

**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, December 19, 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

The meeting was called to order by President Donaldson at 6:04 PM. Commissioners present: Bernholz, Jerdonek, and Jung. Vice President Mogi arrived at 6:05 PM; Commissioner Rowe at 6:12 PM. Commissioner Hill was excused. Also present: Director of Elections John Arntz, Deputy City Attorney Josh White, and secretary Chan.

2. General Public Comment

Mr. Brent Turner referred to an article that reported Microsoft Corp. funding the Verified Voting Foundation's Risk Limiting Audit reports, as evidence of their (and other private enterprises') interest in obstructing the efforts of open source voting reform via "fronts" such as Verified Voting, OSET).

3. Source Voting

Commissioner Jerdonek reported on what the TAC has been doing recently; moving forward on its Open Reports Recorder, addressing the question of licensing and ownership of the open source project, and preparing its 3rd report to the Commission, which should be ready by the Commission's January meeting.

Director Linda Gerull passed out a progress report of its work on the open source project. She reported they hired on 2 staff and are doing background investigations on various aspects of the project (existing OS projects elsewhere in the nation and overseas, potential partners) –the document is in the meeting materials packet.

President Donaldson asked about the changes in the governance reflected in the project plan. Director Gerull said it more closely reflects how the budgeting and decision making for the project moves within the City; with the Mayor and Board of Supervisors having the final say on what is funded.

He also asked about the informational surveys they are doing and if there will be an opportunity to learn which projects they are surveying. Director Gerull said no, they will be just fact gathering and not using the information for selecting strategies or directions for our own project.

President Donaldson asked how the DT staff was going to be interacting with the OSVTAC in moving forward. Both Director Gerull and Commissioner Jerdonek said that they're in the initial stages of conversation and wait to see how that will develop as the plan is enacted.

Public Comment

Alec Bash commended the Commission on the progress of the open source project to date.

Mr. David Cary commented that last month was the 3 yr. anniversary of the Commission resolution on open source voting, and said he was sadly disappointed in the lack of progress on making it a reality. He enumerated several things that should have been in place: business requirements (not even high level), not even a draft proposal of them. There is no detailed funding request for COIT, no public dialog with the Commission on why there seems to be indifference in the Department for open source. He held the Commission responsible for these deficiencies and said they needed to take a more pro-active and directive role in making it move forward.

Mr. Brent Turner stated that Dominion (the current voting system contractor) has publicly said that open source voting is a threat to their business, and warned the Commission again to be alert to outside interference that can derail San Francisco's efforts. He again noted having 3 experts on open source that can be accessed for guidance (Alan Dechert, Brian Fox, and Dr. Juan Gilbert). He noted that they need to pay attention to the DFM issue (DFM Associates is a contractor of election information system management products).

4. BOPEC's recommendation to approve the certification of the November 6, 2018 Election

President Donaldson reviewed that the BOPEC discussed the election results and process and found no serious deficiencies and that it was a free, fair and functional election and had moved a recommendation that the full Commission accept its certification.

Director Arntz was asked in the BOPEC meeting about the non-citizen voting for the school district and he gave the numbers tonight: 65 registrants of which 59 voted. The number of pre-registered voters for the general election (signed up after the June election, before Nov was 771, of which 394 cast ballots.

Commissioner Jerdonek said he received a suggestion from a member of the public which he thought would be good to do for all subsequent elections: to report the number of voters vs the number of eligible voters, to get a better picture of the participation. (E.g. of 660,000 eligible voters in SF, there were 500,000 registered.)

Director Arntz said there were around 55,000 provisional voters statewide (who registered 50 days before election day), San Francisco making up 4500 of them. For the June election there were 1100 conditional voter registrants and on election day about 3400 registered at City Hall (out of 5,000 voters there).

President Donaldson commended Director Arntz on how well the voting center in City Hall worked despite the fewer number of poll workers this time. Director Arntz said it would have felt better to have more on hand but it may be due to the smaller stipends. He will ask the City for an adjustment.

Commissioner Bernholz moved to accept the November election as free, fair, and functional, seconded by Commissioner Jerdonek.

Public Comment

Mr. David Cary said that technically nobody can know if the voting was verified as accurate and fair. There is private software that cannot be publicly audited to assure accuracy and credibility and until there is full transparency with open source there will always be a question of the veracity of election results.

President Donaldson commented that short of full verifiability, given what we have available to us, he felt confident enough that it was free, fair and functional.

The motion was called, and upon voice vote, the motion carried unanimously 6-0.

5. Commissioners' Reports

President Donaldson announced that secretary Chan has tendered his resignation and will work tail end of January. He said he's checking with Human Resources to see if it might be possible that the previous applicants for this position were available. Regardless, January will be used to identify a replacement. Commissioner Rowe expressed her concern that there may be a rough transition if the new person were not trained before Secretary Chan departs; that having an overlap would smooth operations immensely. If figuring that out required a special meeting she'd be in favor of it. She commended Secretary Chan for the work he's done for the Commission.

Commissioner Jerdonek said his term comes to an end this year and he hasn't heard from the Board of Supervisors about their intention for the next term.

President Donaldson read a report from Commissioner Hill regarding the study on neighborhood voter turnout disparity. They have selected a graduate student, Emma Fernandez, from the Goldman School of Public Policy, who will start in January. Commissioner Hill will be her primary contact on the project.

Public Comment None

6. Director's Report

Director Arntz answered a question that was asked in the BOPEC meeting: the number of first time voters in San Francisco was 35,930. Vice President Mogi asked about the adjustment in

schedule of activities due to the earlier primary election dates going forward. Director Arntz was less concerned for that (pushing deadlines up earlier is relatively easy) than he was for the confusion voters have over being able to vote partisan even if they are undeclared. Even with the extensive outreach and education the Department carries on it will demand attention. The calendar will see them beginning ballot simplification processes as early as Thanksgiving. Some deadlines will fall during the holiday season so it'll be a cause for alertness.

Commissioner Rowe recounted her experience in the last presidential election where this confusion was great, leading to lawsuits and extensive complaints despite the education the Department did.

Commissioner Bernholz asked how far in advance do the major parties have to make the determination of who can/cannot vote partisan. Deputy City Attorney White said at least 3 months.

Commission asked what the process was for notifying vote by mail voters that they can choose partisan ballots. Director Arntz explained the process briefly. Asked about the new voting system Director Arntz said they were in the negotiating stage with the vendor so nothing to report yet. There will be a budget request to support training on use of the system. Asked about what was being done with VoteCal, Director Arntz said this was an ongoing activity. As to changes in election law Director Arntz hadn't had the chance to digest the compilation yet. He'll report back at the next Commission meeting.

Public Comment

Mr. Jim Soper commented on a conference in Sacramento. On a panel regarding voting centers he said two primary lessons he got from it were, 1) they are better staffed 2) they are not necessarily less expensive than polling place voting.

Mr. David Cary commented on early primaries. 1) There may be active candidates campaigning so voters may be more aware of their options in voting, and 2) with same day registration there may be more issues or assets to the process of voting.

Director Arntz was asked if a same day registration can be used to change party declaration. Yes.

Asked about redistricting, Director Arntz said that after new census data is released, and the taskforce does its work, that could be in 2021 sometime. Asked if San Francisco was going to vote centers vs precinct polling Director Arntz said it was problematic. Many are "attached to" voting at their precinct polls, and many vote by mail voters return their ballots at the precinct. San Francisco isn't blessed with large spaces where massive centers can be created. It may move toward voting centers in an incremental way. He'd consider adding another vote center for the 2019 election just to get people familiar with the idea.

7. Consent Calendar

President Donaldson pointed out a typo in his letter to the Civil Grand Jury. There were no amendments to the draft minutes. Commissioner Jerdonek moved to approve the consent calendar, seconded by Commissioner Rowe. Upon voice vote the motion carried unanimously 6-0.

There was no public comment.

(Commissioner Jung had to depart 1:15:10 into the meeting)

8. Agenda items for future meetings

Have an item where the public can give suggestions for the upcoming presidential election.
Commission officers election.

Possible special meeting to deal with secretary hire. Commissioner Rowe asked if it was something that could be done through BOPEC, with final hire by the Commission.

Discussion and/or demo on the new voting system.

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

The Commission voted to go into closed session.

The Commission reconvened in open session and voted to not disclose any discussion or action taken in closed session. The vote was 5-0.

There being no further business the meeting was adjourned at 8:51 PM.

Minutes adopted January 16, 2019