

ELECTIONS COMMISSION
City and County of San Francisco

**BUDGET AND OVERSIGHT OF PUBLIC
ELECTIONS COMMITTEE (BOPEC)**



Roger Donaldson, Chair
Charles Jung
Viva Mogi

John Arntz, Director of Elections

Don Chan, Secretary

SPECIAL MEETING MINUTES

**Budget and Oversight of Public Elections Committee
(BOPEC) of the San Francisco Elections Commission**

Friday, July 13, 2018
3:30 p.m.
City Hall, Room 479
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

Order of Business

1. Call to Order & Roll Call

Chair Donaldson called the meeting to order at 3:35 PM. Commissioner Jung was present, also Director of Elections John Arntz. Commissioner Mogi was absent, excused. Also present, Secretary Chan.

2. General Public Comment

None

3. Approval of Minutes of Previous Meeting

Chair Donaldson moved to approve the minutes of the March 7, 2018 meeting.

4. Review of the June 5, 2018 General Election

Rd asked about the discrepancy between ballot counts at the precinct he worked and the count reported on the dept website. Arntz explained that by their canvass of precinct balloting they do a manual review of cards to assess any differences. Mail in ballots, or provisional ballots that are from that precinct are added to the count at the precinct. The discrepancy in numbers is not unusual and is not a big concern.

Commissioner Jung asked about mismatched serial numbers of equipment said to be at certain sites and those actually there. Director Arntz said it was probably due to clerical error where they did not cross reference closely enough. He said that wasn't a big problem and didn't impact the tabulation.

Commissioner Jung reviewed the duty of the Commission, according to its Bylaws and asked Director Arntz if there were anything he would have done differently from the originally submitted election plans. He said no, all the elements of the plan were implemented with no serious hiccups.

Commissioner Jung commented that by the Bylaws the Commission has to certify that a free and fair election was carried out. The BOPEC should forward a recommendation to the Commission as such. He made the motion that BOPEC recommend to the Commission that it assess this past election, June 5, 2018, as being carried out in a free, fair, and functional manner. Chair Donaldson seconded.

Public Comment

Mr. David Cary commented that there are conditions within the San Francisco system which keep it from being free, fair, and functional. He suggested the Commission take up a discussion on the extent to which proprietary secret source voting systems is a barrier to the conduct of free, fair and functional elections.

Members of the Committee expressed their appreciation of Mr. Cary's caution, but said that there is only so much information that is available to them, and a great deal of reliance is placed on the Director's expertise, and while it may be additionally useful to have written comments of registered election observers (for additional data points), this does not preclude the Commission's responsibility to declare the conclusion of the election. The motion was called and by a vote of 2-0 carried unanimously.

5. Review of the Open Source Voting in San Francisco Report

Chair Donaldson said the report of the Civil Grand Jury was generally positive and timely. He suggested going through each point of the report and making comments in their regards and choose what response they would give to each finding/recommendation (within the parameters of the CGJ's instructions).

he began with a couple of statements: that the cost of the current voting system may be over priced but there's no other choice (there being only one vendor with a state certified system). This leaves San Francisco in a precarious spot if that vendor ever withdraws its product from our use. Such a threat is further reason to pursue open source; to control price and the functionality of the system; also, the report's position that the City needs to enlist outside help to develop this system, not having the expertise on staff to do so. In a meeting with the CIO, Ms. Gerull, this was discussed, as well as collaborating with other counties who also have the same issue.

Director Arntz pointed out that the report did not just make statements about open source voting, but also included an assessment of the Department's operations, for which they issued an excellent score.

F1: Chair Donaldson felt the finding was correct. Commissioner Jung had problems with the vague nature of the wording throughout the report, e.g. "project" –which is not defined. Throughout the report there are terms that sound "colored" or slanted. While he can agree with the intent, he would object to the phrase as written.

F2: again, there was a dispute with the wording, which itself is ambiguous (who did this, what organizations are involved, what was the project being “passed around.” Objected to the wording but agree that development has been hindered due to lack of clear and unambiguous ownership and funding. Clarity of a project plan and funding is central to the success of the project.

F3: object to the general ambiguity of the wording, using indeterminant subjects (e.g. large number of stakeholders). There are no definitions of the terms. Commissioner Jung commented that the Committee’s responses should be crafted as directly and narrowly as possible to the points brought out by the Grand Jury.

The Committee took each point that the Grand Jury required a response from the Commission and generally felt that they were written in less than clear, precise language, leaving the Committee being in a position of generally agreeing but not supporting the way the findings are stated, and also in some cases not being able to agree or disagree (e.g. F11, that essentially no one would be interested in developing the system if it was only serving SF’s needs). This left the Committee using option #3 of the Civil Grand Jury’s choices for response to recommendations: “the recommendation requires further analysis, with an explanation of the scope of that analysis and a timeframe for discussion, not more than six months from the release of the report.”

F14 (maybe) F15, 16 (true), F17 (true), F18 (overstated, Dept doesn’t really know). F19 (conditioned) [the SF Charter ss. 13.104 was reviewed and the Committee thought it was not a specifically enumerated responsibility of the Dept. F20 (true)

Re: recommendations

R3 (will do in future by TAC), R4 (requires further analysis), R9 (option 3), R11 (option 2), R12, R13 (option 3).

Public Comment

Mr. David Cary felt the report was generally positive and helpful, but between the time they finished their investigation and wrote the report, there have been developments which make some of the conclusions out of date. He encouraged the committee to consider the project had been started some time ago rather than just being in the process of creation. He recommended responding to all the findings and recommendations, not just those referred to the Commission. He also suggested that all calls for actions by the Commission to do be referred to the project owner who can delegate it to the Project Manager.

Chair Donaldson said he will reach out to the City Attorney and Civil Grand Jury to invite them to engage with the Commission on future discussions regarding the report.

6. Agenda items for future meetings

The next BOEC meeting will probably be in September in anticipation of the November election.

The meeting was adjourned at 5:34 PM.

Minutes adopted September 5, 2018