

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, November 15, 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: Jerdonek, Jung, Mogi, Rowe, Safont. Vice President Paris arrived at 6:32 p.m. during item #4; Commissioner Donaldson arrived at 6:53 p.m. during item #9. Also present: Director of Elections John Arntz, Deputy City Attorney Joshua White, and Commission Secretary Don Chan.

2. General Public Comment

Mr. Brent Turner commented that the Texas attempt to develop an open source voting system failed due to the failed partnership between Microsoft and Verified Voting. He also said that CAVO would like to see San Francisco move faster to affect the 2018 elections and not wait until 2020. He made this known to Slalom, who has also spoken with some of the “pioneers” of open source voting. He reiterated that San Francisco has to be on guard against private vendors who would seek to derail open source voting.

3. Open Source Voting

President Jerdonek reported that he met with Robert Henning, Assistant Director of San Francisco’s Office of Contract Administration (OCA), to discuss the City’s procurement processes and how the project might leverage agile procurement methods. He also met with Supervisor Sheehy, who voiced support for the project. Finally, he mentioned the memo Commissioner Donaldson prepared for the agenda packet regarding statements about open source voting made during the last BOPEC meeting.

Mr. Roan Kattouw, a member of the Commission's Open Source Voting System Technical Advisory Committee (TAC), reported that TAC voted to encourage its members to speak publicly about the open source voting project at conferences. There are already two conferences that members will be speaking at. They also reviewed the RFP and response from Slalom and found it very positive and promising. He thanked Director Arntz for considering making ballot images available for the project's efforts. Tomorrow's TAC meeting will have a presenter who has experience in the government contracting and procurement process.

Director Arntz reported that he's been helping set up meetings for Slalom regarding the business case, and he attached the business case template in his monthly report.

President Jerdonek asked what kind of questions the Voting Accessibility Advisory Committee (VAAC) had for Slalom in their meeting. Director Arntz said they had questions about Democracy Live, which is the approved vendor for the remote accessible vote by mail process. There was the question of it being a separate but equal standard for sight challenged individuals. It was mostly a misunderstanding of how the process worked, which Director Arntz said he'd try to present in a clearer fashion at their next meeting.

President Jerdonek commented on LA County's application to the Secretary of State for certification of their "tally system." It appears to only address one component of the system, namely to process vote by mail ballots. He asked Director Arntz if there is any indication that LA County is going to make it open source. Director Arntz said he can ask again, but they've never written anywhere that it was going to be.

President Jerdonek asked if Slalom was on schedule with their work. Director Arntz said yes.

Public Comment:

Mr. Jim Soper asked whether LA County had anything written saying it would be disclosed source.

Mr. Brent Turner stated that LA County has claimed orally that they are going for open source. He said his conversations with them noted that their licensing should be GPL and not something else. He referred to Dr. Gilbert's "One For All" voting system in New Hampshire, which he said has already answered the question of accessibility for voters with disabilities.

4. Discussion and possible action regarding San Francisco's next voting system

President Jerdonek asked Director Arntz for an update. Director Arntz said that he has drafted an outline of the scope of work, and he hopes to have the RFP completed in the next few weeks. He's surveyed other departments for potential service ties needed for this project, and he expects to have all the necessary preliminary steps in place so once the RFP is out, it should move smoothly to completion.

President Jerdonek asked if any aspect of the open source voting project will be reflected in the RFP or influence it.

Director Arntz said that it's difficult to require a vendor to modify its own product, or to have any such modification be certified later by the Secretary of State. He said that aspects of the system such as risk-limiting audits, getting results, providing analysis and reporting them in an open source manner, or collecting ballot images and having them re-tabulated outside the system and then compared to the system's – those could be included in the RFP and might not be a hazard to certification of the entire system.

President Jerdonek asked Director Arntz if he has had any discussions with the Mayor's Budget Office in this regard. Director Arntz replied yes.

Public Comment:

Mr. David Carey suggested that the auditing piece could have a separate RFP, resulting in a vendor different from the main voting system vendor (e.g. Colorado).

Mr. Brent Turner expressed concern for the examples mentioned tonight. It doesn't appear that San Francisco will have the open source system in place before anyone else. He said that the talk of audits is okay – that you'd like a hundred percent audit – but that doesn't take the place of a proper counting system. He said that any talk other than about open source is falling short of that goal.

Mr. Roan Kattouw commented that TAC's document of recommendations states that any open source solution should also support a variety of auditing methods. Open source software and auditing of elections go hand-in-hand, and neither is sufficient alone to engender public trust and create an open election.

Commissioner Jung asked Director Arntz for his feelings on Mr. Carey's suggestion. Director Arntz said it was fine, and that he didn't intend to have the vendor who does the voting system also create the auditing program.

5. Approval of Minutes of Previous Meeting

Commissioner Jung moved to approve the minutes of the October 18, 2017 meeting. Vice President Paris seconded. Upon voice vote, the motion carried unanimously, 6-0.

6. Commissioners' Reports

President Jerdonek reported that he received a notice from the Civil Grand Jury asking for a response to a couple of previous year reports (ten years ago and a couple of years ago). He also reminded Commissioners that they had to complete the harassment training before the end of the year.

Vice President Paris reported that he worked as a field tech for a local San Mateo election, which was the last before they go to consolidating elections on even-numbered years.

Public Comment: None.

7. Director's Report

Director Arntz had no new information to add to his written report. He corrected the date noted for Los Angeles County's application submission to the Secretary of State. It is September 19 and not September 29.

Commissioner Mogi asked about Proposition N and if there have been any talks with Supervisor Fewer in that regard. Deputy City Attorney White replied that there have been discussions regarding ordinances that might have to be passed for that, and that he could give her more details "off-line." Commissioner Mogi asked about the Department's Language Accessibility Advisory Committee (LAAC) and if they had established their priorities for what needed to be addressed for upcoming elections. Director Arntz said this is the first time of there being a Committee dedicated to this one issue rather than being incorporated as part of a larger voting access landscape. They have had only one meeting and so are still organizing their work priorities. Their next meeting will be in January. Their work is noted on the Department's website.

Director Arntz was asked if San Francisco's LAAC was separate from the State of California's. He replied yes, and he hoped that information and decisions made by either group can help inform the other and cover all items of concern, similar to how both VAAC's work.

8. Agenda items for future meetings

President Jerdonek said that he hadn't completed the resolution/policy on auditing but that he will try to have it for the next meeting. Other suggested items:

- The Commission Annual Report,
- The Commission's response to the recent Civil Grand Jury request, and
- Preparation for future years' performance evaluations of the Director.

Public Comment:

Mr. Jim Soper mentioned (with regard to risk-limiting audits) an article he read that revealed that in all Intel computer chips there is a hidden operating system called MINIX, which is a potential threat to the security and integrity of computer-based voting. He also suggested inviting Dr. Philip Stark (University of California) to speak on this topic.

Commissioner Jung said such a presentation would be interesting and important to him and would welcome such.

9. Public Employee Performance Evaluation for Director of Elections John Arntz

a) Public Comment:

Mr. David Cary commended Director Arntz on how he has led the Department in carrying out elections. He has done excellent work.

b) CLOSED SESSION. Commissioner Rowe moved to go into closed session pursuant to Brown Act section 54957(b) and Sunshine Ordinance section 67.10(b) to discuss the performance evaluation of a public employee. Vice President Paris seconded. Upon voice vote, the motion carried unanimously, 6-0.

c) The Commission reconvened in open session at 7:40 p.m. Pursuant to Sunshine Ordinance section 67.12(a) on whether to disclose any portion of the closed session discussion regarding the public employee performance evaluation, they reported that the Commission decided not to report any portion of the closed session.

Adjourned at 7:41 p.m.