



April 7, 2022

**VIA EMAIL ONLY**

Commissioner Lucy Bernholz  
Commissioner Becca Chappell  
Commissioner Cynthia Dai  
Commissioner Christopher Jerdonek  
Commissioner Charles Jung  
Commissioner Robin M. Shapiro  
Elections Commission  
City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

**Re: April 8, 2022, Special Meeting**

Dear Commissioners:

I am an attorney who specializes in election law and I write with regard to the Elections Commission's special meeting on April 8, 2022. The comments below are mine alone.

I understand that you may consider replacing the Commission's appointees to the Redistricting Task Force, mere days before the final supervisorial maps are due. I also understand that this meeting was called in response to requests from the San Francisco League of Women Voters (SFLWV) and their associate organizations, among others.

I write to urge you to not take any such action, particularly at this late hour, as it would risk violating the City Charter's April 15 deadline and it would severely compromise the integrity of the entire redistricting process, in the eyes of both the City's residents and the rest of the country.

As you know, the Task Force is charged with the challenging task of redrawing supervisorial district lines after the 2020 census. In doing so, the Task Force is required to comply with a number federal, state and local laws. Among those are the federal Voting Rights Act and, importantly, the Equal Protection Clause's "one person, one vote" rule, which requires districts to be of substantially similar constituent size.

This latter rule is currently requiring significant modifications to district lines given the dramatic population changes in certain parts of the City since the last redistricting effort ten years ago.

Another important rule is that the City Charter requires that district lines “reflect communities of interest within the City and County.” (S.F. Charter § 13.110(d).) It is this requirement that apparently forms the basis for the SFLWV’s letter calling for this meeting.

In that letter, the SFLWV suggests that the Task Force has somehow not given “due weight to the public input of historically and systemically marginalized, vulnerable, and disadvantaged communities.”

Of course, many representatives of these communities have shown up and spoken very forcefully at the Task Force’s meetings in recent months. The suggestion that the Task Force members – volunteers all, who have given hours and hours of their time to their often-thankless work over many months – have blatantly disregarded all such testimony seems dubious at best and disingenuous at worst.

Instead, this seems to be the case where certain organizations, including SFLWV, are simply unhappy with what the final maps may look like. That is understandable. The balancing and compromise the Task Force must engage in will inevitably leave many unsatisfied.

What is not understandable, however, are the extreme lengths to which those organizations, their associates, and others are willing to go to get the maps they want – namely, by questioning at this late stage the integrity and work of those Task Force members who are evidently in favor of drawing maps not to SFLWV’s liking.

Importantly, however, SFLWV has not shown anything to indicate that any map that may be approved by the Task Force in the regular course will be unlawful.

Indeed, the SFLWV’s letter should be interpreted as what it seems to be: a demand that certain Task Force members abdicate their responsibility to balance various districting considerations, and delegate to SFLWV, its associates and others the ability to determine (as SFLWV states in its letter) “how [certain] communities should be respected in the draft maps.”

Based on this, it would seem that SFLWV has recently changed from an organization that advocates for fair election rules to one that advocates for particular results on behalf of particular groups. That is a shame and it tarnishes the reputation of such an historically important organization. But Switzerland, as SFLWV likes to call itself, it is not.

Some final context here is important to highlight the distinctly outcome-oriented nature of this eleventh hour push to replace the Task Force members. Many of the other people advocating with SFLWV against the Task Force’s maps, and who will likely appear at your meeting, evidently have done so at the urging of Supervisor Dean Preston, who undoubtedly sees that his district would change substantially under the proposed maps.

Supervisor Preston’s very public and active role in this effort is of course contrary to the very purpose of establishing an independent commission in the first place: to remove politicians

from the line drawing process. The fact that SFLWV is evidently silent about Supervisor Preston's prominent role in the attack on the Task Force's work speaks volumes.

I respectfully urge you to reject all calls to replace any Task Force member or to otherwise unduly influence the work of the Task Force at this late hour.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jesse Mainardi", with a large, sweeping flourish at the end.

Jesse Mainardi