

ELECTIONS COMMISSION
City and County of San Francisco

Christopher Jerdonek, President
Robin M. Stone, Vice President
Lucy Bernholz
Cynthia Dai
Nancy Hayden Crowley
Renita LiVolsi
Vacancy



John Arntz, Director of Elections

REGULAR MEETING MINUTES
(Approved on December 12, 2022)

San Francisco Elections Commission
Wednesday, November 16, 2022
6:00 p.m.
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102
& Remote meeting via WebEx

1. Call to Order & Roll Call

President Jerdonek called the meeting to order at 6:05 p.m.

Present: President Christopher Jerdonek, Vice President Robin M. Stone, Commissioner Lucy Bernholz, Commissioner Cynthia Dai, Commissioner Nancy Hayden Crowley, and Commissioner Renita LiVolsi. (The seat appointed by the Board of Education is vacant.)

Also Present: Director of Elections John Arntz and Deputy City Attorney Brad Russi.

Vice President Stone stated the Commission's acknowledgment of the Ramaytush Ohlone people, which the Commission adopted at its last meeting. President Jerdonek noted that November is National Native American Heritage Month.

2. General Public Comment

A member of the public recommended improving the City's "I Voted" sticker and suggested ways to involve the public in the design.

Lauren Girardin spoke by phone in support of the previous commenter.

Commissioner Bernholz thanked the speakers and asked that this topic be placed on the agenda in the next year. Commissioner Hayden Crowley suggested working with the Arts Commission.

3. Discussion and Possible Action on Resolution on Continuation of Remote Elections Commission Meetings

Vice President Stone moved that the Commission adopt the resolution as drafted; seconded by Commissioner Dai.

Public comment: None.

MOTION ON RESOLUTION ON CONTINUATION OF REMOTE ELECTIONS COMMISSION MEETINGS

President Jerdonek	Yes
Vice President Stone	Yes
Commissioner Bernholz	Yes
Commissioner Dai	Yes
Commissioner Hayden Crowley	Yes
Commissioner LiVolsi	Yes
6 Yays 0 Nays 0 Abstain	
Motion passes unanimously	

4. Approval of Minutes of Previous Meetings

President Jerdonek reported that the draft minutes are not ready due to the unexpected departure of the Commission Secretary at October's meeting.

Commissioner Hayden Crowley expressed concern at the Commission not having a Commission Secretary and asked that the topic of not having a Secretary be put on the calendar.

Public comment: None.

5. Redistricting Process Initiative

Commissioner Dai introduced the item, including the documents in the agenda packet and the three speakers:

- Nancy Wang, Executive Director, Voters Not Politicians
- Rebecca Szetela, Past Chair and Vice Chair, Michigan Independent Citizens Redistricting Commission
- Alejandra Gutiérrez, Chair, Long Beach Independent Redistricting Commission

The speakers were then asked questions.

Commissioner Dai asked Ms. Wang what the most important elements or principles were that they sought to retain when Voters Not Politicians wrote the ballot initiative to adapt the California CRC's model of independent redistricting for Michigan.

Ms. Wang replied that the overarching principles were ultimate transparency and public participation, and to make sure that the process was insulated from partisan or political manipulation or the appearance of it.

Commissioner Dai noted that the City of Long Beach is a Charter city like San Francisco. However, unlike San Francisco, by passing Measure DDD in 2018, Long Beach voters adapted many elements and principles from the CRC model, and it also seemed their commission adhered to the FAIR Maps Act of 2019. She then asked Ms. Gutiérrez what aspects were most important to ensuring fair maps.

Ms. Gutiérrez replied that ranked criteria was the most important thing. It served as their "guiding light" whenever there was confusion or disagreement.

Commissioner Dai noted that one area MI deviated from the CRC model was with completely randomized selection, albeit from a demographically representative applicant pool. Commissioner Dai asked Ms. Wang to share the reasoning and methodology behind that.

Ms. Wang said it was a product of necessity because when they did town halls throughout the state, there was no single office or officer that every voter trusted.

Commissioner Dai asked Ms. Szetela what implications a random selection had for her when she applied and what her reflections are on how it impacted the diversity and function of the IRC.

Ms. Szetela said it didn't impact her in terms of applying. The selection process ensured a diverse and balanced composition. However, the one thing not controlled for which became a challenge was educational level. The majority didn't have college degrees and some of the skills and background normally needed to draw maps.

Commissioner Dai noted that Long Beach's outreach and selection process mirrored the CRC in that it required outreach and began with some chosen by random selection and some who were elected by the randomly selected commissioners. All candidates, however, were vetted first by an impartial body against qualifying criteria. Commissioner Dai asked Ms. Gutiérrez how this worked out in practice in terms of the diversity and function of the IRC.

Ms. Gutiérrez said the initial vetting was done by the Ethics Commission, which was created by Measure CCC on the same ballot. The requirement to have one

representative from each district in the City ensured another level of diversity and added extra insurance.

Commissioner Dai said that one innovation adopted by MI was ranked criteria. She then asked Ms. Wang to explain why they elevated communities of interest in the ranking, whereas in CA this was included at the same level as neighborhoods. Why were communities of interest elevated?

Ms. Wang said elevation of communities of interest came out of the history of Michigan. They wanted to go back to the very core of what representational democracy should be, which is people from certain communities voting to have someone to represent their interests.

Commissioner Dai asked Ms. Szetela whether she thought having ranked criteria was helpful in the line-drawing process and to share an example of how ranked criteria played out when they were making tradeoffs.

Ms. Szetela said having ranked criteria was essential because it prioritized what was most important. They received 30,000 comments, and everyone wants something different.

Commissioner Dai mentioned that Long Beach had slightly different rules regarding preserving neighborhoods and communities of interest and asked Ms. Gutiérrez to provide an example of how this helped or hindered their line-drawing process.

Ms. Gutiérrez said each neighborhood has an identity and community. They are very defined and shared common interests. It also helped with correcting some systemic inequities like redlining, especially when looking at the historically black neighborhoods that are densely populated and also where people from the Cambodian diaspora found their home.

Commissioner Dai asked Ms. Gutiérrez what voting threshold was required to pass a final map, what the final vote was, and to comment on efforts to achieve consensus.

Ms. Gutiérrez said they had a supermajority requirement of 9 out of 13, and their map was approved unanimously, which she is especially proud of. They listened to everyone. At the end of the day, everyone had to give a little and be a little upset to achieve consensus.

Commissioner Dai asked the same questions to Ms. Szetela, as well as asking her to comment on any advantages or challenges to achieving the required special majority.

Ms. Szetela said their voting process was complicated because there were multiple tiers that maps had to pass through. They had to have both a majority, as well as two

from each group of Republicans, Democrats, and independents. As a fallback, they had a process of ranking maps and using that to tabulate points. As a second fallback, the Secretary of State's Office would choose randomly among the remaining maps. Wanting to avoid the fallback processes provided an incentive to compromise and reach agreement in the earlier stages.

Commissioner Dai asked Ms. Gutiérrez what happens if their commission is deadlocked or misses the deadline.

Ms. Gutiérrez replied that their Charter states that their Superior Court would decide.

Commissioner Dai asked all of the speakers what critical transparency protections they think San Francisco should consider?

Ms. Wang emphasized that there should be no private conversations about redistricting business between the Commissioners themselves or between Commissioners and members of the public.

Commissioner Dai asked Ms. Gutiérrez what role non-voting alternates played in the process, and under what circumstances would an alternate replace a commissioner. Does she think alternates are a good idea?

Commissioner LiVolsi asked the speakers if there was a draft map deadline and if they were successful in adhering to the deadline.

Ms. Szetela replied that the Michigan Commission missed their deadline due to the census delay. They didn't receive the data until four months after it was anticipated. However, they finished the maps early enough that they could be used.

Commissioner LiVolsi asked if a stipend was offered to Commissioners.

Ms. Gutiérrez replied that Long Beach Commissioners received a \$200 for each hearing, which was approved by the City Council.

Ms. Szetela said that Michigan Commissioners received a salary, which the Constitution said needed to be a minimum of 25% of the Governor's salary. The Commissioners temporarily increased that to 35% during the most active phase of their work.

Commissioner LiVolsi asked if they had staff that helped with the process.

Ms. Szetela said that Michigan hired a General Counsel, an Executive Director, and a Communications & Outreach Director, who also hired a few people. The Secretary of State's Office also helped with some of the technology and administrative support.

Ms. Gutiérrez said that their Commission had City staff appointed to help them. However, this created problems later when work increased because these staff also had to assist other Commissions.

Commissioner Dai thanked the speakers.

Vice President Stone said she liked the idea of Town Halls and that the Commission could use that approach in the community to help engage the public in determining the criteria for selecting candidates.

Public comment:

Fernando Martí of the Community Unity Coalition thanked the Commission for continuing to invite speakers on this topic and listening to them.

A member of the public commented by phone that the incumbent Supervisor in District 4 would have won if redistricting hadn't happened or had happened in an appropriate manner.

Lauren Girardin speaking for the League of Women Voters of San Francisco spoke by phone in appreciation of the process the Commission is conducting and to keep 2024 as a goal for introducing reforms.

Vice President Stone spoke in support of collaborating with the community. Commissioner Dai suggested using the December meeting to talk about next steps.

6. Dominion Voting Systems Contract Extension

President Jerdonek said this item was in response to what the Commission learned at the last meeting, which is that the Board of Supervisors no longer needs to approve the Dominion contract extension. The Commission had had a different understanding for the nine months prior, so this agenda item provides an opportunity to discuss and learn more about this change.

President Jerdonek asked DCA Russi to explain the situation from the City Attorney's perspective. DCA Russi explained that the original resolution approved by the Board also approved the extensions.

VP Stone suggested that if there are any changes to any information that had already been submitted to the Commission, the Commission could ask that that be included in the next Director's Report.

Commissioner Hayden Crowley asked VP Stone if she could make that a motion.

Commissioner Bernholz asked about the List of Regularly Requested Information that the Commission adopted at a previous meeting.

Public comment:

George Gaboury of a new nonpartisan organization called the San Francisco Election Integrity Team thanked the Commission and encouraged the Commission to monitor the quality of the Dominion machines.

Carla Kincaid-Yoshikawa commented that the Board of Supervisors should have to approve the change to the contract and said transparency is crucial.

Brent Turner spoke in support of the previous commenter and said the Director should inform the Commission of changes.

Alec Bash commented that the contract has become an issue because it runs counter to the open-source voting policy the Department should follow.

Trent Lange, President of the California Clean Money Campaign, said the Director didn't inform the public of the change, even though they were previously told they would be able to weigh in before the Board.

7. Director's Report

Director Arntz provided an update on the election and the counting of ballots. The ballots being processed now require a lot of manual review so is slower. Around 6800 remain. Nearly 700,000 cards have been processed due to the 5-card ballot. Director Arntz mentioned two measures that would impact the conduct of elections in 2024: 1) AB 1416 adding proponents and opponents to state measures, as well as the option of listing them for local measures; and 2) Measure H, which might result in 6- or 7-card ballots due to election consolidation.

Public comment:

George Gaboury asked if the Department is able to draw from other databases of signatures like the DMV if it doesn't have enough signatures from a particular voter to verify a signature.

Brent Turner stated that he was the Communications Director for the Open Voting Consortium and expressed concern at the cheerleading against the open-source community and the advocacy for Dominion.

8. Commissioners' Reports

Commissioner Dai thanked Commissioner Hayden Crowley for her ideas on advancing the Redistricting Initiative. One of these ideas was to reach out to Rodney

Fong, President of the Chamber of Commerce, to see if the Commission could get a question about redistricting included in the annual CityBeat Poll.

President Jerdonek reviewed a memo he attached to the packet about an open-source voting pilot that the state of New Hampshire had just done in the November 2022 election.

President Jerdonek also said that a member of the public emailed the Commission asking about the status of the Commission's Open Source Voting Technical Advisory Committee, since it hasn't been meeting.

Public comment:

Brent Turner said that OSET was involved in the Los Angeles issue where \$300 million was obtained to move towards open-source voting that was never achieved.

Alec Bash said the fundamental issue with open source is whether Director Arntz is supportive of the effort or not.

Matt Roe of VotingWorks made himself available to answer questions given the discussion around VotingWorks and the pilot at this meeting.

Commissioner Hayden Crowley asked Mr. Roe questions about his organization, the pilot, and the pilot in New Hampshire.

9. Possible Closed Session Regarding Public Employee Appointment/Hiring: Director of Elections

President Jerdonek explained that this item is in response to the process described in the Charter that happens every five years.

Public comment:

David Schmidt of the California Clean Money Campaign urged the Commission to open a competitive selection process to consider applicants for the Director position.

Shannon Geis of the California Clean Money Campaign honored Director Arntz and asked the Commission to open a competitive selection process for the Elections Director.

Carla Kincaid-Yoshikawa, a polling-place inspector, said we need to move to open source even if it means replacing the Director.

David Pilpel commended the Director for running free, fair, and functional elections for twenty years and encouraged the Commission to reappoint the Director.

Brent Turner said the Commission should open up the process to an executive search because there has been a predisposition towards Dominion.

Alec Bash encouraged the Commission to invite the Director to participate in a selection process and urged the Commission not to renew the Director's contract.

Trent Lange, President of the California Clean Money Campaign, encouraged the Commission to engage in a competitive selection process and encourage the Director to participate in it.

Roman Oganessian, an employee of the Department of Elections, asked the Commission if it had considered reaching out to Department employees for feedback on the Director.

Vice President Stone asked DCA Russi if it would be possible to hold a closed session as part of a special meeting within the next 72 hours given the late hour. DCA Russi said that the Covid emergency orders allow special meetings to be convened with 24 hours' notice, though it would be better to give more notice.

Commissioner Dai moved that the Commission go into closed session; seconded by Commissioner LiVolsi.

MOTION TO GO INTO CLOSED SESSION

President Jerdonek	Yes
Vice President Stone	Yes
Commissioner Bernholz	Yes
Commissioner Dai	Yes
Commissioner Hayden Crowley	Yes
Commissioner LiVolsi	Yes
6 Yays 0 Nays 0 Abstain	
Motion passes unanimously	

[The closed session began at 9:43 p.m.]

The attendees of the closed session were President Jerdonek, Vice President Stone, Commissioner Bernholz, Commissioner Dai, Commissioner Hayden Crowley, Commissioner LiVolsi, and Deputy City Attorney Russi.

[The closed session ended at 11:29 p.m.]

President Jerdonek reported that the action taken in closed session was to open up a competitive selection process and to invite Director Arntz to participate, with a vote of 4 to 2 with Commissioners Bernholz and Hayden Crowley dissenting.

Commissioner Hayden Crowley moved not to disclose any portion of the closed session discussion; seconded by Commissioner Dai.

MOTION NOT TO DISCLOSE ANY PORTION OF THE CLOSED SESSION DISCUSSION

President Jerdonek	Yes
Vice President Stone	Yes
Commissioner Bernholz	Yes
Commissioner Dai	Yes
Commissioner Hayden Crowley	Yes
Commissioner LiVolsi	Yes
6 Yays 0 Nays 0 Abstain	
Motion passes unanimously	

President Jerdonek invited any Commissioners that would like to make a comment to do so.

Commissioner Dai said this is an opportunity for the City of San Francisco to do a broad search and see who is out there and what talent is available to the City. After twenty years of not doing a search, this is about taking action on the City's racial equity plan, which means giving people an opportunity to compete for a leadership position. It is also about ensuring there is enough time for an equitable process to allow candidates of all stripes to apply. We hope and expect that Director Armtz will be one of those candidates and that we can have a fair and equitable process.

10. Selection and Hiring Process for Director of Elections Position

DCA Russi informed the Commission that to form a committee the Commission's Bylaws say the Commission must vote to do so, but that the President can appoint the members of the Committee.

Commissioner Dai moved to form a Hiring Committee of three Commissioners so the Commission could move more efficiently on the hiring process; seconded by Commissioner Bernholz.

Public comment: None.

MOTION TO FORM A HIRING COMMITTEE

President Jerdonek	Yes
Vice President Stone	Yes
Commissioner Bernholz	Yes
Commissioner Dai	Yes
Commissioner Hayden Crowley	Yes
Commissioner LiVolsi	Yes

6 Yays 0 Nays 0 Abstain
Motion passes unanimously

Commissioner Bernholz moved that the Commission designate certain Commissioners to talk to the media to manage messaging, suggesting President Jerdonek, Commissioner Dai, and Commissioner LiVolsi; seconded by Vice President Stone.

Commissioner LiVolsi expressed that her time is limited but that she could serve as a backup.

Commissioner Bernholz amended her motion to designate only President Jerdonek and Commissioner Dai; seconded by Vice President Stone.

MOTION TO DESIGNATE MEDIA SPOKESPERSONS

President Jerdonek	Yes
Vice President Stone	Yes
Commissioner Bernholz	Yes
Commissioner Dai	Yes
Commissioner Hayden Crowley	Yes
Commissioner LiVolsi	Yes

6 Yays 0 Nays 0 Abstain
Motion passes unanimously

President Jerdonek said that he would reach out to DHR and then schedule the first Committee meeting.

President Jerdonek asked who would be willing to serve on the Hiring Committee. Commissioners Hayden Crowley and Bernholz said they are not interested. Commissioners Dai and LiVolsi said they are interested. Vice President Stone said she is potentially interested.

Commissioner Hayden Crowley asked President Jerdonek if he could call Director Arntz to let him know of the decision. President Jerdonek said he would do so the following day.

11. Agenda items for future meetings

Commissioner Bernholz suggested—

- Commission Secretary position
- Commission Annual Report
- Annual Performance Evaluation of the Director

Vice President Stone suggested—

- Invite Matt Roe of VotingWorks to answer questions

Commissioner Hayden Crowley suggested streamlining the agenda for the next few meetings, for example by postponing discussion of open-source voting. Vice President Stone said the Commission should not postpone redistricting.

Public comment:

A member of the public commented that the Commission has been able to discuss other things because the election went well and reminded the Commission that the budget cycle starts in December.

President Jerdonek thanked the speaker for reminding the Commission of some additional topics for December, namely—

- Review of the November Election
- The Commission and Department budget

Meeting was adjourned at 12:00 a.m.