

DRAFT

SAN FRANCISCO ELECTIONS COMMISSION

ANNUAL REPORT

January 1, 2021 – December 31, 2021

[if approved] Approved by the San Francisco Elections Commission on XXXX XX, 2022

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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 2021, 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 2021 were:

• Viva Mogi	President	District Attorney	2021 Through February 17, 2021
• Viva Mogi	Commissioner	District Attorney	2021 Commencing February 17, 2021
• Lucy Bernholz	Commissioner	Treasurer	2021 Through February 17, 2021
• Lucy Bernholz	President	Treasurer	2021 Commencing February 17, 2021
• Charles Jung	Commissioner	Mayor's Office	2021 Through February 17, 2021
• Charles Jung	Vice President	Mayor's Office	2021 Commencing February 17, 2021
• Roger Donaldson	Commissioner	City Attorney	2021 Through September 22, 2021
• Chris Jerdonek	Commissioner	Board of Supervisors	2021 Full Year
• Becca Chappell	Commissioner	Public Defender	2021 Full Year

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	2021 Through September 22, 2021
• Lucy Bernholz	Vice Chair	2021 Full Year
• Charles Jung	Commissioner	2021 Commencing September 22, 2021
• Becca Chappell	Commissioner	2021 Commencing June 9, 2021

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	2021 Full Year
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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	2021 Full Year
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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	2021 Full Year
• Jenica Maldonado	Deputy City Attorney	2021 Through January 2021
• Ana Flores	Deputy City Attorney	2021 Commencing June 2021

3 Commission Activities

3.1 Elections

The Department of Elections conducted one (1) election in 2021. This was the Gubernatorial Recall Election, the date for which was set as September 14, 2021, by a July 1, 2021, proclamation from the Lieutenant Governor.

3.1.1 September 14, 2021 Gubernatorial Recall Election Plan

The Commission reviewed and approved the Gubernatorial Recall Election Plan on July 21, 2021, with the Gubernatorial Recall Election scheduled on September 14, 2021. The Department worked diligently to meet the Gubernatorial Recall Election date and the Commission unanimously approved the plan.

3.2 FY2021 – 22 and FY 2022-23 Budget

BOPEC reviewed and assessed the budget for FYI 2021-22 at \$22.9M and FY2022-23 AT \$23.3M on February 2, 2021 (per p 2, BOPEC Meeting Minutes, attached to Feb 2, 2021, meeting packet). FY 2021-22 The Department's budget proposals reflect three significant changes, all of which were made in response to the mayor's directive to fund core City services that demonstrate meaningful and equitable outcomes for its residents:

1. Create a data-driven grant program to provide outreach to San Francisco's most vulnerable and hard to reach communities, with a focus on newly eligible residents involved with the justice system.
2. Expand and distribute voting center and ballot drop-off location infrastructure to encourage voters of color and people living in neighborhoods with voter turnout below the City's average to participate in elections.
3. Provide staff equity training using the City's Racial Equity Framework, and develop a regular staff survey protocol to monitor the Department's progress towards meeting its Phase One equity goals

3.3 COVID19 Pandemic

With limited items on the August Agenda, the meeting in August was canceled. The meetings of January 20, 2021, and September 15, 2021, were also canceled. 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 in person for the entirety of 2021. Meetings were 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. Meetings were held on the WebEx platform.

3.4 Redistricting Task Force

Planning for the Commission's appointments to the RTF began in November 2020. Notes from the 2010-11 process were reviewed and updated, and former Commissioner Rowe, who was on the Elections Commission for the last RTF (2010-2011) took the lead in informing the current commission of process and requirements. Over several meetings from January to March the qualifications and application process were reviewed and revised. The most significant change involved the qualification regarding prior voting experience, which was changed to ask about community engagement, per SF regulations allowing non-citizen voting, the desire to recruit younger members of the RTF (who might not have been of voting age previously), and to broaden the applicant pool within legal limits. The BOPEC interviewed applicants for the

Redistricting Task Force (RTF) at the June 9, 2021, public meeting. The interviewees were processed in the order that their applications were received. Applicants were given the opportunity to speak for 2 minutes. The BOPEC selected 3 applicants for recommendation to join the RTF. The recommended applicants were presented for consideration and nominated, at the Elections Commission Regular Meeting, June 16, 2021.

3.5 Open Source Voting

An Open Source Voting (OSV) Pilot Ordinance was introduced by the President of the Board of Supervisors Shamann Walton at the December 14, 2021 Board of Supervisors (BoS) meeting. This was supportive of the Commission's policy to pursue open-source voting.

3.7 Director's Annual Performance Evaluation

Materials for the 2021/2022 Director's annual performance evaluation were reviewed at the December 21, 2021, Commission meeting. The annual performance to be discussed at the January 19, 2022 Commission meeting, and completed at the February 16, 2022 Commission meeting.

3.8 Remote Ballot Completion and Submission for People with Access and Functional Needs Project

At the Commission meeting on November 17, 2021 Commissioner Jerdonek brought to the Commission's attention an RFP for funding of a Remote Ballot Completion and Submission for People with Access and Functional Needs Project. This project raised a number of issues of concern for the commission, including, but not limited to references to internet voting and the lack of Commission notification about this RFP. Needing further information, President Bernholz invited Francis Zamora, Chief of Staff of Department of Emergency Management; Craig Dziedzic, General Manager of Bay Area UASI; Linda Gerull, Director of the Department of Technology; Deborah Kaplan, Mayor's Office on Disability to attend the Commission's December meeting. The presentations by these individuals are included in the Meeting Packet for December 14, 2021, and the minutes of the January 19, 2022, Commission meeting provide documentation. The Commission was assured that internet voting was not being considered by the group managing the grant. Internet voting is illegal in California.

3.9 Racial Equity Action Plan

The Elections Commission regularly reviews the Department of Elections Racial Equity Action Plan. The Commission also encourages appointing authorities to be cognizant of the racial makeup of the Commission as a whole when considering potential appointees. During calendar years 2020 and 2021 there was an effort underway in the city to encourage Commissions to include a land acknowledgment of the Ramaytush Ohlone people in proceedings. In February 2021 the Deputy City Attorneys prepared a draft statement for the Elections Commission, modeled on that used by the Board of Supervisors. This resolution was discussed at the March 17, 2021, Commission meetings. Commissioners raised questions about the language of "sovereignty;" and requested President Bernholz and VP Jung to conduct additional research. In April and May of 2021, Bernholz and Jung reached out to members of the American Indian Community Project (AICP), the Association of Ramaytush Ohlone, the Human Rights Council, and to local academics. While this process was underway, President Bernholz received a notice from the AICP that the Association was working on a new resolution. They asked the Commission to table the effort until a new resolution template could be distributed. The Elections Commission never received such a template. The effort regarding the land acknowledgement was tabled in May 2021 and has not been picked up again.

Respectfully submitted,

Lucy Bernholz
2021 Commission President

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