

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

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



John Arntz, Director of Elections

Don Chan, Secretary

**REGULAR MEETING MINUTES
San Francisco Elections Commission
Thursday, September 20, 2018
6:00 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102**

Order of Business

1. Call to Order & Roll Call

Vice President Mogi presided in the absence of President Donaldson. She called the meeting to order at 6:01 PM. Commissioners Bernholz, Hill, Jerdonek, Jung, Rowe were present. Also present: Director of Elections John Arntz, Deputy City Attorney Josh White. Secretary Chan. President Donaldson arrived at 7:53PM during item 3.

Vice President Mogi welcomed newly appointed Commissioner, Lucy Bernholz. She gave a short self-introduction.

2. General Public Comment

Ms. Henmi Cho (exact name unclear), a poll checker in the last election, noted the violation of distance restriction for politicking near polling places. She observed this first hand at her precinct but heard of other cases in other polling places, and asked that more attention be paid to preventing it from occurring.

Mr. David Cary spoke about the positive effect RCV (ranked choice voting) results reporting on the election night had on transparency and credibility of the process and how it reduces the chance of media misrepresentation. He commended current and past commissioners for their insistence on having these processes implemented.

3. Open Source Voting

a) Technical Advisory Committee Update

Mr. Tony Wasserman, TAC member, summarized the work of the Committee: the quarterly report to the Commission, two memos to the Commission regarding the job description for

the project manager and the definitions of project ownership vs management. They also asked if it might be possible to be a part of the selection process for the position. Commissioner Jerdonek mentioned a few other items from the TAC: the announcement of the vacancy on the TAC has been posted. He encouraged all interested to submit an application.

The Department provided copies of ballots that they can use in their results reporter. They created a project page (as requested by the Civil Grand Jury) and it is linked to the TAC website.

Questions submitted to the Department after the June election are still awaiting answers.

b. Civil Grand Jury report

Vice President Mogi stated that the Government Audit and Oversight Committee (GAO) has asked the Commission to attend that hearing on Oct. 17 and understands that Commissioner Jerdonek and President Donaldson will be going. There was a short discussion on whether the Commission needed to vote on this or whether there was a standing decision that such representation had been approved. Deputy City Attorney White said to err on the safe side, they could vote on it.

For simplicity, Commissioner Jung moved *to designate Commissioner Jerdonek along with President Donaldson (and anyone he chooses to designate) to speak to the GAO on behalf of the Commission, respecting the views and policies previously passed and expressed by the Commission.* Commissioner Hill seconded. The vote was tabled until all items in #3 were dealt with. **Upon voice vote, the motion carried unanimously, 7-0.**

b) Project progress

Ms. Linda Gerull, the City's CIO and Director of the Department of Technology (DT), answered questions posed to her about the open source voting project.

- Major points: Why does the position sit within the DT? Because the department has all the resources that deal with the issues of technology for the city. Many services/costs will be absorbed by DT that is not covered by the funds the City has given to the project. They will provide leadership, oversight and management of the position.
- By doing much prep work for the position before budget authorization on August 15, they were able to get the job posted and do initial screening by September 9 (16 applications), and September 19. They haven't decided on interviews yet.
- They are not looking for a technical expert (coder); they want a good manager/administrator.
- The position is being funded through the COIT funds, not the program funds from the Bd of Supervisors.
- The position reports directly to her.
- If the chosen candidate does not possess all the skillsets needed, they will be able to supplement it through their department's staffing or contracting.
- Desired major milestones for FY '18-'19:
 - getting a definitive understanding for the certification requirements from the Secretary of State and developing strategies to meet them.
 - Developing partnerships and examining models. She will be meeting with CIOs from many cities and counties in the US and will promote SF's project to them for potential partnering.

- Examine the security model for the system architecture.
- Try to have a pilot results reporter program (TAC's project) operational by end of the year.
- Assemble an advisory group representing many aspects of the project.
- She will report back to the Commission on the project's progress.

Commissioner Rowe commended Director Gerull for her commitment to the project, and the concrete steps she has laid to actuate the project.

Director Gerull was asked if TAC could be involved in the interview process. She said she'd check with HR. Commissioner Bernholz asked if the results reporter that TAC is working on can become part of the overall system. Director Gerull said that would depend on many factors.

Asked about the open source experience of the applicants, she said it's hard to tell exactly how much and what type of experience they have, on paper. They will have to explore that in an interview.

Commissioner Jerdonek suggested revisiting some of the applicants from the 1823 position posting, as many of them cited management experience. Director Arntz wasn't sure if those were still available.

Commissioner Rowe invited Director Gerull to give the Commission any feedback she has at any time.

For clarification, the 'working group' or advisory group would be managed by the project manager. As for 'owner' the role of CAO has been to keep this alive, with funding.

c) Director's Report

- Director Arntz reported that he checked with DHR about past applicants for the 1823 position but hasn't heard back yet.
- He mentioned the concern expressed regarding the level of pay for the current job opening. He said, with benefits it is over \$200K so is a significant level.
- He said that San Francisco is eligible for \$3 million of State funds to help purchase new election systems, and this would apply to development of open source systems also, but it would have to be certifiable, and paid for upfront by the County, to be reimbursed by the State.

Director Arntz commented that the LA system that was publicized as open source is not. Per the Civil Grand Jury's request, looking to 18F for technical assistance cannot be done as there are no federal funds available to access their services.

Answers to President Donaldson's questions: of the \$1.255 million allotted to the development of the open source project, \$660,000 is available for this fiscal year, \$595,000 the next fiscal year. COIT allocated \$300,000 for this year, with \$125,000 remaining from last year. So for this year there is \$1,080,000. The City's total commitment to the project is \$1,675,000 to open source voting development.

Funds for years beyond this fiscal year are not guaranteed, but unlikely to be moved.

Commissioner Jerdonek reported that he had made a public records request of LA for their source code but was denied, verifying the fact that it is not open source. He also requested that Mr. Trent Lang (President of CCMC) be allowed to present a proposal to the Commission. (copies passed out at meeting).

Mr. Lang recounted some of the activities it has carried out in getting funding available for the open source project. He then set out the concern of the organization regarding the public oversight of the project, to ensure it is an open and inclusive process (per recommendation of the Civil Grand Jury report). An oversight body of 5 (Mayor's office, Department of Technology, COIT, Department of Elections, OSVTAC) that the project manager would get approval from for anything to do with creating this system. Their proposal is a representative from the mayor, DT, SF Digital Services, Elections Commission, a nonprofit advocate of OSV representative named by Board of Supervisors. This working group would be open to the public for public input.

There was a short conversation about this proposal being beyond the scope of the agenda item and therefore not appropriate for any consideration of action. Vice President Mogi will discuss it with President Donaldson for possible inclusion in future agendas.

Public Comment

Mr. Tim Mayer, President of CAVO, spoke in support of Director Gerull's and the DT's work in the project. He further commended Director Arntz and Commissioner Jerdonek for their alertness to the deception of LA's voting system. He said, to keep eyes on the code, and if you can't see it, don't bother with it, it isn't open source. He spoke in support of the CCMC's proposed working group. He mentioned that Alan Dechert is an applicant for the open position and endorsed him.

Mr. Jim Soper also said that LA's system is not open source. It is 'disclosed' source. He said that having that oversight committee spoken to before, the project would gain some seriousness "and weight" in the State.

Ms. Mary Ryan, CCMC, also spoke in favor of the CCMC's proposal.

Ms. Paula Randall, CCMC, urged the Commission to include the representative from a nonprofit (CCMC) that has been centrally involved in getting funds to make the project possible.

Gary, CCMC, said that in all of his public outreach work, he's seen a great interest in open source voting and encouraged the Commission to support public involvement in the process.

Mr. Greg Pennington, CCMC, also echoed that the public is deeply concerned for and interested in open source voting and wanting to make sure it's done right. He supported the Civil Grand Jury's recommendation and the CCMC's proposal.

Mr. David Cary agreed there needs to be a governance structure that includes the commission. He was concerned that the City, Department of Elections, and Technology are ready to accept the Slalom reports conclusions. He said the Grand Jury's recommendation doesn't include the Elections Commission. He warned against that.

Ms. Shelly Carol, CCMC, supports the CGJ and CCMC's proposal.

President Donaldson arrived at 7:53PM.

Commissioner Jerdonek commended Trent on the work of the CCMC and the proposal and expressed his support of an oversight body if the Commission isn't going to be that body.

4. November 6, 2018 Election

Vice President Mogi reviewed that BOPEC discussed the plan and found very positive things that addressed the implementation of non-citizen voting, and increased outreach activities, and BOPEC voted to recommend Commission adoption. She commended Director Arntz for the work of the plan.

Commissioner Jerdonek asked Director Arntz about a complaint from a member of the public regarding electioneering near polling places, and how there were no signs that warned against it. Director Arntz noted that the law does not require posting signs and trying to is problematic since you can't just arbitrarily post it on private property, or have 'strategic' placements due to the difference in areas for polling places. But they have an aggressive process of dealing with complaints; sending out field election deputies to warn violators, and if they do not respect the first response, on a second complaint, the department would contact the campaign that violator represents to have them comply, and if that doesn't work, the department would call the police to. The Department will put signs at the polling site telling people to contact the Department in case of electioneering.

Director Arntz was asked about the information regarding the Commission, which appeared in previous voters handbooks, and he said that text will appear again this year, but not in the exact same place.

*Commissioner Rowe moved to approve the plan, seconded by Vice President Mogi. After public comment and **upon voice vote, the motion carried unanimously, 7-0.***

Public Comment

Mr. David Cary approved of the plan but mentioned a deficiency; that being the inability to see what the software is doing, how it affects the results. He urged the Commission to formally acknowledge this deficiency in further promoting open source as a solution.

5. Commissioners' Reports

Commissioner Jerdonek reported he will be a poll worker again. He also attended the demo of the Dominion equipment. He found that the election summary page (which is seen on the web by residents) only shows first round RCV results and not the winners).

Commissioner Hill commented that she has had problems with her city email account but hopes it will be resolved soon. She commended the Department for the amount of outreach it is doing, but is still in a quandary about why despite this there still exist such great disparities in voting practices amongst different neighborhoods. She asked if there were opportunities to bring in people to investigate interesting issues for local governments. She has had experience with the Goldman School for Public Policy (UCB) and wondered if they could provide such resources to us.

Vice President Mogi said this could be explored. She reported her own experience with the schools, where massive outreach was done to interest individual schools in the national voter registration day, but found disappointing low sign-ups for it. She feels that there is a basis for getting students involved but it falls short of having an institutional commitment on the part of the school site (admin). She'd like to explore on a district level what can be done to institutionalize a policy. She also mentioned that according to Assessor Carmen Chu, San Francisco has the third lowest turnout of female voters in the state.

She was very impressed with the outreach teams of the Department, but would like to discover where the barriers are.

Commissioner Jung asked if it would be possible for the Commission to recommend that there be a policy for the school district that each school site has a named point person that will get their site involved in voter pre-registration.

Vice President Mogi thought possibly the Commission passing such a policy statement and having the Board of Education enact a parallel policy so that comes from two points and not just the BOE.

Commissioner Hill announced that she is expecting in February, but fully expects to be able to carry out her duties on the commission. Congratulations were expressed all around.

President Donaldson also mentioned that he will be an election observer this time.

Public Comment

None

6. Director's Report

Director Arntz pointed out item F (appendix M from Grand Jury report), which states very positive things about the department's excellence in its operations. He went on to talk about the large issue of non-citizen voting (for the school board election). The department received very negative reactions after issuing the registration applications in July. They are doing training for poll workers on how to handle these voters, who will be referred to as EDU voters (no citizenship distinction). In all other aspects these voters will be treated the same as any 'regular' voter.

Ballots are being prepared; overseas ballots will be sent out tomorrow. Voter's guide is being printed; the other language versions will go in about 10 days. The logic and accuracy testing of the equipment will be done September 28, and the polling place equipment will be tested Oct. 1. On National Voter Registration Day the department will be using a cable car to take a group around various sites of the city to do outreach and registration.

Director Arntz thanked Vice President Mogi for her efforts to get information out to the schools and get students involved.

Commissioner Rowe asked if there were any intersection of laws between polling places and sanctuary city policy. Director Arntz said he didn't know of any. The department takes seriously the belief that all voters have the right to cast their votes an environment free of intimidation.

Commissioner Jung recalled that he asked in the BOPEC meeting if there was anything that prevented the government from subpoenaing voter information, and the answer was no. It could be gotten even without a subpoena.

Questions asked: **what was the nature of the negativity re: non-citizen voting?** Emails to the department from various locations nationwide. **What is the status of the Dominion contract?** Discussions are ongoing. **Is there a response from Dominion re: the RCV limited reporting?** No. **How many EDU voters have registered to date?** 8. **What exact information could be turned over to the govt. under a records request?** All voter information, **Are there conditions where such information is kept confidential?** Certain conditions, yes. But for this group of voters, no condition exists that allows that exemption. Any federal agency would be able to access the data.

Public Comment
None

7. Consent Agenda

Commissioner Rowe moved to approve, seconded by Commissioner Jung. Director Arntz explained the waiver for the benefit of the new commissioners who haven't seen this before. There was a short discussion about whether talking about any of the items required taking them out of the consent agenda. Deputy City Attorney White said it didn't. there being no public comment, **the motion was called and by voice vote, the motion carried unanimously, 7-0.**

8. Agenda items for future meetings

Explore a joint policy with the School Board. (Vice President Mogi said possibly for the next National Voters Registration Day –May?).

Explore setting up resources to discover reasons for neighborhood voter turnout disparities (President Donaldson offered to help Commissioner Hill with this).

Explore how it might be possible to shield voter's information from inspection.

Public Comment
None

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

President Donaldson reported that he had not been able to make any further updates on the form, that DHR has done some work on the survey that can be used to answer item 3.1 (Administration), and the evaluative questions need to be made more SMART. He asked to carry this over to the next meeting where the final form can be reviewed.

Public Comment

Mr. David Cary encouraged the Commission to look forward in setting performance expectations, not just backwards at how things have been done.

Commissioner Rowe commended Vice President Mogi on her chairing of the meeting.

No further business, the meeting was adjourned at 8:26PM.

Minutes adopted at October 17, 2018 meeting.