



Memorandum

To: Elections Commission
From: John Arntz, Director
Date: May 13, 2022
RE: Director's Report: May 18, 2022, Elections Commission Meeting

Following is a brief listing of the work and related information in which the Department of Elections (Department) has been engaged since the previous report issued in relation to the Elections Commission meeting on March 16, 2022.

I. The Department certified the April 19, 2022 Special General Election.

- A. During the official canvass period (April 19-28), the Department issued six multiforum preliminary election results reports, along with daily press releases, all of which have been posted on *sfelections.org*.
- B. On April 28, 2022, the Department certified the results of the April 19 Election. Final turnout was 29.31%, with 78,764 of San Francisco's 268,722 voters registered in Assembly District 17 casting their ballots.
- C. Following certification, the Department posted several detailed election results reports, as well as voting equipment transaction logs, images of cast ballot cards, and the Statement of the Vote, on *sfelections.org*.

II. The Department is continuing to execute on-going reporting, human resources, and procurement tasks.

- A. The Department submitted its *2021 Racial Equity Progress Report and Budget Equity Assessment Tool* to the Office of Racial Equity prior to the May 2nd deadline and posted it at *sfelections.sfgov.org/2021-2023-racial-equity-action-plan-department-elections*.
- B. The Department finished hiring and onboarding nearly 200 temporary employees for the June 7 election.
- C. The Department continues to procure all necessary supplies and vendor services for the next two elections.
- D. The Department executed grantee agreements with four of the local non-profit organizations selected under its *2022 Voter Partnership Request for Proposals* to provide outreach to vulnerable populations for the June and November 2022 elections and is currently negotiating agreements with the remaining six selected organizations.

III. The Department continues to facilitate candidate filings for the June 7 and November 8, 2022 elections.

- A. On April 11, the Department began facilitating the filing of write-in candidate nomination paperwork for the June 7 election. The Department will continue to accept such filings until May 24, the last filing submission deadline for the election.
- B. March 21 marked the opening of the signatures-in-lieu of filing fees petitions submission period for any San Francisco Board of Supervisors candidates running in the November 8 election who wish to partially or completely offset the cost of nomination filings; the Department will process any such petitions submitted by May 15. Then, between May 20 and June 14, the Department will facilitate the submission of nomination paperwork for the same offices.

- C. Between May 19 and July 13, the Department will facilitate submissions of signatures-in-lieu of filing fees petitions for any San Francisco Assessor-Recorder, Public Defender, Community College Board, or Board of Education candidates running in the November 8 election who wish to partially or completely offset the cost of nomination filings.

IV. The Department is currently administering in-person and by-mail voting for the June 7 Election.

- A. Last month, the Department developed and translated official June 7 ballots, which list a number of federal, state, and local contests along with eight local ballot measures and are available in paper, audio, and touchscreen formats.
- B. As required by federal law, the Department transmitted ballots to approximately 11,000 voters serving in the military or residing overseas by April 23 via the voters' selected method of delivery (email, postal mail, or fax.)
- C. Earlier this week, the Department delivered nearly 500,000 vote-by-mail (VBM) ballot packets to local voters. To date, the Department has received and processed nearly 20,000 returned VBM ballots and will continue processing mailed ballots postmarked on or before Election Day up through June 14.
- D. On May 9, at the start of the early voting period, the Department opened its online accessible vote-by-mail system (AVBM), 34 official ballot drop boxes located throughout the City, and the City Hall Voting Center. The Voting Center will be open between 8 a.m. and 5 p.m. weekdays up through Monday, June 6 (except for the May 30th holiday), between 10 a.m. and 4 p.m. the last two weekends of the voting period, May 28-29 and June 4-5, and between 7 a.m. and 8 p.m. on Election Day.
- E. On June 7, Election Day, the Department will operate 588 polling places. (State election law does not permit precinct consolidation in this primary election, as it did for the February and April special elections.) Having secured all 588 facilities, the poll locating team will now focus on identifying substitute sites to serve in the event of cancellation.
- F. To date, the Department has recruited approximately 2,200 poll workers to assist voters at the polls and will continue its recruitment efforts through the next several weeks. Such efforts include distribution of flyers at community events and job fairs, mail and email notifications to San Francisco voters, placement of newspaper ads, posting of messages via the Department's social media accounts, collaboration with public and private schools, and the inclusion of a new page in the June 7 Voter Information Pamphlet (VIP) with information about serving as a poll worker and how to apply, along with testimonials from several people who have volunteered in previous elections.

V. The Department continues to deliver multilingual, barrier-free voter outreach and education for 2022 elections.

- A. Last month, the Department mailed a multilingual notice to all of San Francisco's approximately 380,000 households. This notice: 1) alerted residents to redistricting changes affecting the June ballot, 2) explained available registration and voting options, 3) highlighted key election dates and deadlines, and 4) encouraged poll worker service.
- B. Last week, the Department delivered the June 7, 2022 VIP to voters via email or postal mail. In addition to providing essential information about registration and voting in San Francisco, this edition of the VIP includes a redistricting FAQs page, along with new maps of San Francisco's Assembly and Congressional Districts.

- C. Last month, the Department posted its *June 7 Voter Outreach and Education Plan (VOEP)* at sfelections.sfgov.org/sites/default/files/Documents/GetInvolved/2022June7Election%20VOEP.pdf. The June 7 VOEP describes all current efforts to provide San Franciscans with information on: 1) voter registration methods, 2) contests on the June ballot, 3) ballot receipt and return options, 4) language and accessible voting resources, 5) opportunities for poll worker service, 6) opportunities to observe elections processes, and 7) how redistricting will impact local voters. The VOEP was presented at the April 7 *Language Accessibility Advisory Committee* meeting and shared with outreach partners.
- D. On May 12, the Department held a *Voting Accessibility Advisory Committee* meeting regarding services available to local voters with disabilities in the June 7 election, with a focus on the newly available online conditional voter registration process for voters with disabilities under recently passed Senate Bill 504.
- E. The Department's outreach team continues to participate in neighborhood events throughout the City and to conduct presentations about registration and voting options in upcoming 2022 elections.
- F. Last month, after evaluating proposals to its second *2022 Request for Proposals (RFP)*, the selection panel chose six local non-profit organizations: 1) Arriba Juntos, 2) Mission Neighborhood Centers, 3) SF-Shanghai Association, 4) New Community Leadership Foundation, 5) San Francisco Rising, and 6) Tenderloin Neighborhood Development Corporation to help provide supplemental outreach to members of San Francisco's vulnerable and hard-to-reach populations. Along with the four organizations chosen after evaluating responses to the first RFP — 1) Asian Pacific American Community Center, 2) Chinatown Community Development Center, 3) Chinese Newcomers Service Center, and 4) Mission Economic Development Agency — the Department has now selected 10 outreach grantees.

Following the RFP grant agreement negotiation period, the Department will conduct RFP grantee training, which will include a review of official outreach messages and materials and highlight the fact that grantees must provide neutral and non-partisan outreach over the course of their contract terms.

VI. Logistical and legislative updates that impact the Department's operations and services.

- A. The Department researched, developed, and implemented a new IRS tax reporting protocol.
 - 1. With current poll worker stipends ranging from \$180-\$240, poll workers serving in more than two of the City's four 2022 elections will earn over \$600 this year. According to IRS rules, if a poll worker is likely to earn more than \$600 in a year, the poll worker must complete a W-4 so that, if the poll worker in fact earns more than \$600 that year, the City can use the information on the poll worker's W-4 to report the income to the IRS using a W-2.
 - 2. The last time the Department conducted four elections in one year and faced similar IRS reporting rules was in 2008. The City's process and applications have since changed and Department staff had to research and develop new intradepartmental procedures, coordinating with the Controller's Office and the Department of Human Resources to ensure compliance. Staff also developed new internal procedures and tools to make the process of identifying and processing affected poll workers more efficient.
 - 3. Last month, to inform affected poll workers about applicable IRS rules, the Department mailed an informational packet to approximately 200 poll worker inspectors who had served in both the February 15 and April 19

elections. This informational packet included a notice explaining that service in the June 7 election could trigger IRS reporting requirements, as described above, and included a W-4 and a postage-paid return envelope that poll workers may use to submit their information to the Department.

- B. The Department has been working on implementing a new emergency elections law.
1. On March 31, an emergency statute, Senate Bill (SB 504), was signed into law, effective immediately. This bill required the Secretary of State to adopt regulations regarding the ability of California military and overseas voters and voters with disabilities who miss the registration deadline and who are unable to visit a voting location to use a conditional voter registration (CVR) and cast a provisional ballot – previously CVR was only available in-person.
 2. On April 27, the SOS adopted emergency regulations promulgated under the authority set forth in SB 504, providing that California military and overseas voters and voters with disabilities may now use the online California Online Voter Registration (COVR) system for CVR and may subsequently request, from their county elections official, access to their ballot via an accessible vote-by-mail (AVBM) system.
 3. To implement this new law, the Department has been updating a number of its registration, ballot-issuing, and ballot-processing procedures, training staff, and revising information related to CVR on its website and in various outreach materials.

VII. Voting System Pilot Program

- C. Last week, the Secretary of State responded to the Department's February 7, 2022 request to conduct an open source voting pilot program at the City's November 8, 2022 election (Attachment 1). The Secretary of State (SOS) denied this request because "the proposed system is not complete and still under development, including but not limited to the Rank Choice Voting portion of the system, and testing by the City and County of San Francisco to ensure the functionality works has not been conducted" and clarified that the Department may still choose to submit a plan to pursue a pilot program at the November 7, 2023 election by February 7, 2023.
- D. Attachment 2 provides the draft regulations the SOS issued on May 12 regarding pilot programs specifically, and not including "open-source governance." The SOS indicated the draft regulations including open source will be drafted in the near term. Below is the notice the SOS issued regarding the drafting of regulations:

Attached please find initial draft regulations related to Elections Code section 19209 for open-source pilot plans. These draft regulations are specific to pilot plans and do not include open-source governance. Those regulations will be a separate rulemaking package that will get underway soon. We are hoping to get initial feedback from you before submitting these draft pilot plan regulations through the Administrative Act process with the Office of Administrative Law.

As you may be aware, the rulemaking process requires submitting proposed regulations with various rulemaking documents to the Office of Administrative Law for the publication in the Notice Register. The Office of Administrative Law is the agency responsible for reviewing and approving all state agency regulations. Once published, that begins a 45-day public comment period. If changes are made to the proposed regulations based upon comment in the 45-day

comment period, the proposed changes must go through a 15-day public comment period. Once all changes have been noticed and public comment allowed, the Secretary of State must compile the public comments and create final rulemaking documents to submit to the Office of Administrative Law for review.

Between now and June 17, 2022, we ask that you provide us with initial feedback. Then, we will review the feedback and make revisions to the draft regulations. We plan on submitting the proposed regulations and rulemaking documents to the Office of Administrative Law for publication in the Notice Register (and the process outlined in the paragraph above) on or before July 22, 2022, with the 45-day public comment period likely being August 5, 2022 through September 19, 2022.

Please provide your initial feedback on or before June 17, 2022, to votingsystems@sos.ca.gov. Thank you for your time and partnership on this issue.