

**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
Wednesday, October 17, 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 6:03 PM. Present: Comms. Jung, Mogi, Jerdonek, Hill, Bernholz. Also present: Director of Elections John Arntz, Deputy City Attorney Joshua White. Commissioner Rowe was absent excused. Secretary Chan was absent.

2. General Public Comment

None

3. Open Source Voting

- a) Technical Advisory Committee (TAC) Update
Member Roan Kattouw gave an update on what the TAC has been doing. Some members of the committee observed the Logic and Accuracy testing of the Department's election machines. The committee reviewed the Department of Technology's "Initiation" report for the OSV project and noted the statement in its cover letter saying that it would devote the funds and time to performing a discovery phase rather than actual project development. This was a concern for the committee. And the committee crafted some interview questions they hoped would be used in the selection of the project manager.

There was a short discussion about whether the questions had to be approved by the Commission before their use. It was noted that originally the hope was to have a TAC member be on the interview team, but this was not possible; thus submitting questions to use. There didn't appear to be an opposition to just using them.

- b) Review and selection for TAC open seat

Commissioner Jerdonek summarized what he had learned of each applicant (met with all but one candidate). His gave his recommendation: Brandon Philips.
(there was a problem since Mr. Philips's paperwork was not included in the agenda packet –an oversight by the Secretary).

Commissioner Jerdonek was questioned about another candidate (Jim Soper) and he said he felt that Brandon Philips had skills that complement what current members bring to the table. He said this was not a committee decision because he felt it was a body created by the Commission so appointments should not be an action of the committee.

He asked for Commission approval of the choice. Commissioner Bernholz commented that with all the different thoughts on governance of the project, that there may be several avenues where public participation will be targeted, so those who have expressed an interest might still have a role to play. Given this, she deferred to Commissioner Jerdonek's choice.

Commissioner Jerdonek moved to approve Brandon Philips for the TAC opening, seconded by Vice President Mogi. By voice vote the motion carried unanimously, 6-0.

Vice President Mogi commented that she would like, going forward, to have greater efforts made to encourage gender diversity in the Commission's activities.

Public Comment

Member Kattouw spoke in support of the motion.

Mr. Steven Buss (an applicant) also spoke highly in favor of the candidate.

Mr. Brent Turner reminded the Commission of 3 people: Dr. Juan Gilbert, Allen Dechert, Brian Fox, as valuable resources to refer to in advancing the project. He made some disparaging remarks about Mr. Jim Soper.

c) Update: GAO Hearing on Civil Grand Jury report

President Donaldson reported on the hearing held this morning, regarding the report. There were no questions directed to representatives of the Department of Elections or Technology. They seemed to feel the project was making progress.

d) BOPEC result of review of SF Open Source Oversight Proposal

President Donaldson summarized that this was a proposal brought forth by the California Clean Money Campaign, which has been greatly supportive of the open source voting project, and by this wanted to ensure that the project had the greatest transparency and accountability possible. Such an oversight body was also recommended by the Civil Grand Jury. Mr. Trent Lange, Executive Director of CCMC, was thanked for his earnest effort, but it was felt that an additional body would add another layer of bureaucracy to an already full flowchart of authority and accountability (per diagram by Department of Technology).

Commissioner Hill asked whether the Commission should continue to have the conversation about oversight issues, or if that has pretty much been covered.

President Donaldson said he and Commissioner Jerdonek met with Director Gerull and

was happy that she was very accommodating to keeping communication lines active between the Commission, TAC, and the Department of Technology.

e) Project Progress (Linda Gerull Director DT, John Arntz Director DOE)

Director Gerull reviewed the document which lays out a framework on how the project will proceed, how different aspects will relate to each other, and how to move forward.

They will be interviewing the project manager tomorrow, assembling background documents for the project such as experiences of other election projects in the nation, seeking out partners (e.g. other municipalities), and possibly hiring an independent verification and validation consultant (DT typically does this for their large jobs).

More details will be added to the plan as it proceeds. She emphasized that regarding funding, they need to keep the full picture in mind, and not just think about the cost of software development.

As part of the community involvement to the project, she introduced Lorna Sheppard of On Strategy; a strategic planning/design facilitator already working on projects for the City. She gave a few comments about the importance of what they will be doing.

Asked if the first year would only be seeing a plan develop and not actual components (software, hardware etc.) she said it remains to be seen. Depending on the partners and what assets they bring to the project, many possibilities exist

She described the interview panel. They will interview 5 candidates. She was asked about how the different entities on the organizational chart will be composed and operate. She said many things will be considered in the composition of the bodies (e.g. the OSV Steering Committee), and arranging for meeting times that they can make, but she was mindful that all things considered, they wanted to make some concrete results before March and the budget season starts again.

Public Comment

Mr. David Schmidt, local coordinator and board member of the CCMC, read a statement from the organization. He reiterated their support of the open source project and emphasized the critical importance of it being transparent and accountable to the public (actually open vs closed like other municipalities' attempts have become).

Mr. David Cary referred to phase A of the DT plan, and recommended that they be started now with an actual election process. He mentioned other aspects of the plan and was generally positive about what it set out, and that the Director of DT was alert to it being a fluid process that will change and adapt and not be set in stone. He said it would be very helpful for budgeting to develop some high level business requirements for the project that have been missing these past two years.

Mr. Brent Turner, CAVO, was encouraged by these developments and reiterated that CAVO and OSI are at the ready to contribute to the continued forward progress.

4. Research Voter Participation Practices in Various SF Neighborhoods

Commissioner Hill reviewed that she brought up this idea in the last Commission meeting and

subsequent to that had a conversation with Deputy City Attorney White on how to proceed. She was advised that it did not need a Commission action, that it could be administratively handled through the Elections Department. She gained Director Arntz's agreement and a formal proposal will be drafted and submitted to the Goldman School of Public Policy to encourage a student to do it as their final semester project in policy analysis. Hopefully by January a student will be enlisted. Commissioner Bernholz asked if this research could also consider the impact of recent election laws that make vote by mail and voting centers more available. Commissioner Jung said he thought it would be very useful to discover the factors that impact voter pre-registration, and how to overcome those barriers.

Vice President Mogi cited that for the public schools it is clear that the barriers are the lack of a district wide policy that makes it of primary importance (voter education and registration) all high schools, and the individual site administrators who don't give it high priority.

Commissioner Jerdonek mentioned a study done by LAFCO in 2016 about voter turn-out, but they did not present it to the Commission.

Commissioner Bernholz said that the Youth Commission was doing a "Teen Vote" event, and thought that might be a resource to include in the study.

Public Comment

Mr. Roan Kattouw referred to the conditional voter registration law, which he thought would be a very useful tool in increasing voter turnout.

Mr. Brent Turner, CAVO, was concerned that the creation of voter centers will eliminate neighborhood polling places in lower income neighborhoods, for a negative result. He also mentioned the future prospect of smart phone voting.

5. Commissioners' Reports

President Donaldson said his meetings with Director Gerull have been very positive and he looks forward to their working together to develop the open source project. He also said he was going to be doing elections observing.

Commissioner Jerdonek reviewed his observation of the Department's logic and accuracy testing of the elections machines.

Mr. David Cary encouraged all the commissioners do some election observations to get an idea of all the things that go into holding an election.

Mr. Brent Turner mentioned Roy Saltman ('father of federal certification process for election systems), who feels the current process is broken, and encourages open source.

6. Director's Report

Director Arntz reported that as of yesterday 29 EDU voters had registered, most of them will be voting at polling places, some at city hall and vote by mail.

Commissioner Jerdonek asked about the L&A testing, and why a Dominion staff was there for the testing and not just Department staff. Director Arntz said it was included in the contract

when the Department was facing budget restrictions.

He was asked what the cost of carrying out the non-citizen voting. Approximately \$160,000. Deputy City Attorney White reminded the commissioners that the goal of the Bd of Supervisors when they enacted that ordinance was to dissuade as many non-citizens from voting as possible.

The actual total costs for this aspect of the election is not itemized out completely.

Director Arntz also reported that voters' information have been checked and the post office is being proactive in assuring that ballots are not left in lobbies, not in mailboxes, or with other issues in mailing.

Asked about federal assistance for voting security, Director Arntz several resources: daily reports around security issues from a government working group, FBI notices, alerts about security issues occurring elsewhere. A number of federal, state and local agencies have more eyes on this issue.

7. Consent Calendar

Commissioner Jerdonek moved to approve the meeting minutes of Sept 19, 2018, seconded by Commissioner Hill. Upon voice vote, the motion carried unanimously, 6-0.

8. Review and possible action on change of regularly scheduled meeting for San Francisco Elections Commission.

There was a short discussion and the general feeling was that the current arrangement was in the main satisfactory and should be kept.

Public Comment

Mr. David Cary felt the other hearing room was more "line of sight" friendly but said regardless, the Commission is still looked up to.

9. Agenda items for future meetings

Commissioner Bernholz cited that some private corporations are promoting establishing elections as a paid time off. She would like to discuss exploring the possibility of doing this for San Franciscans.

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

Commissioner Hill summarized what work she and President Donaldson has discussed. The two aspects of the evaluation would be: appraising the work of the past year, and making sure that the measures and goals in the evaluation form for future performance are structured and worded as the Commission wants them, and the Director is clear as to the yardstick he'll be measured against. The sequence of activities would be a summary of the Director's past performance, with which commissioners can use to write up their own evaluations. Then at the next meeting do a consolidated evaluation from all the individual ones. Then before the December meeting, have a working group distill and update the evaluation form for commission approval.

President Donaldson said that this process should also include a self-evaluation from the

Director. The Deputy City Attorney said that a working group of the Commission would probably have to be guided by Brown Act/Sunshine restrictions. Given that, President Donaldson asked Commissioner Hill to do a preliminary draft for the November meeting, of the evaluation form to be used. The Director's self-evaluation should be ready for the December meeting's agenda packet.

Commissioner Jerdonek asked if there were any way to decide specific numerically measurable metrics to assess accomplishments (e.g. reduction of (x) number of vote by mail ballots challenged). It is difficult to directly associate input of effort to outcome results. Commissioner Bernholz volunteered to inquire if there are any standards for elections administration.

Public Comment

Mr. David Cary suggested looking at this in an agile perspective, to break it up into pieces and prioritize, not necessarily considering goals setting tied to evaluating past work.

Having no further business the meeting was adjourned at 8:23 PM.

Minutes adopted December 19, 2018