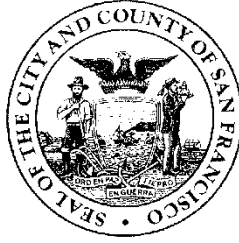


Elections Commission
City and County of San Francisco

Roger Donaldson, President
Viva Mogi, Vice President
Christopher Jerdonek
Charles Jung
Jill Rowe
Rosabella Safont



John Arntz, Director of Elections

Don Chan, Secretary

REGULAR MEETING MINUTES

San Francisco Elections Commission
Wednesday, March 21, 2018
6:00 p.m.
City Hall, Room 305
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

Order of Business

1. Call to Order & Roll Call

President Donaldson called the meeting to order at 6:09 PM. Present: Commissioner Jerdonek, Commissioner Jung, Vice President Mogi. Commissioner Rowe and Commissioner Safont were absent. Also present: Director of Elections John Arntz, Deputy City Attorney Joshua White.

2. General Public Comment

None

3. Open Source Voting

a) Commissioners' Reports

Commissioner Jerdonek mentioned that he's been speaking with some officials regarding the budget process (senior staff for the Mayor and Supervisor Cohen, the Director of COIT, and state officials: David Chiu, Scott Weiner) and advocates of open source (Alec Bash, Trent Lang –California Clean Money Campaign). He's also spoken at some events: a meeting of Unite America (formerly the Centrist Project), and next week is scheduled to speak at another event.

b) Technical Advisory Committee Report

Tony Wasserman, member of TAC, summarized what the Committee has been doing in the recent past, highlighting attention to agile development process, which was pointed to in a

1 Dr. Carlton B. Goodlett Place – Room 48, San Francisco, CA 94102-4634
Voice (415) 554-4305; Fax (415) 554-7457; TDD (415) 554-4386;
<http://sfgov.org/electionscommission>

letter to the Commission from TAC, discussing the realm of modular development, “release early and release often” and how to get the “biggest bang for the buck.” Another important point is having experienced project management in the Department, and competitive compensation for such staff.

President Donaldson asked if the TAC was in agreement/disagreement with recommendations in the Slalom report. Member Wasserman said he hadn’t had the time to fully digest the document but on first review was pleased that Slalom gave much attention to the issue of governance, and also went “outside” of the Department, to gather insights to the whole topic.

c) Director's Report

Director Arntz said he’s been in touch with COIT, attempting to get a handle on what the next steps of the process would be. He would have to submit an application to be considered for COIT funding approval. He has received a promise of help from the Department of Technology in completing the application. He will be speaking with the City’s Risk Management office to review concerns raised in the Slalom report.

He will be using points from the letter from TAC, which can be used to set the initial modules of the project for COIT consideration (results reporting, central tabulation, ballot scanning and management, ballot layout). He has passed along information gathered regarding licensing, to the City Attorney’s office, and will to Risk Management.

President Donaldson asked if there was a standard for putting the application together with specific requirements. Director Arntz said he would defer to the Department of Technology for whatever technical aspects the application demands, but he could put together the outputs/objectives. Vice President Mogi asked if there was a dollar amount already attached to this.

Commissioner Jerdonek said he hoped that the Commission could pass a resolution to support the TAC recommendations, with a certain dollar amount, and send to the Mayor and COIT.

There was a question and answer session with representatives from the Slalom group: John Pavel, Managing Director; James Cunningham, Principal Consultant, Strategy and Operations; Andrew Barickman, Practice Area Lead, Technology Enablement.

Commissioner Jerdonek asked if they did cost comparisons of the cost of developing an open source system vs using a proprietary system, or just estimate the cost of the open source system itself. Mr. Cunningham said Slalom did not do a comparison to a proprietary system.

Commissioner Jung asked what the conclusion of the report was. Mr. Cunningham said that there was no intent to reach a conclusion or recommendation as to what the City should do, it was just to gather all the information and present it in a way that would inform policy making regarding open source voting. He said the report’s narrative lays out the number of fairly significant risks to this and would need to be evaluated to assess the City’s “appetite” for those risks would be.

Commissioner Jung asked if the City did want to develop the system, what would be the steps to accomplish that (in their opinion). Ans: the report does not take the position that the City should implement an open source system. It merely lays out the various concerns and issues

arising from the process of developing such a system (risks), such as the State's certification process, and leaves it for the City to decide whether it wants to assume those risks or go with "other options" that are not open source.

Asked about the failure of Travis County's efforts, they ascribed it to the RFP's requirement of an "all or nothing" system, where no potential vendor was able or willing to attempt the entire package.

Commissioner Jung asked what the mitigation would be for risk associated with certifying systems, as described in section 2.1.5 of the report. Mr. Cunningham indicated that the development body could negotiate a memorandum of understanding with the Secretary of State around the way they interact in this more agile methodology. So they could commit to time lines around review of certain features and getting sort of service level agreements about how long certifying fixes would take

Asked whether they felt developing this system was feasible or not, they said that with enough time and money anything is feasible. They could not give a simple yes or no answer because it depends on the City's willingness to assume the risks identified. The report does present some options for which elements could be proceeded on with the least risks, and how to mitigate other risks.

President Donaldson said that it sounded like the problem with Travis County was that they tried to be too comprehensive at a time and that Director Arntz' components-based approach would help avoid that problem. However he didn't see that possible mitigation mentioned in the report in Section 2.1 about risks and their mitigations. Mr. Cunningham said Section 2.1.3 didn't cover that. Mr. Barickman said that some of the report's recommendations to do things iteratively and in an agile manner would help mitigate the problems that Travis County experienced.

Commissioner Jerdonek commented that for many of the figures in the report, they do not represent costs just associated with an open source system, but are also part of any proprietary system (e.g. paper ballot costs, poll worker training, hardware storage).

He asked why the report recommends doing another report (a discovery phase) but not movement to actual module production, given the Commission's position that this should be done as an Agile process. Mr. Barickman said that this 'discovery phase' ("Sprint zero") was a part of the Agile approach whereby one understands at a 'high level' the functionality that is to be delivered, how you will interact with various entities in each stage, and other matters. This is different from the "waterfall" method of discovery, but is needed.

There was a short discussion on whether the discovery phase would cost less if the City were to only work on some initial modules (eg. Results reporter). Slalom didn't think so and said one wouldn't want to just consider one component divorced from the others.

Commissioner Jerdonek asked whether the Elections Commission would still have an oversight role if the Department of Technology were to have ownership of the project. Slalom said it made no definitive recommendations about who should have ownership, just that the Department of Technology seemed a logical place to have it and that Slalom made no evaluation or assessment about how the Elections Commission might interact with such an arrangement.

Asked about the higher costs cited in the report (in comparison with estimates the Commission

had gotten a couple of years ago), they said they had conferred with OSET and were told they were on the right track and within the range. They were working without a set of requirements, which made more exact estimation difficult. Additionally, when more detailed examination and decisions are made about what is and is not included, the difference in costs could grow smaller.

Cost for central ballot counting and vote reporting are pretty much similar, but their functions differ greatly (and so costs for each should be different). These figures were reached without a set of requirements so there may be room for adjustment (explanations are included in the appendix).

Vice President Mogi asked what was the reason for the wide range in potential costs given in the report and Slalom said that based on different scenarios the costs basis could change (eg. Developing it as a “stand alone” project within SF vs collaborating with other entities –counties or organizations that have or are developing similar projects--, specific requirements of SF’s elections that may be greater than other municipalities).

She asked what conditions would increase the project’s timeframe from 3 to 6 years (as laid out in the report). Slalom said that many things that haven’t been fleshed out could extend that timeline (eg. Can a single vendor be found to develop all components of the system, what kinds of interactions and coordination have to be made if the system uses parts of a proprietary product? The procurement process itself can vary greatly in time demands.

President Donaldson expressed his hope that Slalom would be available to answer questions as needed when COIT reviews the report. Commissioner Jung, speaking for the Commission, thanked Slalom for their hard work on this report

Commissioner Jerdonek moved that the Commission support the recommendations of the Technical Advisory Committee (see agenda packet document), communicate them to the Mayor’s office and COIT and add that the Commission supports requesting at least \$4 million from the City for the first year in support of that.

Vice President Mogi asked if there is a basis for the \$4 million. The discussion raised the question of whether it is enough, is it reasonable. Factors influencing making the decision now are: the budget process demands having something put forward now. Discussions with the Mayor’s office left the impression that this amount could still be a challenge so don’t ask for more. Director Arntz said he didn’t know what the dollar amount for the first fiscal year should be but that it was better to put in a number and let COIT disagree with it and if you put in a lower number you could potentially limit your options. Efforts by others (eg. California Clean Money Campaign) to get the State to commit matching funds (2:1) could result in \$12 million to start the project ---which is on the lower end of the estimate provided by Slalom.

President Donaldson offered this language for the resolution: “The San Francisco Elections Commission supports the recommendations of OSVTAC and will provide written communication to the Mayor’s office, COIT, and the Chair of the Budget Committee of the San Francisco Board of Supervisors, in support of the City proceeding with the open source voting system project and recommends a budget in the amount of at least \$4 million for the 2018-19 fiscal year and requests and encourages the Mayor and the Chair of the Budget Committee of the Board of Supervisors send a letter to the Chair of the Budget Committee of the California

State legislature in support of the State's matching fund for development of an open source voting system."

Vice President Mogi seconded the motion. Upon voice vote, the motion carried, 4-0.

Public Comment

Mr. Roan Kattouw, member of TAC, commented that If all the elements (in the Slalom report) not recommended by the TAC as part of the initial iteration of the project, then the costs range from \$5 to \$11.5 million. And looking at the timeline Slalom offered, it would appear that that part of the system could be developed in a year and a half, with certification raising it to a year and three quarters. On page 15 Slalom recommends developing certain things in-house, where he would outsource them to vendors who might already have apps, that would lower costs, or to go competitive RFP. He ended by saying he supports the resolution and hopes the project can be funded.

Mr. Jim Soper, Voting Rights Task Force, mentioned a Sacramento meeting on cyber security. He said the LA Registrar (D. Logan) responded to a question about open source saying they are using an open source platform. But this is not open source. Their code may be disclosable at some point, but that's not the same as open source.

He said people should be finding an answer to the question of how much money this (open source) will save California. That is a great incentive to implement it. He said the implications for the rest of the country are immense and benefits, priceless.

Mr. Tent Lange, California Clean Money Campaign, said their organization is in support of this project and are working with David Chiu to get State matching funds for the project or any component ready for a demonstration in the 2020 elections. The licensing plan is also a great benefit to the state and all its counties so is another incentive for State support. He outlined the various aspects of the proposal they are putting forth to the State. He said Chiu and Weiner both said a letter from the Mayor's office and Budget Chair, Supervisor Cohen, in support of this is necessary for them to advocate for it.

He also cited various activities his group is doing to drum up support for the project in San Francisco.

Mr Alec Bash said that it would be less costly to concentrate on vote by mail than to increase the availability of accessible voting machines in precincts. He commented that some of the costs mentioned are not due to open source nature of a system, but advancing the accessibility of the system (however it would still not double the costs).

Mr. David Cary commended the California Clean Money Campaign on their efforts to gain state support of the City's open source voting project, and hoped the Commission could stay on top of everything so the funding opportunities do not go untapped. He spoke in support of the work of the TAC, which he characterized as a model of the successful, open, agile, iterative development process in a governmental setting. It's a process that is modern, tailored to its purpose, technology-savvy, staffed with appropriate skills and experience, and "cost effective." He commended the Commission for setting up the TAC and urged them to continue supporting their recommendations.

4. Approval of Minutes of Previous Meeting

Commissioner Jung moved to approve, seconded by Vice President Mogi. Upon a voice vote, the motion carried 4-0.

5. Commissioners' Reports

President Donaldson reported that Commissioner Rowe had notified of her inability to attend tonight's meeting. He had not heard from Commissioner Safont. He said he has reached out to the City's human resources in regards to item #9 and will continue to work on that.

Public Comment None

6. Director's Report

Director Arntz said that the motor voter bill will be effective April 16, with guidance coming from the Secretary of State. There will be a USPS meeting next Tuesday to discuss mailing requirements for the upcoming two elections this year.

The "pilot program" of the Dominion contract (from RFP of February) will happen after the June election. This will allow testing without confusing voters during the election. They are also developing San Francisco specific content for the remote accessible vote by mail system.

Commissioner Jerdonek asked if the contract with Dominion would be signed after the pilot program or before, with payment after. Director Arntz said the pilot program is part of the RFP so a contract isn't necessary to conduct it.

Commissioner Jerdonek asked Director Arntz to talk about the court case regarding signatures on vote by mail ballots. Director Arntz summarized that a case was brought before the court in Sacramento whereby counties are required to notify voters if their vote by mail ballot signatures don't match their on file signatures, and given a means to provide another example to verify their signatures. San Francisco has been doing this already.

Public Comment None

7. Election Plan for June 5, 2018 Election

President Donaldson cited the agenda documents related to this item, and said that the original plan was reviewed and approved in BOPEC; Director Arntz commented that he was going to add the script for poll workers to tell all voters of the availability of accessible voting machines for their use.

Commissioner Jerdonek commented that viewing the voting results page (on the website), all one sees is the first round totals, there is no indication of the status of rank choice voting for those offices having it, so it would be good to have a link to that. Director Arntz said that was possible.

Public Comment

Mr. Roan Kattouw supported Commissioner Jerdonek's suggestion of making the RCV results easier to understand. He said that currently only the first and last updates of the night provide the RCV computations, but he encouraged the Department to provide them with every update through the night. Finally he encouraged the Department to give pay equity to high school aged poll workers, who are paid less than "adult" workers.

Mr. David Cary supported the motion and plan, and encouraged the Department to try and implement the two suggestions mentioned by Commissioner Jerdonek and Roan Kattouw this June, if possible. He commended the Department on improvements to voting over the years and hoped for continued positive

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experiences for voters in the coming elections.

Vice President Mogi questioned the statement of pay difference, and Director Arntz said he wasn't aware of any pay difference.

Commissioner Jung moved to approve the plan with the insertion of the script mentioned by Director Arntz, seconded by Commissioner Jerdonek. Upon voice vote, the motion carried 4-0.

President Donaldson referred to the Memorandum and Resolution re: Waiver Allowing City Employees to Assist Department of Elections with Jun 5, 2018 Election and asked if the Commission needed to take an action on this. Director Arntz said that without it, staff from the Department cannot work on election night. This needs to be passed by the Board of Supervisors, but it must be requested by the Commission.

Commissioner Jung moved to request the Board of Supervisors waive the prohibition under Charter section 13.1045, to allow City employees to assist the Department in relation to the June 5, 2018 Consolidated Statewide Direct Primary Election. Vice President Mogi seconded. Upon voice vote, the motion carried 4-0.

8. Agenda items for future meetings

None

Public Comment None

9. Objectives and Process for annual Performance Evaluation of the Director of Elections

President Donaldson said he had wanted to go through the process as it was laid out by the Department of Human Resources forms, going into detail about the process without naming specific objectives, but if other commissioners wanted to speak more specifically then a closed session could be held.

He reviewed the documents and reminded the Commission that these were used in the last evaluation, but that the process would follow closer the timeframes outlined in the HR plan. This time, the Director would be asked to create a list of performance objectives for the year, added to by the Commission, to include those policies set by the Commission. The Commission's objectives would be formed around those policies.

Commissioner Jerdonek asked if the objective was to agree on a template to use for the evaluation. Yes, based on the HR forms with specific goals/objectives set by the Commission.

Would the evaluation be a numerical score or narrative? Narrative.

Commissioner Jung asked if there was a motion needed. President Donaldson said he'd entertain a motion to follow the standard process of the City and County of San Francisco, to include the Commission's approved policies as part of the evaluation's objectives, with the Director's self-selected performance objectives.

Commissioner Jerdonek asked if the Director's selected performance objectives would be public or not, and Deputy City Attorney White said it would preferably be a matter for a closed session.

The process would start for the FY 2018-19, using these forms (completed with specifics at a later meeting). Commissioner Jung so moved, seconded by Commissioner Jerdonek. By a voice vote the motion carried 4-0.

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Public Comment

Mr. David Cary supports the idea of more structure of setting goals and evaluation. In terms of the evaluation period, July is right after a canvas for an election. Would it be better to delay the evaluation so that a full review of the election process could be made and included in the performance evaluation? As to setting goals and objectives, it should be done collaboratively between the Commission and Director so everyone is amenable with the final choices.

He said that while there may be some objectives that are more personal and private, under the current process there are others which are public, so to keep that in mind.

Commissioner Jerdonek asked Director Arntz if he had enough to prepare for the next discussion. Ans: yes.

Vice President Mogi asked for clarification, that after tonight's general discussion, this will be agendized for a more closed discussion to finalize the process. President Donaldson said that was correct. He will be the collection point for any objectives the commissioners come up with individually.

The meeting was adjourned at 8:29 PM

Minutes adopted May 16, 2018