# Elections Commission
***City and County of San Francisco***

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

John Arntz, Director of Elections

Don Chan, Secretary

## REGULAR MEETING MINUTES (DRAFT)

**San Francisco Elections Commission**
**Wednesday, June 20, 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 6:00 PM. Present: Commissioner Hill, Jerdonek, Jung, Mogi, Rowe. Also present Director of Elections John Arntz, Deputy City Attorney Jon Givner, and Secretary Chan.

**2. General Public Comment**
Mr. Brent Turner commented on some issues occurring in the election; lack of ballots in various counties, missing 125K names from the LA voter rolls. He also mentioned that Ca Secretary of State made funds available for open source voting systems.

**3. June 5, 2018 Election**
President Donaldson said he placed this on the agenda for anyone who might have comments about the election just held, and referred to the agenda packet documents provided by Director Arntz, giving some data on different usage (accessible vote machine, precinct reports, etc). Commissioner Jerdonek reported that he worked the polls on election day. The answer to his question how many voters used the accessible voting machines was 100.

Public Comment
Mr. Brent Turner commented that he thought it was important to observe the “incidents” room, but found the security to it being a little offsetting and not welcoming. Aside from that, he found the climate to be friendly. He would have liked to see all the activities consolidated in one large room (unavailable in City Hall),

Director Arntz said that the reports presented tonight are not on the Department’s website but available through the Commission. If requested by the public, they can provide copies.

**4. Commission Media Piece about the June 5, 2018 Election and Future Plans**
Commissioner Hill explained that this Op-Ed piece was drafted to clear up some public comments and misperceptions regarding the impact of rank choice voting in the Mayoral election. If accepted, it is hoped to have it published in the SF Chronicle.

Commissioner Jerdonek further elaborated that the SF Chronicle had made various comments about how rank choice voting was "baffling" and that the turn-out was the lowest ever, so they felt it would be positive if the Commission used this as an educational tool to clear up those opinions, and inform the public of improvements coming to SF's elections system. If it isn't published in the Chronicle, maybe the SF Examiner and/or other social media outlets, political blogs, or the Commission's own blog.

Commissioner Jung brought up some concerns for certain statements made that weren't necessarily reached with the support data provided. Some conclusions seemed more leaning toward value judgments than logical conclusions. The use of adjectives flavors the statements toward subjectivity vs objectivity. Some examples: "voters have adapted well to the instant Runoff ranked choice system…" "London Breed and Mark Leno did an excellent job of connecting with San Francisco voters…" "rcv also ensures that San Francisco voters can choose from a diverse pool of candidates…"

Asked if he had any suggestions for language change, he said he'd prefer if the statement made responses of a factual nature in direct counter to the misinformation that it addresses.

Commissioner Rowe expressed her concern that the statement makes many value judgments and she didn't feel the Commission's role was to do this. She felt the Commission's job was to make sure everybody has an opportunity to vote and not interfered with, they are informed of the election, that the elections are fair, not to be political and advocate or make value judgments. She asked, if this is approved by the Commission, that it not be done in the Commission's name, but individual Commissioners.

There was a short discussion regarding what values that the Commission should carry as part of their Commission Charter and charge, and not going beyond that. The Deputy City Attorney was asked if there are prohibitions on the Commission from making such a statement/position. He said there's nothing in the charter that stops them from submitting such an op-ed, but it's more a question of what the Commissioners see the role of the Commission is.

Commissioner Jung read two statements from the Charter that spoke to this question.

Public Comment
Mr. Jim Soper supported getting the statement out publicly. He wanted to see more data on RCV (rank choice voting) results.

Mr. David Cary said he thought the Commission does promote values that go beyond the plain language in their Charter. He encouraged the publication of the statement, under individual Commissioners' names.

Stephen Hill, co-drafter of the Commission Charter, reviewed some of the past actions on the

Commission, which were similar to issues being discussed here. He felt the public needed to know about the Commission and what it's goals and purpose are. He thought the Commission should play a role of providing information to the public to clear up misperceptions.

Mr. Brent Turner stated that rank choice voting should be open source and not secret proprietary code.

Commissioner Jerdonek asked what the allowable process to adopt the op-ed would be. Deputy City Attorney Givner said that 3 could simply get it published, with their names and commission titles as identifiers attached, without Commission action. If 4 or more wanted to sign off, then the Commission would have to approve that.

President Donaldson expressed his support of the op-ed for wanting to correct factual information, but like Commissioner Rowe felt that a wider statement in the name of the Commission would not be appropriate. It was generally agreed that if 3 Commissioners wanted to get this published, they could, but it would not be in the Commission's name.

In summary, the 3 commissioners will pursue getting this op-ed published with their names attached and in the future there will be a re-visiting of the issue of correcting public misperceptions of RCV, with a possible written piece under the banner of the Commission.

**5. Open Source Voting**

**a.** Mr. Tony Wasserman, reporting for the OSVTAC, mentioned their tour of the Dept of Elections after the elections. He also spoke about the Slalom report: the Committee has come to the conclusion that the report is seriously flawed. Included in the Commission's packet is a statement regarding this and one of the points made was that it appears Slalom did not have any credible experience or understanding of open source or the potential costs of such. Therefore the City should not use their report to build forth.

President Donaldson asked how the TAC's recommendations differ from Slalom's. Member Wasserman mentioned the monolithic approach to development promoted by Slalom vs the Agile and modular approach supported by TAC. Additionally, the costs estimates were very loose in the Slalom report. The Committee produced a workable module for an elections system that Slalom estimated would cost far greater.

Commissioner Jung asked if TAC had directly addressed the concerns with Slalom, to see if they would clarify their positions or admit their deficiencies. Member Wasserman said this hasn't happened yet, but didn't feel it would reveal anything new to better inform the Commission/Department.

Public Comment

Mr. David Schmidt, CCMC, spoke in support of open source voting and the Commission's resolution to not use the Slalom report as a guide to move forward. He asked if the Commission could create another committee to work with TAC to create a plan to implement the open source system, to be given to the Bd of Supervisors for this year's budget.

[there was a short discussion about the budget schedule for the City and the fact that London

Breed, Malia Cohen, Jane Kim stated support for funding OSV]

Mr. David Cary reinforced that the OSVTAC statement on Slalom was a very strong one and encouraged the Commission to heed it and not use the report as a basis to guide the project's development.

Mr. Brent Turner commented that there were many re-made ballots that would not occur with an open source system. He said the Slalom report was a 'scam' on the public regarding OSV. He also mentioned that Microsoft just purchased Github. He warned them to be very aware of the developments in this area as they move forward.

Mr. Wojcieh Adam Koszek, a software developer, said Slalom could be asked many questions: why their estimates are so wide; the justification for their headcount; were certification costs included; if the code is bought from a vendor, is the vendor responsible for getting it certified; without specific requirements stated, their costs estimates can be very unfirm.

Mr. Kurt Grimes, Program Mgr at A Philip Randolph Institute, SF, supports encouraging young voters and open source voting. He suggested utilizing cell phones to allow young people to register to vote.

Mr. Jim Soper commented that what they were asking in support from the State was a miniscule fraction of the costs that LA had recently contracted for their voting system, and said Phil Ting needs to be lobbied to be stronger in supporting the open source project. He felt the Slalom reports conclusions did damage by also not assessing the risk for not implementing open source voting for the State.

**b.** Director Arntz reported that CIO Linda Gerull is working out the position description for a Manager, class 5504, to be paid out of the funds COIT allotted ($300K) and left from last FY ($125K). They will hire the person and the project will be under the Department of Technology (DT). Commissioner Jerdonek asked if this was a project of DT would the Commission not have any policy oversight? Director Arntz said that it would be a City project more than just the Commission's. Deputy City Attorney said the Commission could not place a binding policy over DT. There would be others who have a say, like the Mayor's office.

Commissioner Rowe expressed concern over not having any say in the hiring of the manager that might result in the same situation faced with the Slalom experience. Director Arntz said this person would need the skills to put specific requirements together, pull the different resources together to initially cost out and develop the system, and see it through certification. The DT will have this all in mind when hiring.

There was a discussion about the where the manager would be best positioned to get the project going, with proper guidance that aligned with the Commission's recommendations. Director Arntz was insistent that it was positive to have a manager to get concrete steps going, whether it was under the Department's authority or DT's. Commissioner Jerdonek gave the example of Department of Human Resources, which is undertaking a City-wide project to re-vamp their hiring processes, in an agile approach, where other departments are involved and are part of a steering committee, but DHR is still the owner of the project, despite it being a technology based project.

Commissioner Jerdonek envisioned a similar scenario for the OSV project under the Elections Department. Commissioner Hill asked if the position could report to the Elections Director while being housed in DT? Chair Jerdonek said in his talks with the CIO she actually offered that. Director Arntz said that how it comes to being may not be the final construct, that it could change over time (being 'Agile').

Public Comment
Mr. Jim Soper said in his experience with technologists they are not experts at voting systems so you need the "consumer" or customer (in this case the Department and Commission) to be the expert. He urged having the OSVTAC be involved in the selection of the manager.

Mr. David Cary recounted his experience at a Bd of Supervisors budget hearing where it was obvious the presenters had no experience in open source or agile process. The City has no processes set up to address either of these items and the lateness of hiring a project manager illustrates that (given the 2015 Commission resolution called for that initially).

Mr. Brent Turner was against the idea of DT overseeing the project. He suggested the Commission set benchmarks for the project so that new staff can be held accountable to them.

Mr. Wojcieh Adam Koszek commented that the TAC had the skillsets and knowledge to assure that they can hire the appropriate person. There are people in the public like himself, who can help to vet potential candidates.

**c.** Ohio use of Prime III
President Donaldson commented that this application is used for ballot marking and is open source. He asked Mr. Turner if he had any comments about this. Mr. Turner said that this was certified by the state, and the group that did the certification is the same group that certifies voting systems for California. He was hopeful that this system might be brought to California and said Dr. Gilbert would be amenable to speak in its regards. It was stated that while Ohio is only using the ballot marking program, a tabulation program is complete and available, and they have people working on a rank choice voting program now. Commissioner Jerdonek asked him to send the link to the code, to the TAC repository.

Mr. Tony Wasserman compared this project to a start-up. It's poorly funded, understaffed, it's challenged to get a product out for use as soon as possible (release early, release often method), identifying which components will be released in each stage. As such, there are lots of lessons to be learned from start-ups.

Commissioner Jerdonek gave various updates: the TAC's results reporter mentioned by Mr. Wasserman, is now available for inspection on the TAC website. It is still being worked on slowly due to restrictions by Brown/Sunshine act.; The open seat on the TAC has not been announced yet, he will try to do that by next meeting; The seat needs to be filled by August; He further reported that at a public assembly Mayor-elect London Breed and other supervisors stated their support for funding of OSV (he read Breed's statement); In regards to the LA voting system, it is not necessarily open source. If they are not able to establish a non-profit model for it, they will go to a for profit model, where they would be able to sell their system to others; The Secretary of State is making the $134 million state funds available also to open source voting systems, and for

the first time has specifically used the term open source as opposed to publicly owned; Finally he said that Mayor Farrell's plan for a citywide internet access failed to get funded so there may be money available for the OSV.

The resolution speaks to the need to name the Department as owner, for fullest transparency, and requests the City re-assert their support of OSV, not just in words but backed with funding, and rejects the cost estimates, and development approach presented by Slalom. President Donaldson agreed with the resolution and felt it an important time to make such a stand.

Vice President Mogi moved to adopt, seconded by Commissioner Jerdonek.

Public Comment
Mr. David Cary supported the resolution, but objected to including "Slalom report " from pg7 line 23.

Mr. Brent Turner echoed Mr. Cary's comments and supported the resolution.

Mr. Wojcieh Adam Koszek agreed with the characterization of the project to a start-up. He said possibly utilizing the open source system in a limited setting like the poll place he worked, so deficiency impacts are controlled.

Mr. Jim Soper also supported the resolution.

Commissioner Jung asked what was meant by the final resolve (pg 8). Commissioner Jerdonek said that it was meant to continue development with the involvement of other departments, but clearly under the direction of the Elections Department (parallel to the structure of the hiring modernization project by DHR).

Commissioner Jung referred to some clauses he felt needed re-wording: p2, 1st paragraph, "stipulated" change to "required that"; p6 1st paragraph, can that be re-phrased so it isn't so suggestively pejorative ; p6, 3rd paragraph, not sure what is meant by the statement. Commissioner Jung suggested removing the paragraph about the Mayor because we will be working with that office in the future.

Commissioner Rowe asked what he felt about Mr. Cary's recommendation on removing Slalom's name. He replied if others were comfortable with that, he wouldn't have any objections. It seemed amenable to all.

The motion was called and by a voice vote of 6-0, the motion carried unanimously.

There was a short discussion regarding the best avenues to use to get all targeted bodies (Mayor, Bd of Supes, DT) to be aware of this resolution, and get their buy-in. After different scenarios were considered Commissioner Jung moved to empower the President or his designee to take steps necessary to effectuate the Commission's open source voting resolution #2, including but not limited to communicating/meeting with Director Gerull, the Mayor, the Bd of Supervisors and their staff. It was further clarified that the President meant the sitting President, not necessarily the current President. The original motion was seconded by Commissioner Hill. The clarification (by Commissioner Rowe was seconded by Vice President Mogi). Upon voice vote the motion

carried unanimously.

**6. Commissioners' Reports**

Various commissioners were poll workers on Election day [Donaldson, Hill, Mogi, Jerdonek] and reported positive experiences, which showed a high level of customer service training given to poll workers, many commendations coming from various sources –including commissioners--, as well as the good organization behind the Department's operations, which allowed timely and frequent reporting out of results, and relative smoothness of activities in City Hall. Director Arntz was applauded for his direction on this.

**7. Director's Report**

Director Arntz was asked about the $134 million state funds, how it would be allocated, and with what conditions. The funds will be dependent on voter registrations, they can be used for open source voting systems, but if those systems are not certified by a certain date, those funds would have to be repaid to the state.

He was asked if there were any new developments from the Bd of Supervisors' Budget Committee hearings. No. If he had met with the City Attorney's office about licensing open source systems. Yes but no comment at this time. What the conclusion of his meeting with the Department of Risk Management was. The risk of this open source system was more toward the integrity of the system and the public's perception of that integrity, rather than the potential cost of the system.

Commissioner Hill asked about the different tools Director Arntz would use to widely educate the voting public about the eligibility of non-citizen voting in the upcoming school board elections. The City has entered into a contract with Chinese for Affirmative Action to be the lead organization behind the citywide campaign to educate voters about Prop N and registering. The Department will continue to do all the activities they have in the past to outreach to the public with an emphasis on reaching the immigrant, non English speaking communities. Commissioner Hill asked him to contact her for any opportunities there might be for the School Board to help in this effort.

Chair Jerdonek reminded Director Arntz that OSVTAC would like to have examples of scanned ballots to use for their work. Director Arntz said when all election activities are completed he will make them available to him.

President Donaldson thanked Director Arntz for the elections reports documents.

Public Comment

Mr. Brent Turner commented that there is no security or accountability with the Dominion election system (being private). He said that he'd recommend taking the scanner to the ballots rather than bringing the ballots to the scanner. He also said that risk limiting audits cannot replace a proper elections system first count.

A clarification was made regarding the state's funds for elections systems; that if SF gets $3 million from that fund, it should be used toward the interim voting system, rather than open source because if the open source system couldn't be certified by the deadline, the money would have to be refunded to the state. Funds for open source should not have that condition placed on it.

**8. Commission Social Media, Additional Channel**
Commissioner Hill explained the idea behind the Commission utilizing another social media platform to engage the public. It could put out news and opinion items that might not be length appropriate for other vehicles (eg SF Chronicle, Examiner), and in a format that might be a little more direct and accessed by a wider public viewing pool. She suggested creating an account on "Medium.com"

Commissioner Jung asked the Deputy City Attorney if there is allowance for the Commission to have a consent calendar? Yes, but it would still need to take public comment on the items in it. Chair Jerdonek said that the Commission wouldn't immediately be posting on it, but this is just an administrative act to set it up. Commissioner Jung moved to approve setting this up, seconded by Commissioner Jerdonek. President Donaldson proposed an amendment, 'to not post anything on it until the Commission has approved it.'

Public Comment
Mr. David Cary commented that suggested that at some point the Commission discuss what types of content it would be placing on this site; not simply meeting announcements as is done on Twitter.

Upon voice vote, the motion carried unanimously, 6-0.

**9. Approval of Minutes of Previous Meeting**
Commissioner Jung moved to approve, seconded by Vice President Mogi. The vote was 6-0 in favor; motion carried.

**10. Agenda items for future meetings**
President Donaldson reported that the BOPEC meeting will review the reports on the June 5 elections. Time and date to be determined.

Public Comment
Mr. Jim Soper said he's working with a group that is working on AB 2125, to introduce risk limiting audits in California elections. It passed with many amendments, resulting in allowing some counties to select it in lieu of 1% manual tally, only for the elections in 2020. If San Francisco wants to investigate this, he can ask the inventor Dr Stark to come speak about it.

Mr. Brent Turner suggested again asking Dr. Gilbert, Mr. Dechart, Mr Fox to speak.
He commented that smart phone voting is a progressive and verifiable method.

**11. Objectives and Process for annual Performance Evaluation, Director of Elections**
President Donaldson said that the documents for this item are not complete so will be tabled until the next meeting. Commissioner Hill reported that she would not be able to attend the next meeting but clarified some statements in her document for that evaluation.

The meeting was adjourned at 9:38 PM.