



Memorandum

To: Elections Commission
From: John Arntz, Director
Date: September 17, 2021
RE: Director's Report: September 22, 2021, Elections Commission Meeting

Following is a brief listing of the work and related information in which the Department of Elections (Department) has been engaged since the previous report issued in relation to the Elections Commission meeting on July 21, 2021.

I. The Department conducted a gubernatorial recall election on September 14, 2021 and is now working on post-election activities.

- A. Department staff continue to process ballots returned for the gubernatorial recall election, including provisional (PV) ballots cast at the polls and vote-by-mail (VBM) ballots returned on Election Day or postmarked by Election Day and received in the mail by September 21 (the later date is per Senate Bill 152, which extended the mail receipt deadline for VBM ballots).

As of this writing, preliminary local turnout data are as follows: 295,719 voters, or 59% of San Francisco's 501,919 registered voters, cast their vote in the recall election. Of those, 54% of voters cast a VBM ballot either during the 29-day early voting period or on Election Day, and 4% of voters, cast a standard or provisional ballot at a polling place on Election Day.

To date, the Department has issued six public ballot processing updates and multi-format preliminary results reports, each of which includes a summary report and detailed reports, with data broken down by precinct, neighborhood, and Supervisorial district. The Department will continue to release updated results reports daily at 4 p.m., unless no ballots were counted on that day.

- B. To date, the Department has processed nearly 309,841 vote-by-mail (VBM) ballots, accepting approximately 308,918 and challenging approximately 923. In accordance with state law, the Department has only challenged VBM ballots in cases where 1) the ballot envelope was not signed, 2) the signature on the ballot envelope did not compare to any on file, 3) the voter already voted in the election (e.g., at a polling place), 4) the ballot return envelope contained no ballot, 5) the ballot envelope contained multiple ballots but only one signature, or 6) the ballot envelope was postmarked/returned late.

When a challenge is curable (e.g., a mismatching signature), the Department attempts to contact the voter within 24 hours via all available methods, including the Voter Portal, a postal notice, an email message, and/or a phone call. If a voter responds to such notice by curing the challenge no later than two days before certification, the Department will update the voter's record (e.g., with a new signature), and count the ballot. To date, 467 voters have cured VBM ballots for the recall election.

- C. To date, the Department has processed nearly 6,900 provisional (PV) ballots, accepting approximately 6,000 and challenging approximately 500; the remaining PV ballots are currently being reviewed. Challenge and cure

procedures for PV ballots are similar to those for VBM ballots. (Under current emergency regulations issued by the Secretary of State, the procedures, voter notices, and cure periods applicable to signature issues on VBM ballot return envelopes also apply to PV ballot envelopes.)

- D. Per state elections law, the Department has commenced the Official Canvass that includes a one percent manual ballot tally to verify the accuracy of the voting system used to tabulate the votes. Random precinct selection for the manual ballot tally will occur on Tuesday, September 21, and the tally will commence on Wednesday, September 22. The Department expects to complete the Official Canvass and certify the election results sometime in the week of October 4.
- E. The Department, in conjunction with the drayage contractor, has been retrieving the voting equipment from each polling place and returning the machines to the warehouse on Pier 31, where the equipment is recorded in the Department's custody and securely stored.
- F. The Department has begun processing stipends for nearly 2,500 poll workers and 588 polling place providers, and expects to complete this process and issue election stipend checks sometime in the week of October 4.

II. The Department has been processing petitions for the recall of three local School Board members.

- A. On September 7, 2021, the Department received petitions for the recall of three local School Board members. Following an initial review or "raw count" of petition signatures, the Department determined that all three petitions met the minimum threshold of 51,325 signatures required to proceed to the next phase of processing: a random signature check. In this phase, Department staff have randomly selected 5% of signatures for each petition and are currently in the process of verifying them.

If more than 110% of the randomly selected signatures are deemed valid, the Department will certify the sufficiency of the petition. If less than 90% of such signatures are deemed valid, the Department will find the petition insufficient. If between 90% and 110% of such signatures are deemed valid, the Department will examine every signature affixed to the petition before determining whether or not the petition should be deemed sufficient or insufficient.

- B. Per state law, the Department has 30 business days from the date of filing, or until October 19, 2021, to complete the petition signature verification process. If the Department finds a petition insufficient, no further action will be taken. If the Department finds a petition sufficient, the Department will notify the Board of Supervisors and call a special election, which must be held not less than 105 nor more than 120 days from the date of calling.

The San Francisco Municipal Code, §110 includes local recall in the definition of "measure". Consequently, were the Department to conduct a recall election of one or more School Board members, the Department would need to organize Ballot Simplification Committee meetings and facilitate the intake of ballot arguments (proponents', opponents', rebuttal, and paid) for inclusion in the Voter Information Pamphlet. The Department has been considering and compiling expenses for this possible recall election and estimates the total cost at approximately \$8 million.

III. The Department has been considering impact of recently passed local and state election laws.

- A. On September 7, 2021, the Board of Supervisors enacted [Ordinance File No. 210604](#), amending the San Francisco Municipal Elections Code (SFMEC) to require the Department, for municipal elections held after January 1, 2022, to automatically provide vote-by-mail ballots to all registered voters. The ordinance further stipulated that in the event a subsequent state or federal law required the Department to automatically provide vote-by-mail ballots to registered voters in all elections, these provisions would become inoperative and be removed from the SFMEC.

- B. On September 3, 2021, the California Assembly passed Assembly Bill (AB) 37, which, among other things, made permanent the temporary rules to a) mail a ballot to every registered voter for all elections, b) permit any voter to cast a ballot using a certified remote accessible vote-by-mail system for any election, and c) allow elections officials to start processing vote-by-mail ballots on the 29th day before any election. In addition to making several temporary rules permanent, AB 37 also contains a new rule, which will require the Department to provide at least one vote-by-mail ballot drop-off box for every 30,000 registered voters, or approximately 17 drop-off boxes, throughout a 29-day early voting period.

IV. The Department continues to provide information to the general public and to undertake the many routine activities.

- A. The Department continues to conduct in-person transactions in its office, respond to public inquiries received through email and its main phone line, and host observation tours of post-election activities.
- B. The Department has been assisting the 2020 Census: Redistricting Task Force with translations of their newly created web page and agenda materials for their first meeting on September 17, 2021.
- C. The Department's Outreach team continues to identify opportunities to provide educational materials and election information at events across the City, attending the Reentry Conference and Resource Fair this week to facilitate voter registration for justice-involved and crime-affected individuals and families.