

**ELECTIONS COMMISSION**  
*City and County of San Francisco*

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San Francisco, CA 94102

April 21, 2017

To: Assembly Elections & Redistricting Committee  
Mr. Ethan T. Jones, Chief Consultant

1020 N Street, Suite 365  
Sacramento, CA 95814

RE: AB 668 – Amendment Request

Dear Members of the Assembly Elections & Redistricting Committee:

I am writing on behalf of the San Francisco Elections Commission to request amendments to AB 668 (“The Voting Modernization Bond Act of 2018”), the \$450 million bond to assist counties in the purchase of voting equipment.

Below is a high-level description of our requested amendments. The Commission voted unanimously to request these amendments at its April 19, 2017 meeting. We will propose exact language in the next couple weeks.

First, the bill should also match costs associated with the development and certification of open source voting systems, and at a higher ratio of one dollar (\$1) of county moneys for every four dollars (\$4) of fund moneys. By “open source,” we mean systems for example whose software is licensed under OSI-approved software licenses and whose documentation, etc. is openly licensed.

The bill should support the development and certification of open source voting systems because such work benefits not just a single county but the entire State of California. It fosters innovation in voting technology and would make available to all jurisdictions systems that are more transparent, more affordable, and more flexible than proprietary

systems. The higher matching ratio is also justified because counties undertaking such beneficial development would be bearing costs and risks not borne by other counties.

This request is very similar to language that was already adopted in October 2013 as part of then-Senator Padilla's SB 360 ("Certification of voting systems"). That bill allowed funds to be used for the "research and development of [new voting systems that use] only nonproprietary software and firmware with disclosed source code" (which is a weaker form of software openness).

The City and County of San Francisco has already begun a project to develop and certify an open source voting system. Moreover, both the San Francisco Board of Supervisors and the San Francisco Elections Commission have passed unanimous resolutions in support of open source voting systems. Last year the Mayor and Board of Supervisors allocated \$300,000 towards the planning phase of the project.

Second, the bill should establish a set-aside of \$2 million (amounting to less than one half of one percent of the total bond funds) to cover the cost of certifying open source voting systems. This would allow open source systems developed anywhere in the country (e.g. San Francisco; Los Angeles County; Travis County, TX; Florida or elsewhere) to be certified and thenceforth usable by any jurisdiction within the State.

Third, the bill should match not just the purchase but also the leasing of new voting systems certified by the Secretary of State. Leasing can make it more cost-effective for counties to "upgrade" their systems over time because counties wouldn't have to purchase an entirely new system to gain improvements. Moreover, when its current voting system contract ends, the San Francisco Department of Elections is planning to lease a new voting system on a short-term basis as an "interim" system while it works on developing an open source voting system. Having to purchase a new system for this potentially short period of time could be cost-prohibitive or wasteful when compared with leasing.

Thank you for considering these amendments. Please feel free to contact me if you have any questions about this request.

Sincerely,



Christopher Jerdonek, President  
San Francisco Elections Commission

cc: Assemblymember Lorena Gonzalez Fletcher  
Assemblymember David Chiu  
Assemblymember Phil Ting  
Senator Scott Wiener  
Secretary of State Alex Padilla  
The Honorable Edwin M. Lee, Mayor of San Francisco  
San Francisco Board of Supervisors  
Mr. John Arntz, San Francisco Director of Elections  
San Francisco Elections Commission