

Elections Commission
City and County of San Francisco

Roger Donaldson, President
Viva Mogi, Vice President
Charlotte Hill
Christopher Jerdonek
Charles Jung
Jill Rowe



John Arntz, Director of Elections

Don Chan, Secretary

REGULAR MEETING MINUTES

San Francisco Elections Commission
Wednesday, May 16, 2018
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 Donaldson called the meeting to order at 6:01 PM. He also welcomed Commissioner Hill. Present: Vice President Mogi, Commissioner Hill, Commissioner Jerdonek, Commissioner Jung. Commissioner Rowe was absent, excused. Also present: Director of Elections John Arntz, Deputy City Attorney Andrew Shen, and Secretary Chan.

2. General Public Comment

There was no public comment.

3. Open Source Voting

a) Commissioners' Reports

Commissioner Jerdonek spoke at the California Clean Money Campaign's (CCMC) kick-off event in support of open source voting, that happened at the Women's Building last Saturday, where about 125 people, and also elected officials and politicians running for office, attended.

He also spoke for open source voting at a Bd. of Supervisors Budget Committee hearing.

He did a presentation to the City Democratic Club and the Northern California Grantmakers on the topic of open source voting.

President Donaldson reported that he also attended the kick-off campaign and budget hearing and was pleased to see the public support for the issue. He was able to speak to Director Linda Gerull (CIO for the City) and felt that the understanding and momentum for the project was growing and wanted the Commission to stay on top of it to see it to fruition.

Commissioner Jerdonek added that from the last Commission meeting where the Mayor and Supervisor Cohen were urged to send letters to the state supporting open source voting, it was only

after an Examiner article about it that Supervisor Cohen did. The Mayor still has not. After the CCMC event, President of Bd. of Supervisors London Breed agreed to send a letter of support.

b) Technical Advisory Committee Report

TAC member Carl Hage did a short self-introduction, and then summarized what the Committee has been doing: developing a recommendations document (on their website) which includes list of major decisions needed for the open source voting, e.g. doing incremental, modular development vs one grand design roll-out. This 'agile' methodology allows for more rapid testing and refinements of each component as they are implemented.

Currently the Committee is reviewing security issues and some general recommendations on software development.

He also mentioned that the Committee has started reviewing the Slalom report and will be developing a response to its conclusions.

President Donaldson asked what the scope of their review will be; will there be recommendations on how to move beyond what was presented in the Slalom report? He said he hoped the Committee's response will help move us toward more action rather than further discussion and debate, applying agile development instead of the "big bang" method of everything at once.

On that point, Member Hage mentioned the Slalom report's reference to the StarVote project in Texas, which he said was an 'academic' attempt to do a whole re-design of their voting processes, issuing a massive RFP, that resulted in no one 'vendor' being able to fulfill. He said that this does not reflect the same potential for using the agile approach to development.

Commissioner Jerdonek said that at the Budget hearing, Supervisor Cohen asked how TAC could help the City and Department advance this project. He replied that the TAC is eager to help but no one (the City) has asked for their assistance.

c) Director's Report

Director Arntz reviewed that COIT had recommended and approved \$300,000 for the project, added to the \$125,000 that wasn't expended this FY, there will be \$425,000 available to use when the Department of Technology (DT) drafts the RFP to identify the technical resources to organize the specifications for developing an open source voting system (e.g. specific costs around such development).

President Donaldson asked Director Arntz why this step was so much smaller than what the Commission had hoped for. Director Arntz said COIT decided that the "scoping out" phase of developing the system didn't need more than that amount. He asked if the objectives of the RFP would result in some concrete move forward on the open source voting project; some 'product' that could be delivered in this fiscal year. Does Director Arntz have any input for deciding what that will be and to what extent will that move the project forward?

Director Arntz responded that the City felt that this scoping out was necessary to have a more clear understanding of the specific costs for the elements of the system including costs for ongoing maintenance and care and set standards for the City to make decisions on; Slalom's report gave a broad picture of this but was not charged with coming up with a specific system design.

Commissioner Jerdonek asked if the plan being pursued involved hiring a contractor to oversee the project and who would be directing that person (i.e. is there an "in-house resource" ---a Department staff). Director Arntz said he understood the Department of Technology would be, but didn't know if there's one assigned staff as overseer. He said the CIO (Gerull) has expressed willingness to come to Commission meetings to answer questions.

Commissioner Jerdonek asked if the “spec’ing out” plan was to create specifications for the entire system or would they be willing to do portions at a time so that possibly pieces could be implemented without having to approve everything for the whole project. Director Arntz didn’t have an answer for that. To the question of whether there’s a chance for more money coming from the Mayor’s office, Director Arntz said he did not feel there would be any additional funds coming the next FY from the Mayor.

Commissioner Jerdonek asked if the TAC could get access to a precinct worth of ballot cards so they could work on a scanner design (as part of the open source system). Director Arntz said he couldn’t give them the actual ballots, but they’ll continue the discussion and explore ways this could be accomplished.

Commissioner Jung asked President Donaldson if he’d formally invite Director Gerull to the next Commission meeting. (Ans: Yes) and if Commissioner Jerdonek could have TAC develop a set of principles around developing the system’s components, to be conveyed to Director Gerull. Commissioner Jerdonek said yes and that she had attended a past TAC meeting where these were discussed, and received a letter from the Commission addressing some higher level topics, but certainly the TAC can get more detailed about this. Commissioner Jung encouraged Commissioner Jerdonek to touch base with Director Gerull to brief her on the specific items that might be discussed at the next Commission meeting, if she comes.

President Donaldson asked what affect SB 450 would have on future processes (is there an opportunity to implement incremental changes more quickly), and what relationship roles might be between the Department and Director with IT, with the Mayor’s office, Director Arntz said that he doesn’t expect the change to happen in 2020, but in 2022. With all the upcoming elections makes changing to voting centers entirely couldn’t happen that soon. When it does the Department of Technology would be in the center of making it a secure system. As to the relationship between Department of Technology and the Department of Elections, the Department can give input on their experiences in operating a voting system, but the Department of Technology has the expertise on how a voting system operates. The one side must inform the other. He said the system isn’t just the Department or DT, but it is a city system and the whole city (Mayor, Bd. of Supervisors, Controller etc.) needs to be committed to it (funding).

d) Committee on Information Technology (COIT)

President Donaldson just reviewed and summarized the documents in the packet, and said he wanted this as a review for the Commissioners to see.

Commissioner Hill asked if the RFP intends to have someone create a detailed design document for a voting system. Director Arntz said it would be a more specified statement of information about what the system would look like, how it’s built, what it would do. Unlike the TAC’s recommendations, which go into more physical details about the system, this document won’t need to go that far to provide a scope of work and sense of cost.

Public Comment:

Mr. Jim Soper said the State has a \$9 billion dollar surplus and the amount of money being asked for support of open source voting is a miniscule amount in comparison. He encouraged the Commission to talk to people about this.

Mr. David Cary commented about the barriers to implementing an open source voting system, primarily identifying the Commission as being ultimately responsible for it being done or not. He felt there had not been any progress in advancing the project in the past year, including the Slalom report, which he enumerated in very negative terms. He said his understanding was that the report would determine how much it would cost to develop and implement an open source voting system and specify how that

process would be conducted, but it failed on both counts. He recommended rejecting the report, and taking back the authority to make things happen.

Mr. Brent Turner, CAVO, said that there already exists work and projects of open source voting to learn from. Slalom instead spoke with projects that failed or are not open source in nature. He commented that continued use of proprietary private systems leaves the risks open for hacking of our election systems by 'enemies' of our country.

4. Open Source Technical Advisory Committee

Chair Jerdonek reported that the terms of the members are coming to an end and asked the Commission to re-appoint him to the Chair of the Committee, re-appoint 3 of the members and allow him to open a search for one member (who can no longer serve).

There was a question of when the terms would start. It would be one year starting from the date of the vote. Commissioner Jung moved to re-appoint Commissioner Jerdonek as Chair, seconded by Vice President Mogi.

Public Comment:

Mr. Brent Turner commented that Commissioner Jerdonek is a fine Chair.

Upon voting, the motion carried 5-0.

Commissioner Hill moved to re-appoint Carl Hage, Roan Kattouw and Tony Wasserman, seconded by Commissioner Jerdonek. There being no public comment, by a vote of 5-0 the motion carried.

On the search for the 4th member, Vice President Mogi asked if Commissioner Jerdonek would just make the choice to be voted on by the Commission. Commissioner Jerdonek said he'd bring in the top choices for the Commission to select.

No public comment, by a vote of 5-0 the motion carried. (Commissioner Jung corrected the Secretary's count of 6-0, it is 5-0).

5. Approval of Minutes of Previous Meeting

President Donaldson reviewed the minutes and referred to a number of revisions submitted by Mr. David Cary. Without having been able to look deeply at those revisions, he said he would not feel comfortable just accepting them. Commissioner Jerdonek expressed his confidence that Mr. Cary had captured more details in various responses to questions raised in section on the Slalom report and would recommend accepting them as written. He moved to adopt the minutes with the revisions submitted by Mr. Cary (with corrected spelling of Alec Bash's name). Vice President Mogi seconded.

Public Comment:

Mr. David Cary said that when reviewing the minutes he felt that certain issues in the discussion on open source deserved a fuller reiteration to capture specific details, and so he suggested language for that.

Commissioner Jung asked him, in his opinion just what the Commission should be doing that they aren't, to be accountable for moving the open source project forward.

Mr. Cary said it should be asking more questions. He was impressed with the questioning Supervisor Cohen carried out at her hearing, and he thought deeper questions regarding the COIT application, and the Slalom report were necessary.

Mr. Brent Turner, CAVO, suggested that in future meetings if there are multiple parts to an agenda item, public comment be taken at the end of each part rather than at the end of the full item discussion (comments being relevant to each specific part), so speakers wouldn't have to wait to speak to an earlier point. He further commented that while he agreed with Mr. Cary's comments and criticisms, he felt they were too diplomatic for the gravity of the problems raised. He suspected that detractors of the Commission on open source voting tread lightly because the Commission is so "likeable". He gave the Slalom report a failing grade and said the Commission should stay close to the authorities for open source (e.g. Dr. Juan Gilbert, Brian Fox).

On vote, the motion carried 4-1 (President Donaldson voting nay).

6. Commissioners' Reports

Secretary Chan apologized for the mis-numbering of items on the agenda, President Donaldson announced that Commissioner Safont had to retire due to personal issues, and her seat is now open (appointed by Treasurer).

Commissioner Jerdonek said he will be an elections inspector for the June elections.

Commissioner Hill said that the Board of Education requested her to report back to them annually on her work with the Commission, and also to encourage the Commission to become more actively involved with getting high school students active in the elections processes.

Commissioner Jung asked Deputy City Attorney Shen if there were available remedies for unsatisfactory work (i.e. Slalom report), work result not responsive to the RFP. He was not familiar with the contract so couldn't answer the question. Director Arntz said that the contract was paid in full and Slalom met the scope of the RFP. He felt it was a good starting point.

Vice President Mogi asked Commissioner Hill to do a self-introduction for the Commission. She asked Secretary Chan if he could describe the process for filling Commissioner Safont's seat, and then raised the issue of getting BOPEC to full membership.

Commissioner Hill, currently a PhD student at UC Berkeley studying, among other things, how to build public trust in government. A northern California native, resides in SF since 2011. Active in non-partisan political reform organizations. She has an interest in seeking ways to increase equity for many low turnout neighborhoods during elections.

Secretary Chan commented that each appointing authority follows its own process, her own different from Commissioner Hill's. He is not familiar with how the Treasurer will fill their slot. Deputy City Attorney Shen said that there is no follow up confirmation from the Bd. of Supervisors or other government agency so it is up to the single appointing authority. The appointee from the Treasurer is required to have a background in finance.

Commissioner Jerdonek asked how many public high schools are in San Francisco. (Ans. 17) Would it be feasible to have commissioners possibly divide them up and visit each? Commissioner Hill wanted to have a clear objective for such an activity. She'll confer with the Bd. of Ed to see what their thoughts were on the Commission getting more involved.

After a short discussion, Commissioner Jung volunteered to sit till the end of this calendar year. Vice President Mogi also volunteered for the same time period. President Donaldson thanked both.

Public Comment:

Mr. David Cary commented regarding Commissioner Jung's question about the Slalom report, that there were certain parts of the RFP that the Slalom report did not respond to. Questions of total cost of ownership, patent/license issues.

Mr. Brent Turner encouraged the Commission to look into the "claw back" issue for the Slalom report because it was deficient. He said Slalom spoke with both Brian Fox and Dr. Juan Gilbert before their report was started, and they offered to help Slalom, but despite that and Slalom's inexperience in open source, were never contacted again.

Discussion by Commission:

Commissioner Jerdonek expressed his dismay also, given that his understanding was that one of the primary purposes of this report was supposed to come up with a cost, but now it's being said that someone needs to be hired to come up with a cost. Additionally, if this project is moved to another department, how will the Commission continue its oversight role?

Commissioner Jung asked Commissioner Jerdonek what his impression of the work product was, and did it respond to the RFP. Commissioner Jerdonek said he was disappointed in how it was presented, in the traditional "waterfall" methodology and not agile, the approach advocated by the Commission. He said their cost estimates were high, with extremely wide ranges. It isn't specific enough where a roadmap of steps can be followed.

Commissioner Jung agreed and also was disappointed in the report. He queried whether the project should be approached in a different way. With all the inertia faced in the political, governmental arena, would it be better to find some funder (philanthropy) to fund the development and then bring it to government for comment/testing. Commissioner Jerdonek said he would like to identify such a funder (hasn't yet), but in any case it would be easier and less expensive than quoted by Slalom.

Commissioner Jerdonek said that when it comes to funding, entities toss the ball to one another (i.e., state government says local government needs to pay for it, local says federal, philanthropic sector says public sector so there doesn't appear to be political will to do it.

President Donaldson said he hopes TAC can come up with recommendations that will move this process on expeditiously.

7. Director's Report

Director Arntz reported that he attended the Bd. of Supervisors Budget hearing, along with Commissioner Jerdonek and President Donaldson. He said the Department is still looking for poll workers. The rest of his report is in the written document. President Donaldson asked if the Department was down on involving high school students. Yes due to the school calendar, end of year activities, end of school the first week of June. Vice President Mogi raised the question of difference of pay for high school students and adults. Director Arntz explained that it was because high school students don't have to stay for the reconciliation at the polls, so the slight difference in pay.

President Donaldson brought up the issue of someone receiving two ballots. Director Arntz explained how such things happen and that there is little chance for someone being able to vote twice. Commissioner Hill asked if someone voted by mail twice but voted differently on the ballots would both be counted. Ans. No. The first received would be counted. There was a short discussion about the steps taken surrounding duplicate ballots, updating voter registration information.

Commissioner Jerdonek said there has been public mention of the confusion on how rank choice voting works, and asked how the department has been addressing educating the public on this. Director Arntz said the Department has ongoing activities to make rank choice voting more familiar to the people.

Commissioner Hill asked if the Department uses social media to do any of that education. Ans. (No). But it might look into it.

Commissioner Jerdonek said that the Department says it is saving the City millions; will the Department get that money to use? Ans. (No) Commissioner Jerdonek just wanted to make that a part of the record that the City does not allow the Department to use that savings for more education activities.

Public Comments:

Mr. Brent Turner said there is potential state legislation that will bring term limits to the position of Director of Elections.

8. Agenda items for future meetings

President Donaldson will invite Director Linda Gerull to the next meeting.

Commissioner Jerdonek said with the press pieces that seem to undermine the current process, possibly publishing a piece on rank choice voting and its benefits.

Commissioner Hill said Santa Fe has done something along this line.

Commissioner Jerdonek said San Francisco is moving toward using the Santa Fe model and said their ballot is much better looking than San Francisco's.

Director Arntz said that in late July they will do a pilot exercise where the scanners will mark the ballots and will include a rank choice voting card (provided by Dominion) with 10 choices (SF has 3 choices). There will need to be greater outreach to educate them on how to use the ballots.

Public Comments:

Mr. David Cary enumerated 6 items for potential future agendas.

1. Milestones review of 2015 policy: to revise, supplement or re affirms.
2. Overall progress and milestone review of implementing that policy
3. "Post mortem" discussion of the Slalom report/COIT request. Invite Slalom, Director Gerull, Director Arntz, the Mayor's office.
4. Develop project and Commission performance objectives for implementing project this FY
5. Investigate legal barriers to implementing the project, including needed charter amendments to the Commission's authority.
6. Get a seat on COIT for all discussions on open source voting

Commissioner Jerdonek what the charter amendment could do positively. Mr. Cary said for instance, if the Commission could hire a project manager to direct the open source development. Could there be a funding stream that the Commission had authority over.

Mr. Hage said that he discovered that the online accessible ballot has a tracking script embedded in it by a 3rd party vendor, which is a security issue. There should be a discussion about privacy policy/ security. He would recommend against using a tracking script.

Director Arntz said on the remote accessible vote ballot there is a script (so vendor can track how many people have used the service)

Commissioner Hill asked if there was a fix for this. Mr. Hage said simply to remove the script. The servers have a log of how many people utilized this, it's a little more expensive but more secure. He mentioned that the city also has a 3rd party tracker on its website.

Mr. Brent Turner asked if there could be an emergency meeting or press conference to discuss these security issues. He spoke in favor of a machine marked ballot/not voter marked. For the mail-in ballot issue, he pointed to Ohio's move to use Dr. Gilbert's system. Regarding database management system, they need to be open source. Finally, he said the impact of SB 450 needs to be discussed.

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

President Donaldson said, after conference with Deputy City Attorney Shen, he decided this didn't need to be taken into closed session. He referred to the forms (agenda packet) that were obtained from Donna Kotake (HRD) and were utilized in the last round of evaluations.

The content (in each item) is based on what was used last time, with 1 additional evaluation criteria: the three policies (paper balloting, open source voting, voter awareness of accessible voting options).

He's used the questions verbatim, but added suggestion, evaluation criteria to meet the SMART objectives of the performance goals. He proposed September being when the next review is done, thereafter following the fiscal year, but he's open to another timeframe.

Director Arntz had no objections to the format or timeframe. He's working on listing some personal objectives for the evaluation.

Commissioner Jerdonek was concerned with the scoring system (unsatisfactory, needs improvement, average, above average, superior), which are subjective terms and need to be quantifiable.

Commissioner Hill commented that the goals/objectives are more broad. She would like to see more measurable and time-framed statements of goals and objectives. As an example she offered under the category elections: point #1, looking at past elections and setting error rates or anomalies and reducing them by (x) amount in 2018. On point #3 what are the measures of success? Numerical achievements?

Commissioner Jerdonek proposed adding a few very specific measurable activities that the Commission considered important.

There was a short discussion with no conclusion reached. For continued review at the next meeting, President Donaldson asked each Commissioner and Director Arntz to send their suggestions to him for incorporation.

Public Comment:

Mr. David Cary said creating SMART objective is challenging. Possibly ask HRD to come and suggest ways to construct their objectives. He also suggested taking open source voting out of the category "communication". He suggested doing more often performance evaluations; quarterly. He also wanted an opportunity for public comment on the evaluation before the Commission reached its own conclusions to take action.

Commissioner Jung agreed about the open source voting item, to move to category #1.

The meeting was adjourned at 8:33 PM.

Adopted June 20, 2018