Jung
Jill Rowe



John Arntz, Director of Elections
City Hall
1 Dr. Carlton B. Goodlett Place,
Room 48
San Francisco, CA 94115

December 7, 2020

To: San Francisco Mayor London N. Breed
Re: Commending the Department of Elections for Conducting Exceptional Elections in 2020

Dear Honorable Mayor London Breed:

The Elections Commission would like to commend Director Arntz and his staff at the Department of Elections for their exceptional work this year during the extraordinarily challenging times we are facing as both a city and country.

On Tuesday, December 1, the Department of Elections certified the November 3, 2020, Consolidated General Election. The final turnout was 86.33%, representing votes cast by 449,866 of San Francisco's 521,099 registered voters. This is the highest number of voters to participate in an election in the City's history and the largest number of voters registered for an election. Only the November 1944 election experienced a higher turnout percentage when 86.82% of voters participated.

The Department successfully ran two elections this year while facing significant challenges, including national threats to election security, mandatory vote-by-mail operations to all registered voters, anticipated increase in voter participation, budget cuts, and the COVID-19 pandemic. We have not seen anything like this before in our lifetime. The Commission has been impressed throughout the year by the Department's steadfast response to the pandemic and resulting changes.

During such a challenging year, the Department and Director of Elections performed exceptionally in conducting free, secure, and fair elections. The Commission wants to commend Director Arntz for his incredible leadership, as well as all staff, including voting center staff and poll workers. We could not have done this without them. The Department quickly responded to requests for additional ballot drop-off sites and remained nimble and responsive to every voter.

As a Commission, we are proud to show the public how a city agency can operate efficiently and effectively by having a strong partnership with the Department. We hope the City will continue to work with us to have San Francisco lead the way in running accessible and fair elections to all voters.

Sincerely,

A handwritten signature in black ink, appearing to read "Viva Mogi".

Viva Mogi, President
San Francisco Elections Commission

1 Dr. Carlton B. Goodlett Place – Room 48, San Francisco, CA 94102-4634
Voice (415) 554-4305; Fax (415) 554-7457; TDD (415) 554-4386;
<http://sfgov.org/electionscommission>

Appendix B

Elections Commission City and County of San Francisco

Viva Mogi, President
Lucy Bernholz, Vice President
Roger Donaldson
Christopher Jerdonek
Charles Jung
Jill Rowe



John Arntz, Director of Elections
City Hall
1 Dr. Carlton B. Goodlett Place,
Room 48
San Francisco, CA 94115

December 7, 2020

To: San Francisco Mayor London N. Breed
Re: Commending the Department of Elections for Conducting Exceptional Elections in 2020

Dear Honorable Mayor London Breed:

The Elections Commission would like to commend Director Arntz and his staff at the Department of Elections for their exceptional work this year during the extraordinarily challenging times we are facing as both a city and country.

On Tuesday, December 1, the Department of Elections certified the November 3, 2020, Consolidated General Election. The final turnout was 86.33%, representing votes cast by 449,866 of San Francisco's 521,099 registered voters. This is the highest number of voters to participate in an election in the City's history and the largest number of voters registered for an election. Only the November 1944 election experienced a higher turnout percentage when 86.82% of voters participated.

The Department successfully ran two elections this year while facing significant challenges, including national threats to election security, mandatory vote-by-mail operations to all registered voters, anticipated increase in voter participation, budget cuts, and the COVID-19 pandemic. We have not seen anything like this before in our lifetime. The Commission has been impressed throughout the year by the Department's steadfast response to the pandemic and resulting changes.

During such a challenging year, the Department and Director of Elections performed exceptionally in conducting free, secure, and fair elections. The Commission wants to commend Director Arntz for his incredible leadership, as well as all staff, including voting center staff and poll workers. We could not have done this without them. The Department quickly responded to requests for additional ballot drop-off sites and remained nimble and responsive to every voter.

As a Commission, we are proud to show the public how a city agency can operate efficiently and effectively by having a strong partnership with the Department. We hope the City will continue to work with us to have San Francisco lead the way in running accessible and fair elections to all voters.

Sincerely,

A handwritten signature in black ink, appearing to read "Viva Mogi".

Viva Mogi, President
San Francisco Elections Commission

1 Dr. Carlton B. Goodlett Place – Room 48, San Francisco, CA 94102-4634
Voice (415) 554-4305; Fax (415) 554-7457; TDD (415) 554-4386;
<http://sfgov.org/electionscommission>

Appendix C

DRAFT

City and County of San Francisco, 2020 Census Redistricting Task Force for Supervisorial Districts, Open Seats for appointment of the San Francisco Elections Commission

Pursuant to Charter or the City and County of San Francisco SEC. 13.110. ELECTION OF SUPERVISORS, the San Francisco Elections Commission extends an invitation to residents of San Francisco to apply for consideration of appointment to 3 seats of 9 member Redistricting Task Force.

The Task Force will convene on or about August 1, 2021; 120 days after the release of the decennial census to be predicated on a report by the Director of Elections 60 days after the release of the Decennial Census delivered to the San Francisco Board of Supervisors on whether the existing districts continue to meet the requirements of federal and state law and the criteria for drawing districts lines set forth in the Charter. The Task Force must complete its work no later than April 15 2022.

In applying, please consider your ability and availability to fully participate in this important work. The number of meetings of the 2000 and 2010 Census Redistricting Task Forces was 14 and 30 respectively.

The Elections Commission has established the following minimum criteria for applicants:

1. Represents San Francisco's diverse population;
2. Has not been paid by a political campaign in the last 5 years;
3. Has general knowledge of San Francisco's neighborhoods and geography;
4. Has a flexible schedule for attending meetings;
5. Has no conflict of interest prohibited under the conflict laws applicable to other City officers;
6. Is not currently a direct hire employee of an elected official in San Francisco.

For consideration by the Elections Commission, applicants are must provide the following:

1. A statement of interest in the position.
2. A statement confirming that you meet the minimum criteria for appointment.
3. A statement of availability for a flexible schedule.
4. Description your civic and electoral engagement including but not limited to community organizations and whether you are eligible to and have registered to vote and consistently voted in San Francisco.
5. Your resume

DRAFT

City and County of San Francisco, 2020 Decennial Census Redistricting Task Force: Application for appointment by the San Francisco Elections Commission

Please provide a response to all requested information in the space provided. If you require additional space, please extend on a separate page or substitute a document providing the same information. You will be contacted

Name:

Contact email address:

Contact Phone number:

1. Please provide a statement of interest in the position

2. Please provide a statement confirming that you meet the minimum criteria for appointment

3. Please provide a statement of availability for a flexible schedule

4. Describe your civic and electoral engagement including but not limited to community organizations and whether you are eligible to and have registered to vote and consistently voted in San Francisco

5. Provide your resume

Appendix D

memorandum

TO Elections Commission **DATE** October 18, 2020
FROM Jill Rowe, Commissioner
RE Redistricting Task Force

I. Background

Following each decennial census, San Francisco redraws its supervisorial districts to account for population changes. After the census results are released, the Director of Elections has 60 days to report to the Board of Supervisors if there is a population shift in excess of one percent for any supervisorial district. If the Director reports such a population shift, the San Francisco City Charter requires the Board of Supervisors, within 60 days, to convene and fund a Redistricting Task Force.

The Task Force is comprised of nine members. Three are appointed by the Board of Supervisors, three are appointed by the Mayor, and three are appointed by the Elections Commission.

The Task Force works with an outside consultant to rebalance the population counts in each supervisorial district. In doing so, it holds multiple community hearings to receive input from the people of San Francisco.

II. Considerations for the Redistricting Task Force Members

While some of the laws may have changed since prior redistricting, prior considerations used by the Task Force have included:

1. Making the districts roughly equal in population, with certain maximum variations established by the San Francisco Charter;
2. Avoiding the dilution of the voting power of racial, language, ethnic, political, social and economic minorities;
3. Creating geographically compact and contiguous districts;
4. Keeping distinct neighborhoods, institutions and commercial zones intact; and
5. Reflecting the core of existing districts.

III. Timing

As currently posted on the Census Bureau website, the Bureau will send its redistricting counts to the states no later than April 1, 2021. Taking a conservative approach (earliest realistic census data release), we can estimate a release of results on March 1, 2021.

Again taking a conservative approach, we can estimate that the Director notifies the Board of Supervisors of a population shift in 30 days, by March 31, 2021, and we can estimate the Board of Supervisors convenes the Task Force in 30 days, i.e., by April 30, 2021. Using that conservative approach, **the Elections Commission should plan to have its three appointments selected by April 30, 2021.** (Using the latest possible deadline for each step in the process, the Task Force might actually be convened as late as August 1, 2021.)

The Task Force must present a final plan for new supervisorial district lines no later than April 15, 2022.

In 2002 and 2011, the Commission accepted Task Force applications, vetted them for minimum criteria, interviewed all qualified applicants at a full Commission meeting, and then voted on its appointments. Assuming the Commission follows the same process for 2021, it would likely want to **vote on the appointments no later than its March 2021 meeting.** It would therefore want to **interview applicants either at its February 2021 meeting or its March 2021 meeting.** It would likely want to **begin accepting applications in or around its January 2021 meeting,** in order to allow time to publicize the process, and vet and review applications in advance of interviews.

IV. 2002 Minimum Criteria for Applicants

In 2002, the Elections Commission established the following minimum criteria for applicants to the Redistricting Task Force.

1. Registered to vote in San Francisco;
2. Represents San Francisco's diverse population;
3. Has not been paid by a political campaign in the last 5 years;
4. Has general knowledge of San Francisco's neighborhoods and geography;
5. Has a flexible schedule for attending meetings;
6. Has no conflict of interest prohibited under the conflict laws applicable to other City officers; and
7. Does not reside in the same supervisorial district as any other Commission appointee.

V. 2011 Minimum Criteria for Applicants

In 2011, the Elections Commission established the following minimum criteria for applicants to the Redistricting Task Force.

1. Registered to vote in San Francisco;
2. Represents San Francisco's diverse population;
3. Has not been paid by a political campaign in the last 5 years;
4. Has general knowledge of San Francisco's neighborhoods and geography;
5. Has a flexible schedule for attending meetings;
6. Has no conflict of interest prohibited under the conflict laws applicable to other City officers;
7. Has voted in San Francisco at least once in the last five years;
8. Is not currently a direct hire employee of an elected official in San Francisco.

VI. Posted Guidelines for Application Requests in 2011

In 2011, the Commission asked applicants to provide:

1. A statement confirming that they meet the minimum criteria for appointment;
2. A statement of interest in the position;
3. A statement of availability for a flexible schedule; and
4. A resume.

We were unable to locate the manner or place in which these guidelines were posted, though we have determined they were not posted by DHR. It appears the Commission received approximately 25 qualified applications.

VII. Recommendations for 2021 Appointments

For discussion purposes only, I recommend the following process for the Commission's appointments to the Redistricting Task Force.

1. At our October 2020 meeting:
 - a. Vote on the minimum criteria for appointees.
 - b. Select one Commission member to draft guidelines for applicants.

2. At our November 2020 meeting:
 - a. Vote on the wording of the guidelines to be posted for applicants. The guidelines should include an introductory statement of the reason for and function of the Task Force.
 - b. Vote on the manner in which the guidelines will be posted (e.g., Department and Commission websites, twitter, other social media, word of mouth...)
 - c. Select a Commission member to oversee the posting of the guidelines. The guidelines should state that applications should be submitted to the Commission Secretary.
 - d. Select a Commissioner who will be responsible for reviewing the initial applications to ensure they meet the minimum guidelines, and notifying all qualified applicants that they will be interviewed by the full Commission at its March meeting.
3. Post the guidelines and open the application process in January 2021.
4. At our March 2021 meeting, interview all qualified applicants. (I believe this can or perhaps must be done in open session.) Depending on the number of applicants, we may want to limit the interview time to 3-5 minutes per applicant.
5. At our April 2021 meeting, and after public comment, vote on the three appointees. (I believe this can or perhaps must be done in closed session.) A motion can be made for a slate of three candidates, and the Commission can vote yes or no for that slate. If a majority approves the slate, the voting stops. If a majority does not approve the slate, a new motion must be made with a different slate, and a new vote will be taken. The appointments should be made conditional upon the Board of Supervisors convening the Task Force.

Note: these are my recommendations for discussion purposes only. They must be subject to robust public and Commissioner comment, and votes by the full Commission.

