Elections Commission
City and County of San Francisco

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

John Arntz, Director of Elections

William Walker, Secretary

REGULAR MEETING MINUTES
San Francisco Elections Commission
Wednesday, March 20, 2019
6:00 p.m.
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

1. **CALL TO ORDER AND ROLL CALL:** COMMISSION PRESIDENT MOGI CALLED THE MEETING TO AT **6:04 P.M.** *and asked that Secretary William Walker take attendance; the following Commissioners were in attendance:*

Attendance for the Wednesday, March 20, 2019 regular meeting of the Elections Commission						
Bernholz	**Donaldson**	**Hill**	**Jerdonek**	**Jung**	**Mogi**	**Rowe**
Present	Excused Late Present*	Present	Present	Excused Absence	Present	Present
*Commissioner Donaldson arrived during Item 6 at 7:02 P.M.						

Also Present: Director of Elections John Arntz, Deputy City Attorney Josh White, Chief Information Officer Linda Gerull, Secretary William Walker.

Commissioner Rowe acknowledged the sudden death of Public Defender Jeff Adachi, who passed away February 22, 2019.

President Mogi congratulated Vice President Hill on having a baby and stated she was the first ever to serve on the commission in recent history and to give birth.

2. **RECEIVED** GENERAL PUBLIC COMMENT AT **6:06 P.M.**

- **Brent Turner, California Association of Voting Officials**, spoke highly of the recent announcement that the United States Department of Defense Department's Advanced Research Projects Agency (DARPA) would be building a secure voting system; stated that the most desired system would be one that uses a general public license (GPL); and commented that the Protecting the Front Line county election security conference held March 6 in Mountain View was very "Google-centered" and did not mention open source

voting enough in its presentation.

- ***Jim Soper, Voting Rights Task Force***, shared that the new voting system by Dominion, which plans to make images of voter's ballots publicly viewable on a website, uses a technique that compresses the images of each voter's ballot, which is a concern. He added that these images were part of a public document chain of custody and that each ballot image should be available for the `public to see and count for themselves, a process that might be hindered if ballot images are compressed. He added that risk limiting audits should be performed using the paper ballots and not by using the images taken by voting machines. He concluded by stating the United States Election Assistance Commission (USEAC) is seeking public comment on its Voluntary Voting System Guidelines by no later than May 29, 2019; comment can be submitted through the USEAC website.

- ***Gerard Gleason, former San Francisco Elections Commissioner***, invited the Commission to attend the Future of California Elections 2019 Conference: Leading the Way: What Lies Ahead for California's Elections" on April 11, 2019 in Sacramento.

3. RECEIVED REPORT ON OPEN SOURCE VOTING PROJECT PLAN AT 6:11 P.M.

RECEIVED Open Source Voting Technical Advisory Committee (OSVTAC) Report
Member Roan Kattouw reported that:

- OSVTAC held its regular meeting on Thursday, March 14 at 6pm at City Hall and a special working group meeting at 3pm, Sunday, March 17, 2019 at the San Francisco Public Library-Main Branch. The regular meeting discussed the United States Department of Defense Advanced Research Projects Agency (DARPA) Voting Security Project, the Dominion Voting Systems contract with the San Francisco Department of Elections and how lawmakers in New York State would be in potential litigation with Dominion because of previously undisclosed discrepancies with how the Dominion Voting System mechanism both counts a voter's vote and marks a ballot with the same mechanism, possibly exposing it to being hacked. The special meeting gave three members of the OSVTAC an opportunity to develop open source voting software.
- OSVTAC discussed the Department of Technology request that OSVTAC provide feedback and expressed that the OSVTAC was very pleased to be given an opportunity to provide feedback for the Open Source Voting project.
- OSVTAC Member Hage attended "Protecting the Front Line: County Election Security in the 21st Century" conference held March 6 in Mountain View, featuring Santa Clara Board of Supervisors President Joe Simitian, California Secretary of State Alex Padilla, and panelists from the California Voter Foundation, UC Berkeley and Stanford University.

RECEIVED Commissioner Reports
Open Source Voting Technical Advisory Committee (OSVTAC) Chair and Elections
Commissioner Chris Jerdonek reported that:
- The OSVTAC met Sunday, March 17, at 3pm at the San Francisco Public Library-Main

Branch, to work on developing software for the Open Source Voting project, specifically a graphical bar display widget to visually display incoming voter results.

- The OSVTAC was in the process of gathering past voting results to use in their Open Source Voting pilot.
- The OSVTAC discussed the DARPA Voting Machine Project, but have not come to a consensus on how it will relate to their work in their pilot project.
- The California Clean Money Campaign found an author for their legislation, now officially numbered Assembly Bill 1784. He added that the Commission should discuss whether it should sponsor the bill before it is introduced, ask that the State Legislative Committee of the Board of Supervisors endorse the bill, or potentially miss an opportunity to weigh in on the Bill.

RECEIVED Director's Report on Open Source Voting Activities:

Director of Elections John Arntz introduced Chief Information Officer and Director of Technology Linda Gerull to provide a status report on the Open Source Voting System Project. *CIO Gerull* reported that:

- Planning and Discovery phase of the Open Source Voting project continues; the Department of Technology continues to meet with potential project partners; develop specific approaches to project development; vet how it has been implemented in other jurisdictions; determine which jurisdictions have been capable of completing their project; and overall, the project continues to gain traction and CIO Gerull thanked Commissioner and Open Source Voting Technical Advisory Committee Chair Jerdonek for joining in on these discussions.
- The DARPA Secure Voting System Project may be one of the potential solutions considering it will be building a secure, open source, hardware platform, but will not be available in time for elections in the year 2020.
- A requirements definition document is being developed; OSVTAC will review the requirements at a meeting to be held in the next two weeks. CIO Gerull will consult with the OSVTAC for different members of the community to invite to discuss project strategy, and particular community needs and desires for the project.
- She and Director of Elections John Arntz will continue to look at resources for deliverables to be produced to support the Open Source Voting project on time, with appropriate expertise, efficiency and in a cost effective manner.

RECEIVED QUESTIONS regarding the Report on Open Source Voting activities:

- Commissioner and OSVTAC Chair Jerdonek noted that a *Washington Post* article mentioned that $15.5 million was already awarded to eight recipients in conjunction with the DARPA Voting Security project and asked if there might be an opportunity for the Department of Technology and the Department of Elections to partner with the United States Department of Defense Advanced Research Projects Agency (DARPA) to make San Francisco a contender for future funds. CIO Gerull responded that San Francisco would consider applying for future grants in future years.
- Commissioner Bernholz queried if there might be a possibility as more open source hardware solutions become available that the Departments of Elections and Technology

could possibly build upon these hardware solutions. CIO Gerull responded affirmatively and added that because the DARPA voting security solutions would be optimized and built customized solely for the use of counting election results, it will be much easier to build upon these solutions.

- Commissioner Bernholz asked for the expected timeframe of delivering the DARPA voting machine. CIO Gerull responded that the machine would not be delivered in time for the 2020 election.

Commissioner Rowe presented the following motion, RESOLUTION 20190320-03-1:

> *RESOLVED that the Commission vote to REQUEST that the State Legislative Committee of the Board of Supervisors endorse Assembly Bill 1784; and subject to final review by Commissioner Jerdonek when bill is finalized, AUTHORIZE Commissioner Jerdonek, after consultation with President Mogi and CIO Gerull, decide whether or not to endorse Assembly Bill 1784; and should the Commission endorse Assembly Bill 1784, AUTHORIZE Commissioner Jerdonek to appear in front of the State Legislative Committee of the Board of Supervisors to speak regarding any position taken by the Commission regarding Assembly Bill 1784.*

RESOLUTION 20190320-03-1 was moved by Commissioner Rowe and seconded by Commissioner Bernholz.

- ***Commissioner Jerdonek*** suggested the commission weigh in on Assembly Bill 1784, being introduced to the Assembly and co-sponsored by the California Clean Money Campaign; he also agreed to seek that the Board of Supervisors State Legislative Committee endorse Assembly Bill 1784 if the Bill is consistent with previous passed resolutions by the Elections Commission supporting the implementation of Open Source Voting.

- ***CIO Gerull*** informed the Commission that the Department of Technology would need to see the wording of the legislation to ensure its implementation timeline was not more aggressive than timelines already being contemplated by the current Open Source Voting project; she also added that in order for the City and County to match funds, the project would be included on a list of recommended projects that require supplemental funding and that there was no guarantee that the Open Source Voting project would take precedent over other pressing City and County needs.

- ***Commissioner Bernholz*** suggested the Commission take a **NO SUPPORT** position on Assembly Bill 1748 should timelines in the bill not conform with the City and County's implementation timelines.

- ***Commissioner Rowe*** suggested the Commission adhere to its original plan to support Assembly Bill 1748, consult with CIO Gerull to request any amendments to the Bill if necessary, and that a special meeting of the Commission be called to discuss any proposed amendment suggestions to Assembly Bill 1748.

RECEIVED Public Comment regarding RESOLUTION 20190320-03-1
- *Jim Soper, Voting Rights Task Force*, stated that California Secretary of State Alex Padilla would not necessarily support offering matching funds to jurisdictions interested in implementing Open Source Voting systems and suggested the Commission seek other methods of State support; suggested the Commission consider having voting system security expert Ben Adida present on best practices to building open source voting systems; commented that DARPA voting system solution may not be the solution best suited for San Francisco; reiterated that paper based ballots are absolutely necessary in any implementation of Open Source Voting software.
- *Brent Turner, California Association of Voting Officials*, thanked Commissioner Rowe for her motion; suggested that the Commission not wait another year to weigh in on state legislation being considered regarding Open Source Voting; advocated for a voting system that does not allow hand marking of ballots to eliminate any voter intent issues; and suggested that printing out a paper ballot that a voter can verify is a best system. Added that as far as timelines go, as long as the City and County operated in good faith and are in a good position to proceed that certification of any new open source voting system should be straightforward.

President Mogi requested a roll call vote be taken by Secretary Walker on RESOLUTION 20190320-03-1.

AYES: 6- BERNHOLZ, DONALDSON, HILL, JERDONEK, MOGI, ROWE.
NOES: 0- NONE.
ABSTENTIONS: 0- NONE.   ABSENT: JUNG
MOTION CARRIES UNANIMOUSLY.
RESOLUTION 20190320-03-1 WAS APPROVED WITH A UNANIMOUS VOTE.

4. **CONTINUED APPROVAL OF MINUTES OF PREVIOUS MEETING HELD FEBRUARY 20, 2019**

President Mogi continued approval of the Meeting Minutes from February 20, 2019 to the next scheduled Elections Commission meeting.

5. **RECEIVED COMMISSIONERS' REPORTS**

Vice President Hill reported that:
- UC Berkeley Graduate Student Emma Fernandez, in conjunction with the UC Berkeley Goldman School of Public Policy and Center on Civility & Democratic Engagement, would present a report on potential recommendations to reducing the logistical barriers to low voter turnout in San Francisco to the Commission at a future meeting. Topics covered include making voting more appealing, funding community groups to increase outreach efforts, and providing both a list of immediately implementable recommendations and longer-term recommendations.
- Announced that she provided the Commissioners with a presentation from the Center for Civic Design regarding "Best Practices for Ranked Choice Voting Ballots and other

materials" that leveraged best practices for designing elections materials. She added that the presentation would also be made available on the Commission website or by sending an email to the Commission.

6. **RECEIVED DIRECTOR'S REPORT AT 6:59 P.M.**

Director Arntz reported that:
- An updated version of the Draft Outreach Plan has been posted to the Department website, the Department is seeking input from community organizations and the public at large.
- the Department had collaborated with the Center in the past to design the voter information pamphlet and the first version of the ranked choice ballot; and thanked Vice President Hill for sharing the materials.
- Opportunities to reformat the ballot are not unlimited because of limitations that the voting system may have; asked that Commissioners contact him with any ideas regarding this.
- 2004 was the last time that the Department received grant funds to perform outreach for the deployment of new voting machines; a similar request for grant funding for outreach purposes will be presented to the Mayor for the upcoming budget cycle
- He met with representatives from Dominion Voting on Tuesday, March 19; the Board of Supervisors Budget and Finance Committee approved entering into the contract with Dominion the week of March 4; followed by the Board of Supervisors meeting to approve the contract on March 12.
- The initial delivery of machines has begun with a much larger delivery to occur during the summer of 2019; the delivery and drayage of new machines will need to be coordinated with the movement of Department of Elections equipment storage, scheduled to move from Pier 48 near Oracle Park to Pier 31 on the northern waterfront.
- He was in communication with FairVote regarding the Outreach Plan.

(Commissioner Donaldson joined the meeting at approximately 7:03 P.M.)

RECEIVED QUESTIONS regarding Director's Report.

President Mogi asked what the timeline for grant funding would be and whether the funding would be considered an addback. Director Arntz responded that he had not yet had the conversation with the Mayor's Office, but if the Mayor made adjustments to the outreach proposal, the appropriation of outreach funds would then need to be pursued as an addback.

Commissioner Jerdonek asked if any feedback from the public had been received regarding the new voting machines. Director Arntz responded that a retweet from KTVU Reporter Jana Katsuyama garnered positive retweets. He also added that member of the public Jim Soper has even given positive feedback regarding the posting of ballot images, a new feature to San Francisco, albeit the first jurisdiction to implement it, but by far the largest of this size. Director Arntz added that each image has a statement on how to interpret a voter marking and that a

voter audit module would post a link where images would be hosted and sortable, yielding a very large database considering every voter may generate fifteen image files and more than 300,000 voters may vote in the next general election. The audit tool would be configured to allow for anyone to sort voting results by candidate, a measure, or by position. The newer risk limit audit features may not be rolled out for the November 2019 election, but would be phased in for the March 2020 and November 2020 elections. He mentioned that risk audits are challenging with ranked choice contests as well.

Commissioner Jerdonek asked if a physical setup of the machines would be available for viewing. Director Arntz responded that the plan is to take the machines out into the community for pilots, but added that some equipment was already in the office and available for demonstration if the Commission so desires.

Commissioner Jerdonek asked if Alameda County had selected a voting machine vendor. Director Arntz responded that it was likely that Dominion was being used there and that Alameda County had an election coming up in the very near future. He added that he had seen the machines in operation in Contra Costa and Sonoma counties as well.

Commissioner Jerdonek asked about the timeline for designing the ranked choice ballot. Director Arntz responded that the format would be finalized no later than July, which would coincide with an August timeline to format ballots. Director Arntz added that the candidate filing deadlines for select contests were moved up to June instead of the previous August deadline. He reported that a demonstration ballot would be released no later than the first week of April.

Commissioner Jerdonek asked what some of the chief constraints are with the new system and how they are being explained to the public. Director Arntz responded that some key issues included positioning of ballot text, shading and spacing of text on the display, and other issues. He concluded that until staff has had some time to fully explore how the machines work that there might not be a statement at this time addressing these concerns.

RECEIVED PUBLIC COMMENT on Director's Report

Jim Soper, Voting Rights Task Force, urged a reexamination of an all in one voting machine, encouraged a review to make the process better for voters, and that printing a voter's votes after the last time a voter sees a ballot, coupled with the fact that the voter and scanner are batched into one device is problematic. Said a white paper on auditing ranked choice voting was published in 2010 and encouraged the Commission to review the white paper and the practice of combined voting and vote marking machines. He added that this could be done without exiting a contract with Dominion.

Brent Turner, California Association of Voting Officials, said he needed to provide clarity on some things.

DISCUSSED Agenda Items for Future Meetings at 7:19 p.m.

RECEIVED Public Comment *on Agenda Items for Future Meetings*

Jim Soper, Voting Rights Task Force, said that in 2017, the Commission was able to provide support for a resolution that was debated on the next day in the California State Assembly; he added he would like to see the City and County speak up regarding Assembly Bill 1748 for the 2019 session.

7. **DISCUSSED PERFORMANCE EVALUATION OF DIRECTOR OF ELECTIONS AT 7:20 P.M.**

   a) **RECEIVED Public comment** on all matters pertaining to this agenda item.

      Brent Turner, *California Association of Voting Officials,* made public comment regarding the importance of the Director of Elections not slowing down the Open Source Voting Project.

   b) *Commissioner Rowe moved to enter Closed Session; the motion was seconded by Commissioner Bernholz.*

      AYES: 6 – BERNHOLZ, DONALDSON, HILL, JERDONEK, MOGI, ROWE.
      NOES: 0 - NONE.
      ABSTENTIONS: NONE.
      ABSENT: JUNG.
      MOTION CARRIES UNANIMOUSLY. COMMISSIONERS CONVENED CLOSED SESSION AT 7:22 P.M.

   c) CLOSED SESSION WAS HELD PURSUANT TO BROWN ACT SECTION 54957(B) AND SUNSHINE ORDINANCE SECTION 67.10(B) TO DISCUSS THE PERFORMANCE EVALUATION OF A PUBLIC EMPLOYEE.

   d) COMMISSIONERS VOTED UNANIMOUSLY (5 AYES, 0 NOES, 1 ABSTENTION) TO DISCLOSE ACTIONS AS TAKEN IN CLOSED SESSION, PURSUANT TO SUNSHINE ORDINANCE SECTION 67.12(A) ON WHETHER TO DISCLOSE ANY PORTION OF THE CLOSED SESSION DISCUSSION REGARDING THE PUBLIC EMPLOYEE PERFORMANCE EVALUATION .

   e) COMMISSIONERS RECONVENED AT 8:41 P.M. PRESIDENT MOGI REPORTED THAT:
      i. the Commission approved:
          – an evaluation of the director; and
          – that the Commission President provide the evaluation to the Director of Elections directly
      IN CLOSED SESSION [PER CA GOVERNMENT CODE §54957.1(A)(5) AND SAN FRANCISCO ADMINISTRATIVE CODE §67.12(B)(4)].

MEETING ADJOURNED AT 8:42 P.M.

MINUTES WERE APPROVED AT THE APRIL 17, 2019 REGULAR MEETING OF THE ELECTIONS COMMISSION.

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WILLIAM WALKER, SECRETARY
ELECTIONS COMMISSION