

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

San Francisco Elections Commission
Wednesday, May 17, 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 6:01 p.m. Present: Commissioners Donaldson, Jerdonek, Jung, Paris, Mogi, Rowe, and Safont. Also present: Director of Elections John Arntz, Deputy City Attorney Joshua White, and Commission Secretary Don Chan.

2. General Public Comment

No public comment.

3. Open Source Voting

President Jerdonek reviewed documents that were included in the meeting packet. Per actions taken on AB 668 from the last Commission meeting, President Jerdonek wrote a letter to the Assembly Elections Committee requesting amendments to the bill. The amendments were included in the bill analysis. In the subsequent committee meeting, some of the amendments were adopted (perhaps not necessarily due to the Commission's urging). These included matching funds for leasing a system, and matching funds for the research and development of open source voting systems. Missing still was support for certification of an open source system, set asides for certification, and a higher matching ratio for open source development. Afterward, President Jerdonek became aware that the City preferred to have "one voice" with the State, so that individual city bodies (such as commissions) should not take public positions that do not reflect the City's position. Instead, such matters should be channeled through the City's State Legislation Committee. As a result, President Jerdonek worked with Deputy City Attorney White to complete and submit a Legislative Proposal Form. This was accepted and supported by the Committee (with the position of "support and seek amendments").

The documents on COIT give a picture of how COIT works and shows that one of the possible major future technology projects (in the 5-year plan) is the Open Source Voting System Project.

He mentioned the Los Angeles County RFI, which gives very good information on their progress toward open source voting, and clearly states that open source is a goal.

President Jerdonek then mentioned a Global Election Technology Summit at UC Hastings College of the Law, today and tomorrow, where he will be part of 2 panels; one with some election officials, and the other on open source systems.

Commissioner Donaldson reported on the May 3, 2017 BOPEC meeting. The committee reviewed progress towards hiring the 1823 Administrative Analyst, and issuing the RFP. Director Arntz reported that both were going smoothly, with no opposition from any City divisions (budget, contracts, etc.) for any of the content of the RFP. The loss of the \$2 million in this year's budget for the open source project was discussed, and it was generally felt that the \$300K will allow them to get to the position of having a concrete project that is COIT fundable in the next fiscal year (2018-2019). There were no actions taken in committee requiring Commission response.

Commissioner Donaldson made remarks about the letter President Jerdonek wrote regarding AB 668. It was well written, turned around quickly, and effective in appearance. He commended President Jerdonek for the fine work.

President Jerdonek commented that at his appearance before the State Legislation Committee to speak on AB 668 there was a lot of interest shown and many questions asked by Committee members. He thanked Director Arntz and Deputy City Attorney White for being there to give moral support.

Director Arntz reported that the RFP is being completed and will be submitted to the Office of Contracts Administration by Friday, to be posted by Monday or Tuesday. The interviewing for the 1823 position is ongoing.

Commissioner Donaldson asked about the Civil Service Commission approval for the contract. Director Arntz said that this is an RFP to engage a contractor under a personal services contract (PSC), and all such contracts are reviewed and approved by the Civil Service Commission. This being a contractor of a technical nature, it will reduce the involvement of unions and reduces the amount of review time. This is a preliminary step before the contract is created and a contractor is finally enlisted.

Commissioner Donaldson asked Director Arntz to clarify the \$2 million and \$4 million that appear in the COIT document (meeting packet). Director Arntz said that the \$2 million was taken out of the current Department's budget and put into COIT for allocation, but they decided not to grant that back this year. It is available to the Department next fiscal year, and is for an interim voting system, if necessary. The \$4 million can be allocated if there is a concrete project that COIT can review (with specific

goals and costs). Commissioner Donaldson commented that while the funds have not yet been committed to the Department's budget, we need to be diligent about the funding. It is clearly stated as high priority in COIT's 5-year plan.

President Jerdonek mentioned that the director of COIT also attended the panel that he spoke on, so it does show interest on COIT's part in the project. He then asked Director Arntz where the figure of \$2 million for leasing a system came from. Director Arntz said, in a meeting with the Mayor's Budget Director two years ago, he had been given that figure by Dominion as a cost for leasing one of their systems for one year.

Public Comment:

Mr. Jim Soper complimented President Jerdonek for "very agile" letter writing, which got in just in time for the analyst's report, and he believes had an impact on the bill (AB 668). He then corrected a previous statement he made about the cost of certifying a voting system. The figure \$380K was given to him by someone in the Secretary of State's office, but a more recent contact raised that figure to as high as \$700K. He further said that he had the impression that asking for matching funds for certification would stand a better chance of support than just the pure request for assigned or set aside funds (from the State) for certification.

He commented that AB 668 would need a 2/3 majority of both houses of the legislature to pass, and possibly 2/3 of the popular vote also because it is a bond bill. He said that both AB 668 and AB 1403 were in suspense file, but feels that only one stands a chance of succeeding (AB 668).

Mr. Brent Turner (CAVO) said they were still opposed to AB 668. They were not involved in the process of making revisions to it so aren't sure what those were. He also expressed a deep concern that there are business pressures that appear to want to sidetrack this project from open source to a privately controlled corporate venture. He felt that the pioneers of this endeavor, open source voting, are being dismissed and a strategy less efficient or effective is being pursued, which will result in longer delays.

Ms. Mirka Morales raised the issue of auditing, to have more transparency in the process. She referred to the Humboldt County process, while having a proprietary component, has a redundancy system that scans ballots, and allows the public to tally votes. They allow public ballot images to be reviewed by the public. She expressed concern about, and she rejected any system (not named) that allowed, video surveillance.

Mr. Alec Bash said he attended the Global Election Technology Summit and was pleased that there was so much interest in the topic. He thought it would be beneficial to invite some of the pioneers named by Mr. Brent Turner, to speak to the TAC about the status of this field, what has been done and what remains.

Commissioner Donaldson said that while the most recent revision of the bill (AB 668) doesn't specifically state Open Source, the language used characterizes it as that, and would be covered by the matching funds.

4. Technical Advisory Committee (TAC)

President Jerdonek reviewed the action at the last meeting for the TAC to be established, and for him to set up the process to find and select members. This he did and there were 10 applicants, all of whom have very impressive backgrounds. He invited public comments on this item before the Commission held its discussion.

Public Comment:

Mr. Brent Turner expressed his disappointment at the lack of women and people of color in the applicant pool.

President Jerdonek stated that he was very proactive in utilizing social media in the outreach for this, and was able to meet with all the applicants except one. He gave his 4 choices for the committee. 1) Larry Bafundo has had experience as a contractor for the LA project. He has project management and user experience. He works for a federal agency that actually develops open source systems for the government. 2) Tony Wasserman has deep knowledge and experience in software development and management. He is also a professor and for 6 years served on the Board of the Open Source Initiative (OSI) —a nonprofit that approves open source licenses. 3) Roan Kattouw is a software engineer specifically developing open source software. Roan also has knowledge about elections. 4) Carl Hage, a software engineer, has 20 years of experience processing election management system data for the League of Women Voters. He would have a great familiarity with the types of data that would be going into the San Francisco system. He was able to speak in a very nuanced way about what should be looked for in a technology project (e.g. minimizing software complexity and finding ways to reuse software). President Jerdonek noted that there was a question that arose as to whether Mr. Hage would fall within the bylaws restriction against incompatible activities due to his employment with the League of Women Voters. He asked Deputy City Attorney White for his opinion.

Deputy City Attorney White summarized the Statement of Incompatible Activities (SIA). Briefly, this condition prevents anyone who might have a personal partisan political interest in the activities of the TAC, from influencing it to their benefit. He didn't feel Mr. Hage's employer fit any of these descriptions, nor did Mr. Hage's activities fall into those categories. Deputy City Attorney White offered different options for the Commission to act. If Mr. Hage was accepted, the Commission could tentatively approve his membership conditioned on his submitting an Advanced Written Determination letter (AWD) laying out how his work activities do not present a problem with his membership. The Commission could appoint one commissioner to evaluate that (AWD) and decide if it was acceptable, at which time his membership could be finalized.

President Jerdonek emphasized that he will seek maximum opportunities to allow input from even those who are not formally on the TAC, so that the greatest amount of expertise can be accumulated.

Commissioner Jung wondered whether President Jerdonek's choices heavily weighted software engineering over other skills. President Jerdonek didn't think it was overly

weighted. Commissioner Jung asked where he thought Jim Soper fell in the applicant ranking. President Jerdonek said he didn't rank all of the candidates, but if Mr. Hage didn't get in the TAC, he would next prefer Jared Luxenberg.

Commissioner Mogi asked who fit the 5th category of skills. President Jerdonek replied, Larry Bafundo.

Commissioner Safont said, after extensive review of the applications, her choices were Larry, Roan and Tony. Asked about her 4th choice she said Alex Rattray.

Vice President Paris: his choices were Jared Luxenberg, who had ideas about procurement; Roan Kattouw because he had great understanding of security systems for elections, especially in the European context; Jim Soper and Alex Rattray, he felt, would round out the group, with elections experience, and the same goal orientation as the Commission's.

Commissioner Jung expressed reluctance to allow exceptions to the Bylaws, to allow for a potential conflict of interest. Deputy City Attorney White said that there was no conflict of interest in this case.

Vice President Paris asked what the voting process would be. President Jerdonek said he hoped they could vote on the group. Commissioner Rowe also suggested voting on President Jerdonek's choices as a group. Commissioner Safont and Commissioner Mogi agreed.

Commissioner Jung said that while his 4th choice was Jim Soper, he understood what President Jerdonek's reasoning was and can support that. He had a question regarding MapLight and VotersEdge.org, referenced by Mr. Hage, and whether it was a partisan organization.

Deputy City Attorney White said the Commission could conditionally appoint Mr. Hage, and ask for the written request from him, and if in order, confirm his appointment to the TAC.

Vice President Paris proposed to have individual voting for each candidate named by each commissioner and then take the 4 highest vote getters. President Jerdonek moved to have his 4 choices be appointed, with the condition stated by Deputy City Attorney White. Commissioner Safont seconded.

Commissioner Rowe offered to do the review of the AWD from Mr. Hage. There was no further discussion. Upon voting, 5 commissioners voted yes, with Commissioner Jung and Vice President Paris dissenting. With a 5-2 vote in favor, the motion passed.

There was a short clarification of the process for clearing Mr. Hage. All understood.

Commissioner Donaldson expressed his appreciation for all the applicants and encouraged them to participate even if they weren't formally on the TAC.

5. Approval of Minutes of Previous Meetings

Vice President Paris moved to approve the draft minutes of the April 19, 2017 Elections Commission meeting. Commissioner Donaldson seconded. There was no public comment. The vote was UNANIMOUS to approve.

6. Commissioners' Reports

President Jerdonek reviewed that he also wrote a letter to the state legislature regarding AB1403, opposing it. Similar to the work done on AB 668, this needed to go before the State Legislation Committee for review, but it was not placed on the agenda.

There was no public comment.

7. Director's Report

President Jerdonek asked Director Arntz to explain more about the work on the port. Director Arntz said there were structural issues at Pier 31 that needed to be addressed before the move from Pier 48, but in no case would they have to move from Pier 48 in the midst of an election process.

President Jerdonek asked about the website update. Director Arntz reported that it is being done in-house, reconciling appearances and utility of the City's website structure and their own.

There was no public comment.

8. Agenda items for future meetings

President Jerdonek said that SB 450 was suggested at a previous meeting, and scheduling the annual performance review of the Director of Elections was another item.

Commissioner Mogi asked Director Arntz if the website would be completed by June and the next Commission meeting. She would appreciate an update and highlights of the new Department website.

Public comment:

Ms. Mirka Morales questioned why when a person physically brings a completed ballot to City Hall; they can't just insert it into a machine for tallying. She gave an example of a poll inspector who delivered a ballot, but when checking for its status it couldn't be found so she had to vote provisionally.

Mr. Brent Turner asked for the chance to have Dr. Juan Gilbert and Mr. Brian Fox do a presentation before the Commission on their work with open source.

Mr. Alex Rattray agreed.

Adjourned at 7:18 p.m.