



**STATE LEGISLATION COMMITTEE
Legislative Proposal Form**

This form should be used to submit legislative proposals for consideration by the State Legislation Committee. To be included at an upcoming meeting, proposals should be submitted at least one week in advance; proposals received less than one week in advance will be considered if time permits. Before submission, proposals must be reviewed and approved by the Department Head or Commission.

Please send completed forms to Katie Angotti in the Mayor’s Office at Kathryn.Angotti@sfgov.org

SUBMITTING DEPARTMENT	San Francisco Elections Commission
CONTACT PERSON E-mail and Phone #	Chris Jerdonek, Elections Commission President chris.jerdonek@sfgov.org 415-286-2238
Bill Number (Sponsor)	AB 668 (Gonzalez Fletcher): ELECTIONS – Voting Modernization Bond Act of 2018 OPPOSE UNLESS AMENDED
EXISTING ISSUE & PRESENT STATE LAW	The Voting Modernization Bond Act of 2002 created a \$200 million bond fund and authorizes counties to apply for money from the proceeds of the bond sales to pay for or purchase new voting systems that are certified or conditionally approved by the Secretary of State.
DISCUSSION/ANALYSIS OF RECOMMENDED PROPOSAL	<p>AB 668 would put before the voters in June 2018 an act that, if approved, would create a \$450 million bond fund, and would authorize counties to apply for money from the proceeds of the bond sales to pay for six specified election-related expenditures, including voting systems certified by the Secretary of State. Those specified expenditures do not include costs associated with the development and certification of an open source voting system or the new lease of a certified voting system, both of which the City is currently exploring.</p> <p>AB 668 creates a system of fund matching. Under that system, the state will spend two or three dollars for every dollar spent by a county on one of the six specified election-related expenditures.</p> <p>We would like to propose three amendments to AB 668.</p> <p>First, we propose amending the legislation to authorize matching money from the fund for the development and certification of open source voting systems. Under our proposed amendment, the state would be required to spend four dollars for every dollar spent by the county. This approach would encourage counties like San Francisco to</p>



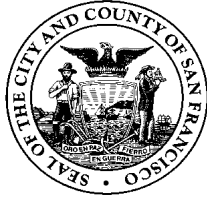
	<p>state technology would be freely available to all jurisdictions.</p> <p>develop an open source voting system. The higher amount is further justified because the entire would benefit, as the resulting technology would be freely available to all jurisdictions.</p> <p>Second, we propose amending AB 668 to set aside two million dollars of the fund to reimburse counties for money spent on the certification of open source voting systems or the individual components of an open source system.</p> <p>Currently, counties must pay the Secretary of State for the cost of certifying a voting system or voting system components. Those costs can be several hundreds of thousands of dollars for a full voting system. Through this proposed amendment, we hope to encourage counties across the state to move towards the use of open source voting systems.</p> <p>Third, we propose amending AB 668 to authorize money from the fund to be spent on the new lease of a certified voting system (as opposed to the purchase of a voting system). The Department of Elections is planning to lease a new voting system while the City is developing an open source voting system. The Department's current contract expires in 2018, and it does not make financial sense for the City to purchase a new system before the open source voting system is operational.</p> <p>On April 26, the Assembly Committee on Elections and Redistricting passed an amended version of the bill that appears to accommodate some of the amendments requested in this proposal. The amended version would match money spent on leasing voting systems, as well as the "research and development of nonproprietary voting systems," but the new language was not available at the time this proposal was submitted. The Commission will submit a revised form if necessary as soon as the amended language becomes available.</p>
<p>RECOMMENDED POSITION <i>Please mark appropriate box</i></p>	<p><input type="checkbox"/> SPONSOR <input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSE unless amended.</p>
<p>FISCAL IMPACT <i>Including impacts to the City's General Fund AND to the State</i></p>	<p>If the proposed amendments to AB 668 are approved, they have the potential to save the City a significant amount of money. The state would be required to spend four dollars for every dollar the City spends on the development or certification of an open source voting system. This could save the City millions of dollars if the City chooses to develop and certify an open source voting system. In addition, the state would be required to reimburse the City for the cost of certifying that voting system (up to \$2 million for all counties), which could save the City even more. Finally, the City would also receive funds from the</p>



	state voting the current voting system expires in 2018 until the City's open source voting system is operational and certified by the Secretary of State). if the City decided to lease (as opposed to purchase) an interim system (i.e., a system to use from time the City's contract for its current voting system expires in 2018 until the City's open source voting system is operational and certified by the Secretary of State).
IMPACT TO OTHER DEPARTMENTS	
REVIEWED & APPROVED BY DEPARTMENT HEAD	X YES <input type="checkbox"/> NO
OTHER ITEMS OF NOTE	
DATE SUBMITTED	5/3/17
REQUESTED AMENDMENT	<p>Section 19402 of the Election Code:</p> <p>...</p> <p>(h) "Open source software or firmware" means software or firmware licensed using a software license approved by the Open Source Initiative (OSI).</p> <p>(h) (i) "Remote accessible vote by mail system" means a system, as defined in Section 303.3, that is certified pursuant to Chapter 3.5 (commencing with Section 19280) of Division 19.</p> <p>...</p> <p>Section 19403 of the Election Code.</p> <p>(a) The committee may create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of not more than four hundred fifty million dollars (\$450,000,000), exclusive of refunding bonds, in the manner provided herein for the purpose of creating a fund to assist counties in paying for an expense listed in subdivision (d).</p> <p>...</p> <p>(c) A county is eligible to apply to the board for fund money if it meets both of the following requirements:</p> <p>(1) After January 1, 2017, the county has agreed to pay for an expense listed in subdivision (d) for which it continues to make payments on the date that this chapter becomes effective.</p> <p>(2) The county matches fund moneys at one of the following ratios:</p> <p>(A) If the county conducts an election pursuant to Section 4005 or 4007, one dollar (\$1) of county moneys for every three dollars (\$3) of fund moneys used for an expense listed in paragraph (1) of subdivision (d).</p> <p>(B) If the county does not conduct an election pursuant to Section 4005 or 4007, one dollar (\$1) of county moneys for every two dollars (\$2) of fund moneys used for an expense listed in paragraph (1) of subdivision (d).</p> <p>(C) One dollar (\$1) of county moneys for every four dollars (\$4) of fund moneys used for an expense listed in paragraph (2) of subdivision (d).</p>



- (d) to
- (1) A county may use fund moneys purchase or lease the following:
Voting systems certified or conditionally approved by the Secretary of State that do not use prescored punch card ballots.
- (A) tion-
- (B) Electronic poll books certified by the Secretary of State.
- (C) Ballot on demand systems certified by the Secretary of State.
- (D) Vote by mail ballot drop boxes that comply with any relevant regulations promulgated by the Secretary of State pursuant to subdivision (b) of Section 3025.
- (E) Remote accessible vote by mail systems certified or conditionally approved by the Secretary of State.
- (F) Technology to facilitate electronic connection between polling places, vote centers, and the office of the county elections official or the Secretary of State's office.
- (G) Vote by mail ballot sorting and processing equipment.
- (2) A county may use fund moneys to contract and pay for the following, **provided that the voting system referenced by this paragraph uses only open source software and firmware, except that it may use unmodified commercial off-the-shelf software and firmware, as defined in paragraph (1) of subdivision (a) of Section 19209:**
- (A) Research and development of a new voting system that has not been certified or conditionally approved by the Secretary of State. **~~A voting system developed pursuant to this subparagraph shall use only nonproprietary software and firmware with disclosed source code, except that it may use unmodified commercial off-the-shelf software and firmware, as defined in paragraph (1) of subdivision (a) of Section 19209.~~**
- (B) Manufacture of the minimum number of voting system units, **or components of the voting system**, reasonably necessary for either of the following purposes:
- (i) Testing and seeking certification or conditional approval for the voting system, **or components of the voting system**, pursuant to Sections 19210 to 19214, inclusive.
- (ii) Testing and demonstrating the capabilities of the voting system in a pilot program pursuant to paragraph (2) of subdivision (b) and subdivision (c) of Section 19209.
- (C) The certification by the Secretary of State of the voting system, or components of the voting system, pursuant to Sections 19210 to 19214, inclusive. The fund shall fully reimburse counties for all moneys used for the purpose in this subparagraph up to a combined total of two million dollars for all counties. Thereafter, the fund shall reimburse counties four dollars (\$4) for every one dollar (\$1) of county moneys.**
- (e) Any voting system purchased, **or** leased, **developed,**



or
not
the
voter

the polls are closed, a paper version or representation of the voted ballot or of all the ballots cast on a unit of the voting system. The paper version shall not be provided to the voter but shall be retained by elections officials for use during the 1 percent manual tally described in Section 15360, or any recount, audit, or contest.

certified using bond funds that does require a voter to directly mark on ballot must produce, at the time the votes his or her ballot or at the time