

ELECTIONS COMMISSION
City and County of San Francisco

Christopher Jerdonek, President
Dominic Paris, Vice President
Roger Donaldson
Charles Jung
Viva Mogi
Jill Rowe
Rosabella Safont



John Arntz, Director of Elections

Don Chan, Secretary

MEETING MINUTES (DRAFT)

San Francisco Elections Commission
Wednesday, April 19, 2017
6:00 p.m.
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

1. Call to Order & Roll Call

President Jerdonek called the meeting to order at 6:06 p.m. Present: Commissioners Jerdonek, Jung, Paris, Safont. Excused absence: Commissioner Rowe. Excused late: Commissioner Mogi arrived at 6:12 p.m. during agenda item 3; Commissioner Donaldson arrived at 6:17 p.m. during agenda item 3. Also present: Director of Elections John Arntz and Deputy City Attorney Joshua White.

President Jerdonek welcomed new Commission Secretary Don Chan. Secretary Chan said a few words and thanked the Commission for the opportunity to serve.

2. General Public Comment

None.

3. Internet Voting

President Jerdonek briefly summarized the history of this topic, which was last visited by the Commission a year ago. President Jerdonek, Commissioner Donaldson, and Jim Soper prepared a draft resolution for the Commission to consider, which was part of the agenda packet. President Jerdonek invited two speakers to present.

First, Mr. Jim Soper presented for five minutes. He is Co-Chair of the Voting Rights Task Force, was a member of the San Francisco Voting Systems Task Force, and is a software consultant and programmer. Mr. Soper said that since 2011 there have been five bills in the California Legislature that attempted to introduce some form of internet voting. It may save money, but it is not secure.

Commissioner Jung asked if a secure, verifiable, transparent internet voting system could be possible. Mr. Soper replied no.

Commissioner Paris asked what aspects of voting would be okay for using the internet. Mr. Soper described the scenario of a person receiving a blank ballot on a website, printing, filling it out, and mailing it back in as appropriate and safe. He wasn't as sure about voter registration.

Next, Commissioner Donaldson introduced Dr. David Jefferson, who is a scientist at Lawrence Livermore National Laboratory, former Board Chair of both the California Voter Foundation and Verified Voting, and a noted authority on voting technology.

Dr. Jefferson spoke on the technical threats of internet voting, and why he called internet voting a threat to national security. He mentioned various problems with internet voting. Attacks on internet voting are likely undetectable. Uncorrectability and verification of mistakes are other issues. Voter authentication is not possible. Client-side malware can infect voter actions, and denial-of-service attacks are unavoidable. Large-scale privacy loss, and server penetration attacks can occur. There are no technologies in the foreseeable future that can deal with these issues. President Jerdonek asked about the experience of other countries that use it, like Estonia. Dr. Jefferson replied that he thinks they shouldn't be using it.

Dr. Jefferson felt that the internet was appropriate for distributing information like information on polling places, ballot issues, and candidate information. There are threats to voter registration on the internet like the potential for large-scale voter registration fraud.

Commissioner Jung stated that in addition to the resolution opposing internet voting, the Commission should oppose AB 1403.

Public comment:

Mr. Mike Murphy, San Francisco Green Party, encouraged the Commission to oppose internet voting.

Mr. David Cary supported the resolution, encouraged the Commission to oppose AB 1403, and spoke against the continued loss of privacy for military voters.

Mr. Pedro Hernandez, Deputy Director of FairVote California, supported the resolution and mentioned several of the same threats inherent to internet voting that previous speakers raised.

Ms. Meg Holmberg, member of the Voting Rights Task Force, spoke against internet voting. She said that vendors' claims promoting this service as supportive of the military troops is disputed by a Pentagon study showing that paper-ballot voting was working, but could use improvements like making military voters aware of being able to obtain their ballots online over the web.

Mr. Richard Tamm, Co-Chair of the Voting Rights Task Force and Treasurer of the East Bay Wellstone Democratic Renewal Club, supported the resolution. He encouraged the Commission to reach out to California legislators to oppose AB 1403 and internet voting, and to ask the Department of Defense to better inform military troops of the availability of downloading ballots via the web.

Commissioner Jung referenced line 8 on page 4 of the draft resolution and asked Ms. Holmberg for her opinion on changing that wording. She took it back for review.

Ms. Sarah Evans commented that the vulnerability of routers was not being addressed in the resolution, but it exists. She felt that the term “critical infrastructure” needed to be added to the resolution.

Ms. Mirka Morales spoke against internet voting and pointed out that voter registration fraud can happen not just before an election but also during and after.

Ms. Barbara Simons, who was Harry Reid’s appointee to the Advisory Board of the US Election Assistance Commission (EAC), mentioned the MOVE Act requiring states to provide online ballots to members of the military. She spoke of her experience observing the Estonia elections, which was fraught with questions, and how Canada allows internet voting on the municipal level but not the federal. She expressed opposition to internet voting and AB 1403.

Commissioner Jung moved to remove the final “Whereas” clause as unnecessary and to vote on the amended resolution. Seconded by Vice President Paris. The vote was UNANIMOUS to approve.

Commissioner Jung moved to empower President Jerdonek to draft a statement from the Commission opposing AB 1403 and related internet voting laws. Seconded by Commissioner Safont. The vote was UNANIMOUS to approve.

4. Open Source Voting

President Jerdonek explained that, per the agenda, the portions of the Commissioners’ Reports and Director’s Report relating to open source voting would be discussed in this agenda item.

Commissioners’ Reports:

President Jerdonek reported that he spoke on a panel at a symposium at Berkeley Law School organized by the student group ElectionLaw@Boalt. Also part of the panel were Dean Logan, Los Angeles County Registrar, and Charles Belle, co-founder of Startup Policy Lab.

President Jerdonek reported that he and Commissioner Donaldson met with an aide to Supervisor Cohen to educate her office on the open source voting project. He mentioned an April 5 article in the online magazine *Quartz* which, while generally well-

written, stated misleadingly that open source systems were “hack-proof.” He had a phone call with Travis County Registrar Dana DeBeauvoir, who reported on progress with their RFP and desire to deal with the project in smaller, more manageable “bites.” He noted that one tweet about the Department’s job posting had already generated 42 retweets on Twitter. He said that Dianne Feinstein was asked about open source voting at a town hall meeting. She was not familiar with the topic but said she would look into it. Finally, he mentioned that he spoke at a meeting of the San Francisco Green Party about open source voting in response to an invitation.

Director’s Report:

Director Arntz reported that the job posting for the 1823 Senior Analyst / Project Lead position ends Monday, April 23. However, he can extend the deadline if they would like more applicants. The RFP for the contractor is being reviewed by the Mayor’s Office. Once it is finished being reviewed the Department will issue the RFP.

Vice President Paris was concerned about the term “replacement voting system” in the job description that might be misinterpreted to mean other than open source. Director Arntz said the language was provided by the Mayor’s office.

There was discussion about whether the 1823 position would be pulled into activities other than pursuing open source voting, and it was assured there would still be time for open source. The \$4 million the Commission had asked the Director to put into the Department’s next year budget was moved by the Mayor’s Office into consideration by the Committee on Information Technology (COIT). The process of exactly how and when that will be considered is not clear.

Public comment:

A member of the public asked about COIT and its process. President Jerdonek briefly explained.

Mr. David Cary expressed concern that the 1823 position was not at a high enough level of responsibility to take the project to where it needs to be. He wanted to know what the schedule and timeline was for the RFP.

Mr. Tim Mayer, CAVO, emphasized the importance of the project being community developed, maintained, and owned, and to stay at the forefront of the effort.

Mr. Brent Turner, CAVO, expressed a worry that the 1823 position might be used for activities other than the open source project. He also expressed concern that certain authorities were not referenced.

Mr. Tony Wasserman expressed concern about the 1823 position’s compensation being too low. He emphasized the need for a “hands-on” person. He feels there needs to be some corporation or foundation responsible for rolling out the code.

Mr. Jim Soper, who has worked in the software industry, concurred with others that the pay for the 1823 position was too low. He commented that the \$15 million design phase of the Los Angeles County project produced a 400-page technical design report with hardware specs, and that LA expects to make the source code open to the public in the future. He hopes San Francisco can piggyback on that design and make minimal modifications for its own use.

Mr. Alex Rattray, who is an independent software engineer, said that it's not clear what level of responsibility the 1823 position should have, particularly around vision and design.

Ms. Barbara Simons agreed with a previous speaker that we should be building on already completed work (e.g. Travis and Los Angeles counties) as opposed to starting from scratch.

David (no last name stated) said he worked on the Los Angeles County project and said we need to build a team around the lead 1823 person. San Francisco should talk to the Los Angeles group as a resource.

Ms. Mirka Morales supported open source voting and opposed any private proprietary system.

Commissioner Donaldson agreed the position seemed targeted towards a lower level of subject matter expertise. Director Arntz said that the person was not going to be a subject-matter expert designing the system.

President Jerdonek commented that San Francisco is not necessarily planning to start from scratch and that hopefully, when Los Angeles or others release their code as open source, San Francisco can take advantage of that. Commissioner Donaldson added that San Francisco has not taken a position against collaborating with others.

5. Citizen's Advisory Committee

President Jerdonek explained that the draft advisory committee bylaws are for a technically focused group that would give high-level advice to the Commission to allow the project to advance. The discussion included questions about the size and subject matter expertise suggested for the committee, the advisability of it being Commission created and subject to public meeting restrictions, or otherwise assembled without such limits. It was stated that having this committee as drafted in the bylaws did not preclude a wider participation of individuals who were not formal members of the committee, and that the rules for the committee were not set in stone. It was suggested that one qualification should be someone with elections experience.

An alternative might be the Department inviting local experts who would, on a volunteer basis, help shape the project. However, the Commission would have no authority over such a body and so not be in the loop of communications with it.

Director Arntz commented that the outcome of the business plan could drastically affect the concept of the advisory committee. He said that the open source system is of citywide concern and reaches beyond the core tasks of the Department, so it is beyond his capacity to oversee such a body of experts at the same time as holding elections in 2018 and developing the system.

President Jerdonek said that the Commission putting effort into establishing such a committee would show its commitment to building a viable system. Director Arntz agreed.

Public comment:

Mr. Jim Soper supported including computer security as a criterion for membership on the committee.

Mr. Brent Turner, CAVO, said Sacramento feels San Francisco is serious about open source. He feared that San Francisco is falling behind and could build a system in a year. He cautioned that many private vendors will usurp the project goals away from open source.

Mr. David Cary supported the idea of the committee but felt there needed to be attention given to specific conditions for conflicts of interest (e.g. being on the committee and transitioning to being a contractor for developing the system).

Mr. Tony Wasserman was worried the committee has no real power to get its recommendations implemented.

President Jerdonek asked Vice President Paris if he wanted to amend the bylaws. Vice President Paris moved to include computer security and elections experience as criteria for selection of committee members, changing the sentence on page 2 to read, "Greater preference should be given to applicants with more years of relevant experience, including computer security and elections experience." [underlined clause added]

Commissioner Donaldson moved to approve the amendment to the draft bylaws. Commissioner Jung seconded. The vote was UNANIMOUS to approve.

Commissioner Donaldson moved to approve the draft bylaws as amended. Commissioner Safont seconded. The vote was UNANIMOUS to approve.

The Commission took up the question of which Commissioner should sit on the committee and conduct the recruitment and review process. Commissioner Jung nominated President Jerdonek to chair the committee. Seconded by Vice President Paris and Commissioner Donaldson. The vote was UNANIMOUS to approve.

Commissioner Jung moved to empower President Jerdonek to set up the application process, review the applications, and to come back to the next meeting with a

recommendation. Seconded by Commissioner Donaldson. The vote was UNANIMOUS to approve.

The Commission took a 5-minute recess and re-convened at 8:39 p.m.

6. AB 668 – Voting Modernization Bond Act of 2018

President Jerdonek said AB 668 was a bond measure to provide matching funds to counties for voting systems and other technologies at a ratio \$2 or \$3 of state money for each \$1 of county money. The measure would go before California voters at the June 2018 primary. Currently, the development and certification of open source voting systems are not eligible for these funds.

Deputy City Attorney Joshua White said that a 2002 bond fund did include support for an open source voting system, but this one doesn't. The Commission could request that open source voting be included and have a greater matching ratio. Deputy City Attorney White could draft language to propose to the City's State Legislative Committee so the City's lobbyist could encourage legislators to support.

The other amendment could be to ask for funds to lease a system rather than buy outright. This way San Francisco could lease a system if needed as a stop-gap between the expiration of the contract of our current Dominion voting system and the completion of the open source system.

Commissioner Jung moved to empower President Jerdonek to work with Deputy City Attorney White to draft an amendment to the bill for the State Legislation Committee that would provide for a \$4 to \$1 match on open source systems. Seconded by Commissioner Safont.

President Jerdonek requested a friendly amendment to authorize him to contact members of the Legislature that night, if possible, given that feedback was due to the Assembly Elections Committee by today or the following day at 5 p.m. Commissioner Jung accepted the friendly amendment.

Public comment:

Mr. Jim Soper spoke in favor of one percent of the \$450 million being set aside to pay for the testing and certification of disclosed, non-proprietary voting systems. He also said that other than the bond instrument, there is an appropriations process where the Legislature can include it in the state's budget.

Mr. Brent Turner expressed doubts on the passage of AB 668. He warned about using the term disclosed to mean open source since they aren't the same.

Mr. David Cary agreed with the comment about "disclosed" not being open source.

Mr. Alex Rattray agreed with the State funding 100% of the certification costs.

President Jerdonek requested another amendment to the motion for the leasing of systems to be matched at the same level as purchasing. Commissioner Jung accepted the amendment.

Commissioner Jung further amended his motion to include setting aside \$2 million of the funds to pay for the certification of open source systems, with the actual language to be worked out by President Jerdonek and Deputy City Attorney White. Vice President Paris seconded the motion. The vote was UNANIMOUS to approve.

7. Approval of Minutes of Previous Meeting

Moved by Commissioner Paris and seconded by Commissioner Donaldson to approve the draft minutes of the February 15, 2017 and March 15, 2017 Elections Commission meetings.

No public comment.

The vote was UNANIMOUS to approve.

8. Commissioners' Reports

President Jerdonek reported that he has now made Secretary Chan the Commission's Filing Officer. He mentioned that the Global Election Technology Summit was going to have a hackathon the weekend following the summit and said that the organizers were seeking suggestions for project ideas.

President Jerdonek welcomed new Commissioner Viva Mogi. Commissioner Mogi thanked him and spoke about her past involvement in voting rights issues in the API community and being a National Field Director for advocacy and increasing voter registration.

Public Comment:

Mr. Brent Turner welcomed Commissioner Mogi. He cautioned people about the appearance of impropriety when gatherings include individuals he characterized as "enemies" of open source, because many will be jockeying for advantages in securing contracts that do not allow open source.

9. Director's Report

Director Arntz had nothing to add to his written report. Asked about the warehouse move, he said that they are able to remain longer at Pier 48 before having to move to Pier 31. No public comment.

10. Agenda items for future meetings

Two items were suggested: providing an update on the TAC applications and how SB 450 might affect future elections in SF. Deputy City Attorney White commented that the county can't act on SB 450 until 2020 and if San Francisco is implementing the new system he didn't see it changing how it carries out elections. No public comment.

Adjourned at 9:19 p.m.