

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, June 21, 2017
6:00 p.m.
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

Order of Business

1. Call to Order & Roll Call

President Jerdonek called the meeting to order at 6:01 p.m. Commissioners present: Jerdonek, Jung, Mogi, Rowe, Safont. Excused late: Paris (arrived 6:03 p.m. during item 2), Donaldson (arrived 6:20 p.m. during item 3). Also present: Director of Elections John Arntz, Deputy City Attorney Joshua White, Commission Secretary Don Chan.

2. General Public Comment

Ms. Mirka Morales referred to an article reporting a Republican data mining firm that exposed personal information on virtually every American voter. While this did not surprise her, she was alarmed to find out that there are programs (e.g. SF Van) that let one tell in real-time when a voter has voted. She didn't know if San Francisco was providing such information, but cautioned the Commission that such data-sharing could hold the potential for tampering with outcomes.

Mr. Brent Turner commented that there has been a great amount of news nationally regarding election issues. He mentioned the investigation of NSA leaks which stemmed from Humboldt County's system, and the Senate Intelligence Committee hearing where they discussed the Russian intrusion in the US elections process. His opinion was that the City and Commission is far ahead of even the Feds in the understanding of elections processes and source code and how to protect against such interferences.

3. Open Source Voting

President Jerdonek asked Commissioner Rowe to report on the result of Carl Hage's conditional appointment to the Open Source Voting System Technical Advisory Committee (TAC). She reported that after reviewing the information he provided, she determined that his work was consistent with the Commission's criteria and presented no conflicts, so his appointment was finalized. President Jerdonek is hoping to confirm the first meeting of the Committee in July.

President Jerdonek commented on AB 668. He has been working with the Mayor's office and managed to have a conference call with the bill's author regarding the amendments the Commission requested. While they did ask some questions, they only acceded to "one-and-a-half" of the four amendments requested. Those were technical in nature, so nothing significant was gained. President Jerdonek is working with the Mayor's Office on updating the letter after the conversation. However, he's not optimistic they will incorporate more of the amendments without hearing from other people. He mentioned that Assemblyman David Chiu signed on as a co-sponsor to the bill.

Director Arntz reviewed that the RFP was completed and posted on the OCA's website, but then last week it was pulled due to some delayed subcontracting goals waivers, which should have preceded the posting. After about a week, it was finally approved again for posting. The deadline for submission has not changed, but it could be extended another week if needed.

Vice President Paris asked if Korean and Vietnamese language assistance was also required. Director Arntz said that if the population didn't reach a certain threshold they aren't required to, but they do have to provide facsimile ballots.

President Jerdonek asked if the clause in the RFP restricting the contractor from doing future work on the voting system was a city rule. Director Arntz said his understanding is that it is required. President Jerdonek asked about the 1823 staff position. Director Arntz said he's doing a second round of interviews but is not ready to comment on results (i.e. if one is selected or the search is extended further).

Public Comment:

Mr. Alec Bash expressed his appreciation for the Commission's work toward attaining the open source voting goals for the City.

Mr. Brent Turner of CAVO commented on AB 668. He hoped that David Chiu will be helpful to the bill. He also hoped to be able to have Alan Dechert in a conversation with the City and Commission to come to an agreed position on the bill.

Ms. Mirka Morales asked what open source will mean for vote-by-mail as opposed at vote-center machines.

President Jerdonek recalled that the Board of Supervisors had passed an ordinance requesting a report on the project each year during the budget process. He asked if Director Arntz had completed that. Director Arntz did a brief presentation during the

budget hearings but not in detail. He'll probably draft a fuller report on it during the year for the Board and the Commission after more progress has been made.

Commissioner Donaldson asked about the RFP excluding the contractor from later being involved in implementing the system. Deputy City Attorney White replied that government code 1090 has that language.

Commissioner Rowe said that while the potential pool of respondents may be limited by this, it is important to avoid the conflict of interest.

Commissioner Donaldson commented that as it is written—with the wide scope of goals and only \$175,000—to exclude those who could be the most qualified will doom the project to failure. He said that the amount of disclosure required for the contractor would prevent possible advantage they might have in the succeeding phases.

Director Arntz was asked how many questions were received during the question period of the RFP. He replied that one questioner asked 4 questions.

4. Approval of Minutes of Previous Meetings

Commissioner Rowe moved to approve the minutes. Seconded by Vice President Paris. The vote was unanimous for approval.

5. Commissioners' Reports

President Jerdonek mentioned that there was a public records request that was received some weeks ago, and he is working on responding to that. He referred to the Senate Intelligence Committee hearings brought up by Mr. Brent Turner and said that the Commission should be informed about that because the issue of election security is important to us. Finally, he said if Commissioners were having trouble with their password resets, they can contact him or Secretary Chan for assistance, as the procedure is not necessarily clear or correct.

Vice President Paris gave a pile of voter's registration forms he has collected to Director Arntz. He also said he has been keeping abreast of the public records on elections hacking and has not seen or heard of any directly connected to this county's systems. He asked Director Arntz to alert him if he hears of any such happening in this City.

Public Comment:

Mr. Brent Turner said there were reports that twenty-one states were hacked, but for California, only Fresno seemed to be affected. Humboldt County was recently also affected. He said that because of the proprietary nature of elections systems, there is no forensic analysis possible to tell if vote tabulations have been hacked.

6. Director's Report

Director Arntz referred to the attachments to his written report. The letter from Mr. Fred Nisen that laid out what criteria would make voting accessible to the disabled community was not addressed in the May Commission meeting and is now part of the

public record. The Department's website redesign is a project in progress, and this update is in response to Commissioner Mogi's request to see how it was going. He mentioned that it will go live in July.

Vice President Paris asked if the letter contained items regarding access that the RFP did not address. Director Arntz said the RFP did not go into that level of detail but did cite version 1.0 of the Voluntary Voting System Guidelines (VVSG).

Commissioner Donaldson asked about the minor cuts in the Department's budget. Director Arntz said that funds for on-site assistance from the Election Management System vendor hadn't been used for years so was not needed, and some additional postage for anticipated costs of educating voters on language access was not needed.

Vice President Paris asked in regard to hacking if San Francisco used any electronically accessible devices from the company VR systems. Director Arntz replied no.

No public comment.

7. California Senate Bill No. 450 (2015-2016)

President Jerdonek asked Director Arntz to describe the process he sees San Francisco using to decide whether to adopt the voting center model described in SB 450. Director Arntz said he first wants to see the experiences of other counties implementing it first. He said the bill as it was written is more appropriate for counties with a greater geographic size than San Francisco—allowing for large centralized centers where large numbers of people can gather at one time. Such centers would require parking, larger facilities, and need to allow the physical return of ballots. Director Arntz noted that San Francisco already pays the postage to return ballots by mail, thus eliminating the need to physically bring it back.

Director Arntz doesn't think it should be tried for the first time during a Presidential election year. He believes after 2020 would be a better time.

Vice President Paris questioned whether San Francisco even had facilities that could be used as voting centers, given the requirements for each. Director Arntz couldn't think of one. He also mentioned the need for additional staffing at the centers to address language access, further requiring enough space for all those coming to the voting centers. The demand for having on-site access to voter information also raises an issue of keeping voter information from the database secure. San Francisco doesn't currently have the trained staffing to assure such security. Vice President Paris also asked about the impact of the increased numbers of poll workers and the length of employment with the voting centers. Director Arntz reflected on the experience of 2008 when there were 5 elections and demanded the issuance of 1090s to poll workers for tax reporting.

President Jerdonek commented that given San Francisco's goal of an open source voting system, it could help to know earlier which direction San Francisco will go on this issue (voting centers). It would impact decisions about developing the system.

Vice President Paris said he appreciated the opportunity to discuss this issue even though it is early in the timeline for implementation, and that maybe a revisit to it in a couple of years would be more revealing and useful. In the meantime, he asked that if anything arises from this topic that gives cause for concern (such as the online voter information database), he recommended that the Commission ask for revisions to the bill.

There was no public comment.

8. Civil Grand Jury Report

President Jerdonek reviewed that last week the Civil Grand Jury sent a copy of their 2016-2017 report to the Commission, which asked for a response in 90 days (and the Mayor's office in turn requested 60 days). He asked Deputy City Attorney White to give a summary of his opinion on the report.

Deputy City Attorney White said that one of the findings of the report was that the voter information pamphlet gave insufficient information to voters as to the fiscal impact of the propositions for the retirement system for a truly informed vote to be had. He said that in actuality this has very little to do with the Department or Commission. He said their request that the Department and Commission ensure that all future pamphlets have complete financial information is something that is beyond the legal authority of the Department and Commission since that is spelled out by City ordinances. He recommended that the response be that the Department and Commission lack the authority to do anything asked by the Civil Grand Jury. Vice President Paris agreed and so moved. Commissioner Rowe seconded. President Jerdonek said he felt the Commission should respond in the form that the Grand Jury asked.

There was a discussion regarding whether the Commission had enough knowledge that the findings were correct, to be able to agree or disagree, and whether the recommendations were accepted but with an explanation that the Department and Commission cannot take responsibility for seeing them be implemented.

Commissioner Rowe's position was to disagree with the finding as stated in finding #3 but agree that voters needed full and accurate information, but the Commission does not have the information with which to assess the specific finding #3 and therefore disagree on that basis.

Commissioner Jung offered a motion that the Commission respond to #3 by saying that the respondent disagrees wholly with the finding because the Commission lacks the knowledge to assess whether the Voter Information Pamphlet's For Retroactive Retirement Benefits Increase Proposition between 1996 and 2008 did or did not provide voters with complete estimate of the proposition's costs, and that with respect to the recommendations, the recommendations will not be implemented because the Commission lacks the authority to do what's requested.

Commissioner Rowe seconded the motion.

There was a short discussion regarding whether the Commission has a legal authority or responsibility to investigate the validity of the finding and to agree or disagree with the finding itself and/or the recommendation, rather than merely responding that the Commission is irrelevant to whether the recommendation will be implemented and lacking the legal authority to do so.

There was no public comment.

The Commission voted 6-1 in favor with Commissioners Donaldson, Jung, Mogi, Paris, Rowe, and Safont voting yes and President Jerdonek voting no. President Jerdonek asked Deputy City Attorney White to draft the Commission's response according to Commissioner Jung's motion, and he will complete the spreadsheet.

9. Agenda Items for future meetings

President Jerdonek announced that usually the Commission usually takes a break from meetings one month per year, so July will be the month this year.

President Jerdonek asked to set up the annual evaluation of the Department Director.

He also mentioned that Mr. Fred Nisen emailed him asking to revisit a Commission policy passed back in 2008 regarding whether accessible voting devices are offered to voters in polling places.

Vice President Paris asked if there was anything on the topic of open source voting that needed attention in July. President Jerdonek replied no.

There was no public comment.

Adjourned at 7:21 p.m.