

ELECTIONS COMMISSION
City and County of San Francisco

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



John Arntz, Director of Elections

MEETING MINUTES

San Francisco Elections Commission
Wednesday, March 15, 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 6:04 p.m. Present: Commissioners Donaldson, Jerdonek, Paris, Rowe. Excused absences: Commissioners Jung, Safont. The District Attorney's seat is currently vacant. Also present: Director of Elections John Arntz and Deputy City Attorney Joshua White.

President Jerdonek reported some administrative matters. A Commission Secretary has been hired and will start April 10. The minutes of the February 15 and tonight's meetings will be available for the next meeting. The order of items in tonight's agenda is different to allow members of the public to address open source voting early in the meeting (with elements of the Commissioners' and Director's reports being dealt with where there is overlap) and worded so there is less duplication of discussion between items.

2. Open Source Voting

a) Commissioners' Reports

Commissioner Paris thanked Deputy City Attorney White for his email, which was very helpful in answering many of his questions. President Jerdonek mentioned a positive article on open source voting in the SF Examiner (author: Joshua Sabatini) and a speaking engagement about open source voting with FairVote California. He commended Director Arntz for the progress on open source voting he has made since the last Commission meeting.

b) Director's Report

The 1823 position is in the Mayor's office for approval, with a salary ranging between \$89,000 and \$108,000. The first draft of the RFP to find a contractor is going to the

Mayor's office by Friday. The purpose of the RFP is to identify a contractor who will prepare a business case for developing the system. The 1823 position would assist the Director with managing the contractor and assist the contractor in their work to develop a business case. The plan is to have the contractor write the justification for the project, and enumerate the initial steps to be taken, and then issue several smaller RFPs to work on different components of the system, and bring them together as they move forward.

c) Citizen's Advisory Committee

Deputy City Attorney White summarized that the Commission could pass a motion to set up a citizen's advisory committee (CAC), and he could do the logistics putting together the purpose, criteria for selection, processes, and procedures, etc. The committee would be a public body subject to open meeting laws.

He commented that it would be advisable to have a commissioner on the committee so that it could guide and keep the discussion on track. President Jerdonek said the greatest challenge is managing a large technical project, something the Department hasn't had extensive experience doing. He thought a committee could be a forum where ideas for how to do various tasks can be percolated. He sees this more as a technical advisory body and not a general policy oversight body.

There was a short discussion about the possible size and construction of the committee, but no final decisions were made. The idea of members having engineering backgrounds was discussed. Given the restrictions under the Brown Act there would be a need to specify the most feasible way for them to communicate their ideas. Deputy City Attorney White would be available to do an initial orientation for the committee but would not attend on an ongoing basis. Various thoughts about the size of the group and frequency of meetings were discussed. The committee's authority and purpose would need to be clearly stated.

Public Comment:

A member of the public agreed with the comments of the commissioners, but wondered whether an informal group would be easier to create. He offered to help organize such an informal group. He also suggested that the committee be composed mainly of people with engineering backgrounds.

Mr. David Cary commented on the Director's report. He was concerned that some people may want to turn it into something other than an open source project. He asked whether the CAC could be a creation of the Department and not Commission.

Ms. Catherine Bruce said a citizen review of test results is necessary to make sure open source is working.

Ms. Mirka Morales thought it important to continue having voter-marked paper ballots, to have independent voting audits by voter rights groups, and to address low voter turnout.

Mr. Pedro Hernandez, Deputy Director of FairVote California, an electoral reform organization, commended the Commission for their historic work on the project.

Mr. Chris [unclear]: Two options for building an open source system are to use ready “off the rack” source code or to build our own using a “lean model.” If building our own, then the advisory committee should be communicating more with those doing the building rather than with the Commission. That would facilitate knowledge transfer.

Mr. Jim Soper (Voting Rights Task Force) said if there is any way to avoid the communication restrictions for this committee, it would be much better.

Mr. John O'Duinn, an experienced software engineer with open/closed source and government systems, said if there was an email list for everybody and everyone was required to use it, that might satisfy the legal issue of transparency and help get things done. He wanted to hear the plan for deliverables and updates, so there could be quick turnaround. He suggested having the mindset of building a “pipeline” and a product together. He questioned the use of the term “agile” meaning every three months since he is used to it being a day. He suggested deliverables be done in small chunks but with the ability to update quickly if errors were found.

Mr. Brent Turner (CAVO) wanted to emphasize community-developed, owned, and oversight. He said we already know the “why” for the system: greater accuracy and security in voting. The “how” already exists in General Public License open-source voting machines by Dr. Juan Gilbert. He had a concern with the CAC being too technically weighted. The CAC was initially suggested as a means to monitor the timelines to make sure forward progress was being made.

A member of the public does not believe the CAC should be primarily a technically slanted body, but be more inclusive.

A member of the public did not know why after several years from taking the stand for open source voting, San Francisco is not yet there. She implored the Commission to be leaders in this effort and as an example to the nation.

President Jerdonek said in regards to many concerns expressed by speakers, that there is nothing precluding any individual or group from contacting individual commissioners to discuss this issue. Deputy City Attorney White agreed, and further commented that any informal group could ask to be put on the agenda for a Commission meeting to give testimony on any and all components of this topic. President Jerdonek also said that having a CAC didn't preclude the Department from getting feedback and guidance from other sources on its own initiative.

Deputy City Attorney White referred people to the City Attorney's website for their Good Government Guide.

Commissioner Donaldson said the concepts of minimum viable product and parity with existing systems is important to keep in mind. The positive thing about open source is it can be continuously developed, but the downside is the need for additional testing cycles. Director Arntz responded that he would aim for the highest level possible in accessibility, and that should be the starting point.

President Jerdonek summarized that Deputy City Attorney White could draft up language based on tonight's discussion, and the Commission could review and refine that at the next meeting. Commissioner Rowe recommended delaying spelling out the number of committee members and frequency of meetings until they see the number and character of applicants so the best matches can be made.

3. General Public Comment

Mr. Peter Alexander Chernoff left the Commission three documents of materials on human trafficking involving individuals in San Francisco.

Mr. Brent Turner said we need to be careful to vet speakers to see what their motivations are for their comments.

Mr. Jim Soper asked the Commission to adopt a resolution opposing AB 1403 on internet voting. The Voting Rights Task Force is going to oppose it. He also mentioned a problem where a leading advocate of disability access (Noel Runyan) couldn't participate in an advisory committee due to Brown Act restrictions and thought this was ironic.

4. Approval of Minutes of Previous Meeting

[Item skipped due to minutes not being available.]

5. Commissioners' Reports

President Jerdonek reported that an offer of employment for the Commission Secretary position was extended to applicant Don Chan, who accepted and will start April 10. He reminded commissioners of the April 3 filing deadline for their annual ethics filings. March 2 was Commissioner Yu's last day as she served the maximum holdover period at the end of her term. He said the District Attorney's office is aware of their responsibility to choose a replacement.

Commissioner Paris participated in a special election in San Mateo County and found it to be a very slow election with poor turnout. One precinct had eleven voters and another had forty-six.

6. Director's Report

Director Arntz said there was nothing further to add in his report beyond what was discussed in agenda item 2. One commissioner asked if the Department was expecting more information about Proposition N. Director Arntz replied no. Director Arntz was asked to describe what they are doing for their website. He said the website is reviewed each year, and ideas are gathered to improve its appearance and functionality. This being an "off year" for elections gives them more time to do it.

Public comment:

Mr. Brent Turner recommended that the Commission get in touch with Dr. Juan Gilbert, who is a leading authority on accessible voting for people with disabilities.

7. Agenda items for future meetings

Suggested items included a statement of policy around internet voting and a discussion of Proposition N. The Commission also requested a summary analysis from the City Attorney's office on AB 1403.

Public Comment:

Mr. Jim Soper mentioned that AB 1403 is viewable on California's state legislation web site. It is a short bill targeting overseas voters, and California is the target.

Deputy City Attorney White said the Commission could take positions on state and federal legislation.

Adjourned at 7:38 p.m.