

**ARTICLE IV  
COMMISSION'S POWERS AND DUTIES**

- A. The Commission shall create and implement general plans and policies consistent with the Commission's stated Charter purposes and objectives.
- B. The Commission shall consider approval of written plans, prior to each election, submitted by the Director of Elections, detailing the policies, procedures, and personnel that will be used to conduct the election.
- C. The Commission shall conduct an assessment of how well the election plan referred to in subsection (B) above succeeded in carrying out a free, fair and functional election.
- D. After public hearing, the Commission shall approve a departmental budget subject to Section 9.103 of the San Francisco Charter.
- E. The Commission shall recommend to the Board of Supervisors rates, fees, and similar charges within the Commission's jurisdiction.
- F. The Commission shall hire, manage, and supervise the Director of the Department of Elections.
- G. The Commission may conduct investigations into areas within the Commission's jurisdiction by holding hearings and taking testimony, and make recommendations to the Mayor or Board of Supervisors.
- H. The Commission shall appoint a Commission Secretary to manage the affairs and operations of the Commission.
- I. The Commission may retain temporary counsel for specific purposes.
- J. The Commission shall formulate, evaluate, and approve goals, objectives, plans and programs and set general policies consistent with the overall objectives of the City and County.
- K. The Commission shall exercise such other powers and duties as shall be prescribed by the Board of Supervisors which are not inconsistent with other laws which apply to the Elections Commission.
- L. The Commission may adopt rules and regulations consistent with the San Francisco Charter and ordinances of the City and County setting forth general policies and practices relating to all public elections conducted by the department. No rule or regulation shall be adopted, amended, or repealed, without a public hearing. At least ten days' public notice shall be given for such a public hearing. All such rules and regulations shall be filed with the Clerk of the Board of Supervisors.
- M. The Commission shall prepare an annual report describing its activities and shall file such report with the Mayor and the Clerk of the Board of Supervisors consistent with the Commission's duties under Section 4.103 of the San Francisco Charter and Sections 1.56 and 8.16 of the Administrative Code. This annual report shall cover the calendar year from January 1 through December 31.
- N. The Sunshine Ordinance requires the Commission Secretary to maintain a public review file containing a copy of any communication which the Commission Secretary has distributed to or received from a quorum of the Commission concerning a matter calendared by the body within

the previous 30 days or likely to be calendared within the next 30 days. The Commission's public review file shall include any correspondence sent to a majority of the Commission in connection with any matter within the jurisdiction of the Commission (regardless of whether it has been calendared or is likely to be calendared in the previous or next 30 days). Any Commissioner who knowingly receives correspondence that on its face is addressed to a majority of the Commission concerning such a matter shall forward such correspondence to the Commission Secretary for inclusion in the public review file.

## **ARTICLE V OFFICERS**

### **Section 1. Officers**

- A. The Commission's executive officers are President and Vice President, who serve at the Commission's pleasure.
- B. The Commission shall elect the executive officers by majority vote of the Commission's full membership. The election of Commission executive officers shall be conducted at a Commission meeting in January of each year. The terms shall begin immediately at the conclusion of the meeting in which elections are held.
- C. The Executive Officers' terms are one year.
- D. If a vacancy occurs in either executive office, the Commission shall elect a new Executive Officer to fill that vacancy by majority vote of the Commission's full membership at the next regular meeting.

### **Section 2. The President**

- A. The President shall preside at all Commission meetings when present.
- B. The President, with the Commission's advice, shall prepare the agenda for all meetings.
- C. The President shall appoint all committee members and committee chairs, who shall serve at the President's pleasure.
- D. In the President's absence, the Vice President shall preside at the Commission meeting. In the absence of both the President and Vice President, the Commission shall elect a President pro tem who shall preside at the Commission meeting.
- E. As soon as reasonably practicable following completion of each calendar year, the President who served at the conclusion of that calendar year shall present a draft annual report to the full Commission. An annual report shall be approved by the full Commission as soon as reasonably practicable following submission of the draft annual report.

### **Section 3. The Vice President**

- A. In the absence of the President, the Vice President shall assume the President's duties.
- B. The Vice President shall perform such other duties as the President may determine.

## **ARTICLE VI COMMISSION STAFF**

### **Section 1. Director of Elections**

- A. Section 13.104 of the San Francisco Charter establishes the Director of Election's duties, term of service, method of removal and shall control the Director's official conduct.
- B. The Director shall attend all Commission and committee meetings except as excused by the President or the applicable committee Chair.
- C. The Director shall report timely and regularly to the Commission on all matters concerning the Department's operation.

### **Section 2. Commission Secretary**

- A. The Commission Secretary shall attend all Commission and committee meetings except as excused by the President or the applicable committee Chair.
- B. The Commission Secretary shall be responsible for the proper recordation and distribution of all Commission actions, correspondence, agendas, and other duties assigned by the Commission President, including research, assisting committee chairs and officers, making recommendations on assigned projects, answering questions from the public about Commission activities and procedures, helping the Department of Elections staff prepare presentations before the Commission, and representing the Commission at public gatherings as required by the Commission President.
- C. The Commission Secretary shall also serve as Executive Assistant to the Commission President and, as such Executive Assistant to the Commission President, shall be responsible for communication between the Commission members, the Commission, and the Director of Elections, as well as other tasks the President may assign.

### **Section 3. Annual Reviews of Director of Elections and Commission Secretary**

The Commission shall conduct performance reviews for the Director of Elections and the Commission Secretary during each fiscal year. Each such review shall include, but need not be limited to, a written or in-person evaluation of that individual's performance by the Commission.

## **ARTICLE VII COMMITTEES**

### **Section 1. Budget and Oversight of Public Elections Committee**

The Commission shall establish one standing committee, the Budget and Oversight of Public Elections Committee (BOPEC). Subject to applicable notice requirements, the Commission President may, at their discretion, convene a meeting of the BOPEC and appoint its members.

### **Section 2. Additional Committees**

The Commission may create additional committees when the Commission determines, by a majority vote, such additional committees are necessary.

### **Section 3. Committee Operations**

- A. Each committee shall consist of three members.
- B. A quorum shall consist of a majority of the committee members.
- C. The Committee shall act through majority vote of the Committee.
- D. If any Committee adopts a motion making any recommendation to the Commission, the Committee Chair shall promptly advise the Commission President, who shall place that item on the agenda for the next Commission meeting.

## **ARTICLE VIII MEETINGS**

### **Section 1. Quorum.**

- A. A quorum shall consist of a majority of the members of the Commission, based on the total number of seats designated by law.
- B. For a motion or other transaction to be adopted by the Commission, it must receive a majority vote of the Commission based on the total number of seats designated by law.

### **Section 2. Public Comment**

- A. The Commission meetings are public; the Commission shall encourage public comment.
- B. Any member of the public may address the Commission once for up to three minutes on any agenda item.
- C. Public comment is hereby made a permanent agenda item.
- D. When an item may generate considerable public comment, the presiding officer, at their sole discretion, may require public commentators to sign up with the Commission Secretary.
  - 1. Public commentators will speak based on "sign up" order.
  - 2. Public commentators who do not sign or do not wish to give their name may comment after those who signed up to speak.
- E. The presiding officer shall have the right to restrict public comment to a maximum of one minute if circumstances warrant restriction.

### **Section 3. Public Minutes**

- A. The Commission shall record minutes of each meeting and shall comply with the provisions of the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.16).
- B. Whenever practicable, the Commission shall approve the minutes at the next Commission meeting.

### **Section 4. Regular Meetings**

- A. Regular meetings shall be held on the third Wednesday of each month at 6:00 p.m., except in the case of a City-recognized holiday, when the meeting shall be held on the first Thursday

following the third Wednesday of the month. Meetings shall be held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408, in the City of San Francisco.

B. The Commission may change the date, time or place of its regular meeting by motion. At any time, the President may cancel a regular meeting, subject to provision of appropriate notice.

C. Regular meetings and/or special meetings may be held at other places, dates or times, subject to provisions of appropriate notice.

### **Section 5. Closed Meetings**

A. The Commission is authorized to hold closed (non-public) meetings for limited purposes to discuss and act on matters such as threats to the security of the Department of Elections; consideration of the appointment, employment, evaluation, performance, or dismissal of the Director of Elections or Commission Secretary; pending litigation; and certain other matters as authorized by law.

B. For closed sessions regarding pending litigation, the Commission shall vote on whether to go into closed session. For all other closed sessions, the President of the Commission may call a closed session upon consultation with the City Attorney, and after determination a closed session is both authorized and appropriate under the circumstances.

### **Section 6. Special Meetings**

The President of the Commission may call special meetings to address specific matters.

### **Section 7. Attendance**

A. Except in the event of a notified absence (defined below), each member of the Commission is expected to attend each regular, special, or Committee meeting of which they are a member.

B. A member's absence shall constitute a notified absence where the member, in advance of the meeting, informs the Commission Secretary or other person whom the Commission has designated that the member will be absent. An absence due to unforeseen circumstances such as illness or emergency shall also qualify as a notified absence where the member reports such absence to the Secretary as soon as reasonably possible.

C. The Commission Secretary shall maintain a record of attendance and shall report all instances of non-notified absences to the member's appointing authority. In addition, any time a member is absent from three consecutive regular meetings, the Commission Secretary shall report such absences to the Commission President and to the member's appointing authority.

D. In November of each year, the Commission Secretary shall submit a written report to the appointing authority for each Commission member detailing such Commission member's attendance at all meetings of the Commission for the prior twelve-month period.

## **ARTICLE IX VOTING**

### **Section 1. Voting and Abstention.**

Each member present at a Commission meeting shall vote 'yes' or 'no' when a question is put unless the member is legally prohibited from voting or is excused from voting by a motion adopted by a majority of members present.