# 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 (DRAFT)

**San Francisco Elections Commission**
**Wednesday, September 20, 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 6:02 p.m. Commissioners present: Donaldson, Jerdonek, Jung, Paris, Safont. Excused late: Commissioner Rowe (arrived 6:19 p.m. during item 3). Excused absence: Commissioner Mogi.
Also present: Director of Elections John Arntz, Deputy City Attorney Joshua White, Commission Secretary Don Chan.

### 2. General Public Comment
Mr. Thomas Busse raised questions about a 1993 document that was part of a public records request. He mentioned the contested existence of a City body mentioned in a 2016 voter information pamphlet. He had various questions suggesting untoward activity related to voting in SF for that election year, alluding to individuals he seemed to think benefited from those activities. He left documents with the Secretary.

Mr. Brent Turner commented that now that the open source voting system is moving forward with the contractor, the Commission and Department will be met with great interest from private interests, so beware.

Mr. David Cary mentioned new guidelines that were recently approved, the Voluntary Voting Systems Guidelines v2.0. California's standards are based on VVSG v1.1. Two main developments are that it is being "crowd-sourced" so that issues are being incorporated up-front rather than coming in at the end as critiques. It also consists of more high-level principles and guidelines rather than more detailed items as in the past

version. The details will be in separate documents. Hopefully they will be adopted in the 2nd quarter of 2018. He said that using these standards for the California certification process isn't likely to happen before 2020: "Common data formats for inter-operable exchange of election data are being developed and have started some pilot uses. The VVSG v2.0 is not expected to support independent certification of inter-operable components—testing voting-system specific components only in the context of a monolithic system appear to continue to be the norm for some time."

Ms. Mirka Morales spoke about AB 840. The bill weakens the mandatory 1% post-election audits. The bill exempts from the audit valid ballots not counted by election night. She said the 1% audit is an important means to discover machine-tallied discrepancies. She mentioned the case of San Diego where the Registrar did improper audits. She hoped San Francisco will give clear guidance on how it intends to strengthen its auditing procedures.

**3. Open Source Voting**
President Jerdonek mentioned an article from the San Francisco Chronicle on open source voting. Vice President Paris said he would be working on a local election in San Mateo County. Commissioner Donaldson reported that in the BOPEC meeting they reviewed the progress of the RFP process to enlist a contractor for the business plan for the open source voting project.

Mr. Tony Wasserman, a member of the Open Source Voting System Technical Advisory Committee (TAC), reported on what the committee has been doing to get grounded, what topics the committee will be concentrating on, and equally important, how the committee can and will interface with the Department and the contractors that will eventually be brought in to develop the system.

Commissioner Jung asked how the document being produced in GitHub would conform to Brown and Sunshine restrictions. President Jerdonek explained that the document would not be worked on by Committee members outside of meetings. It is meant more for public access and to provide another way for members of the public to provide input into the document's development. Any changes will be discussed in meetings and actions only taken then.

Director Arntz reported that on Monday the Civil Service Commission approved letting the Department contract out the open source voting planning project (as opposed to City staff doing it). Now it awaits sign-off from the Office of Contracts Administration (OCA). The Department is already in discussions with the chosen contractor (Slalom), and work details are being ironed out. Director Arntz expects the contract to be finalized (signed) in around two weeks.

President Jerdonek asked Director Arntz how he envisioned the contractor interacting with TAC. Director Arntz said he would definitely steer them to the TAC for reference.

Commissioner Donaldson requested that the project deliverable for the RFP be available for review and discussion before the next RFP is put out for bid, so there is transparency in the process. He asked Director Arntz about the 1823 position, which is

unfilled. Director Arntz said that after not finding satisfactory candidates he decided it would be better to let this position go. He can revisit it if the City decides to develop the open source system, so that s/he could assist with that effort. In the meantime, he felt it would be more efficient to do the lead-up work for getting an interim system himself (i.e. putting the RFP and procurement process together).

Public Comment:
TAC member Mr. Tony Wasserman said that it would be challenging to find a highly qualified candidate for that position at the posted salary.

Mr. Alec Bash expressed concern about the City's efficiency in undertaking projects and urged the Commission to expedite the process so that open source voting might be realized for the 2020 elections.

Mr. Brent Turner repeated that there are many "pioneers" of open source voting available to be consulted and hoped the Commission would call for presentations from them.

Mr. Thomas Busse suggested perhaps San Francisco not attempt a full-blown system development, but to keep it simple.

Mr. David Cary showed several tables of potential calendars for development of an open source voting system and encouraged the Department to start creating possible scenarios that they can follow for a more expedient solution.

Mr. Jim Soper mentioned the conference in Berkeley on October 7-8.

Commissioner Donaldson thanked David Cary for putting together the graphic representation of the project development and said he shares concerns for the time frames of the project.

## 4. Approval of Minutes of Previous Meeting
Commissioner Donaldson mentioned that the date of the Civil Service Commission action is misstated as Sept 19. It should be the 18th.

Commissioners Donaldson and Jung both noted that the text of Mr. Fred Nisen's resolution was not part of the minutes and requested that this be added.

With these two amendments, Commissioner Jung moved to approve the minutes, seconded by Vice President Paris. The motion carried unanimously.

## 5. Commissioners' Reports
President Jerdonek reported that the Civil Grand Jury sent a response to the Commission's response. He will forward it to the Commissioners. He went on to mention AB 840, which will change the requirements for election audits in California. It exempts all ballot counted after election night, which for San Francisco would be about one-third of all valid ballots.

Commissioner Rowe said it would be a good agenda item for a Commission policy statement.

Vice President Paris re-iterated that he would be working a local election for San Mateo County.

Public Comment:
Mr. Jim Soper thanked President Jerdonek for bringing up AB 840. He also mentioned that AB 668, which would provide funds to modernize elections equipment, has been put in suspense. He further mentioned that the internet voting bill, AB 1403, had all the "offensive" amendments or clauses removed from it.

Mr. Brent Turner said that CAVO opposed AB 668 because it would have locked in private source software voting systems for eight to ten years. He also opposed AB 840 but advocated for a complete 100% audit rather than 1%. He reminded the Commission that private interests want to undermine the goal of open source and will now appear and take stage (e.g. at the Berkeley conference), so they should be alert.

Mr. Thomas Busse cautioned the Commission against taking action on an item not listed on the agenda (e.g. AB 840).

TAC member Mr. Roan Kattouw suggested that if the Commission discusses AB 840, it should also discuss Colorado's risk-limiting audit practices. A risk-limiting audit involves auditing until the chance of a wrong outcome is statistically, highly improbable. It is an adaptive audit that only requires a few hundred ballots to be manually counted.

## 6. Director's Report
Director Arntz said he had no information to report in addition to what was already reported in item #3. Commissioner Donaldson asked if the funds for the remote vote-by-mail system were already budgeted. Director Arntz replied yes. He asked if the planned RFPs for that and the replacement voting system in October were connected. Director Arntz said it was just a coincidence.

President Jerdonek asked if AB 668 could be picked up for the June ballot. Director Arntz said there was still time.

There was a question about the Voting Accessibility Advisory Committee (VAAC) — whether it was an ongoing body and what relationship it has with the open source voting project. Director Arntz replied that the VAAC has existed for many years. It reviews all aspects of the voting process, but open source voting is one topic it can also deal with. Someone asked if the VAAC had dealt with the topic of accessible voting that came up at the last Commission meeting. Director Arntz said that while Mr. Fred Nisen and Mr. Bill Hershon are members of VAAC, the committee didn't take up the resolution.

Public Comment:
Mr. Brent Turner said that the open-source remote-voting piece has been developed and demonstrated by Dr. Juan Gilbert and recommended speaking with him.

Mr. Thomas Busse briefly explained what happens to a bill when it goes into the suspense file.

**7. Process for Annual Director of Elections Performance Review**
Commissioner Donaldson reviewed the documents in the packet and the research he did with the City's HR department. There is already a process in the City for conducting performance reviews of Department heads. It includes both a retrospective review and a prospective goal-setting procedure. He said the BOPEC recommendation is presented in the document. The time-frame followed by other Departments in the City is around this time (September-October).

Commissioner Rowe commended Commissioner Donaldson for his work on this. The recommendation is to use the Commission's form, with President Jerdonek's suggestion for Section 2.3 (Communications), and not to do employee interviews for this year.

President Jerdonek commented that it might be advisable to vote on the evaluation process for this year and to discuss using the City's process in succeeding years at a future meeting.

Commissioner Rowe moved to approve using for this year the evaluation process outlined in the three bullet points starting from "Evaluation of past year's performance," including the changes suggested by President Jerdonek, which he can make and then distribute to the Commissioners. Vice President Paris seconded.

Public Comment:
Mr. Thomas Busse commented that appointed officials violating Sunshine are not referred to the Ethics Commission. Violations of the elections code, government code, taxation or education code are not defined in the whistleblowers program. There may be other areas that do not get attention in performance reviews also.

Mr. David Cary commended Commissioner Donaldson for getting the input from HR. He said that starting to use SMART goals and performance expectations may be difficult and require additional focus.

Commissioner Donaldson asked for a clarification. Commissioner Rowe said her recommendation was to let President Jerdonek break out the points for section 2.3 and submit the forms to the Commissioners.

Commissioner Jung asked if the points included anything more than what President Jerdonek had submitted. President Jerdonek said that the only policies he recalled were the open source voting project, the recent ones about accessible voting and internet voting, and one in 2008 regarding paper ballots. The motion carried unanimously, 6-0.

President Jerdonek said he hoped everyone could complete their form so the responses could be compiled into one unified evaluation and reviewed at the next meeting. Simultaneously, the Director will do a self-evaluation, which will be incorporated into the unified form. Commissioner Donaldson volunteered to compile the individual responses.

Commissioner Rowe asked to delay this until the November meeting to provide the Director and Commissioners more time. Additionally, she will be out of town and not at the October meeting.

Commissioner Rowe recommended that a specific deadline be set for individual commissioners' submissions. That date is the October 18 Commission meeting.

**8. Agenda items for future meetings**

Suggestions were—

- The current year performance evaluation
- The next year's performance evaluation process
- AB 840

Public Comment:
Mr. Brent Turner asked if some of the pioneers of open source voting can be called to come speak. He offered to explain a document in the CAVO site, which lists many of the "players" in the "land of open source."

Mr. Thomas Busse commented that the Little Hoover Commission is holding hearings on voter access, but his own feeling is that it isn't access but apathy that's the problem.

**Adjourned at 7:25 p.m.**