
Written by Commissioner Richard Matthews

March 2015

January 1, 2014 – December 31, 2014

(As amended and adopted by the Elections Commission on ________)

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, Debra Hayes, 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 Christopher 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.


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.

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

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

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.
Significant Election Events

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

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

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

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

Oversight of the Director and Department of Elections [same]

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.