

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, April 17, 2019
6:00 p.m.
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102**

- 1. ROLL CALL AND CALL TO ORDER AT 6:02 P.M.:** *President Mogi called the meeting to order at 6:02 P.M. and asked Secretary Walker to call the roll. Quorum was reached with five Commissioners in attendance:*

Attendance for the Wednesday, April 17, 2019 regular meeting of the Elections Commission						
Bernholz	Donaldson	Hill	Jerdonek	Jung	Mogi	Rowe
Present	Excused Absence	Excused Absence	Present	Present	Present	Present
<i>Quorum achieved.</i>						

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

- 2. RECEIVED GENERAL PUBLIC COMMENT AT 6:02 P.M.** on issues within the Elections Commission's general jurisdiction not covered by another item on this agenda.

Ellen Lee Zhou, commented on issues of voting fraud and ballot harvesting, issues of inactive voters on the voter registration rolls, and problems with candidates in San Francisco that are not Democrats participating in candidate forums. She added that the past 35 or 45 years, the voter system has been corrupt considering the last Republicans elected in San Francisco were elected at least that long ago.



3. TABLED OPEN SOURCE VOTING REPORT (AT 6:05 P.M.) UNTIL LATER IN THE MEETING.

President Mogi asked that the Commission table this item until later in the meeting order to accommodate the late arrival of a presenter for the item. There was no objection.

4. APPROVED MINUTES FROM PREVIOUS MEETINGS AT 6:05 P.M.:

- a) Minutes for the February 20, 2019 Elections Commission Meeting; and
- b) Minutes for the March 20, 2019 Elections Commission Meeting.

President Mogi entertained a motion to approve both sets of Minutes as a consolidated item. Commissioner Bernholz moved to approve the Minutes for the February 20, 2019 and March 20, 2019 meetings. The motion was seconded by Commissioner Rowe. A roll call vote was taken by Secretary Walker.

AYES: 5- COMMISSIONERS BERNHOLZ, JERDONEK, JUNG, MOGI, ROWE
NOES: 0-NONE
ABSENT: COMMISSIONERS DONALDSON, HILL
ABSTENTIONS: NONE.

COMBINED MOTION TO APPROVE MEETING MINUTES FROM FEBRUARY 20, 2019 AND MEETING MINUTES FROM MARCH 20, 2019 CARRIES (5-0) UNANIMOUSLY.

5. RECEIVED COMMISSIONERS' REPORTS AT 6:07 P.M.

Commissioner Jerdonek reported that via electronic mail he introduced Director of Elections Arntz with Professor Ron Rivest, an expert on developing procedures for and conducting risk-limiting audits from the Massachusetts Institute of Technology.

President Mogi provided a written report to Commissioners from Vice President Hill, that primarily discussed a future presentation from a UC Berkeley Graduate School of Journalism.

RECEIVED Public Comment on Commissioners' Reports

Ellen Lee Zhou commented that the website was outdated and asked that information be updated.

6. RECEIVED DIRECTOR'S REPORT AT 6:10 P.M.

Director Arntz reported that:

- The primary Department focus is implementation of the new Dominion voting



machines. He referred to the demonstration ballot handed out in meeting materials and described many of the new features of the new ballot form, including the change of the voting mark procedure from a “complete the line” to a “fill in the dot” process. The dot is a red color, which differs from the black broken line; the dot format allows the machine to read completed ballots more easily with the red ballot dot than with the previous broken line. He also described the ballot as a grid, with a series of lines used to place ballot content.

- Discussed plans to demonstrate new voting equipment at community centers in order to introduce the public to new voting equipment and test whether the new ballot format is user friendly and able to scan properly.
- Mentioned that he is collaborating with the voting system vendor to respond to a request from Commissioner Jerdonek and the Open Source Voting Technical Advisory Committee (OSVTAC) that the Department provide a demonstration ballot to the OSVTAC in order to see how the new voting equipment might interface with the Open Source Voting Project.
- concluded his report by going over the timeline of the next three election cycles: November 2019, March 2020 and November 2020; he added that because of the change to the Presidential Primary, that moves up from June to March, that the Department would essentially be running two elections simultaneously, the November 2019 and the March 2020 elections. As votes are being tallied for the November 2019 election, ballot simplification committee meetings will begin for the March 2020 election during the third or fourth week of November, which is before the tally is certified for the November 2019 election. Candidate filing deadlines will fall before the end of December, and the Department will also be coordinating the ability of no party preference (NPP) voters to participate in the presidential primary of their choosing, should the party they are choosing allows NPP voters to participate.

RECEIVED Questions from Commissioners regarding Director’s Report:

Commissioner Bernholz asked whether the Department had done any testing to determine whether the red circle might be challenging for voters with color blindness. Director Arntz responded that although no official testing was performed, that employees on the Department staff were able to see the portions of the form that are red, and that most importantly, that color blind voters are able to make out the circles as the place where voters need to mark the ballot. Director Arntz also added that the Ballot Simplification Committee, Pedro Gonzalez from FairVote and the Department Disability Accessibility Advisory Committee would all continue to be consulted as the ballot template continued to be refined.

Commissioner Jerdonek asked whether the Department had considered performing usability testing on the new ballot form with any focus groups. Director Arntz responded



that although a usability test was not conducted, that employees of the Department were testing the ballot and that voting machines would be demonstrated in the community where individuals from all over the City can interact with the machines to determine what components are best and what processes might need refining prior to full voter machine deployment and implementation. Director Arntz also added that the Center for Civic Design, a nonprofit that also consulted in the development of the ballot and voter handbook the previous time voting machines were purchased, was consulted when designing the current ballot form.

Commissioner Jerdonek asked about the feasibility of moving around components of the new ballot form, like for example, moving the red dot from the center of the square on the ballot form to the bottom of the square. Director Arntz responded that the ballot form was a grid, that the template did not provide for a great deal of maneuverability, and that he would consult with the voting system vendor to see what might be feasible.

Commissioner Jerdonek suggested adding the column number headings to the bottom of each column on the ballot as an aide to voters when marking their ballot. Director Arntz agreed to discuss Commissioner Jerdonek's suggestions with Dominion Systems. Director Arntz added that the Department explored extending the shading of each column down the entire length of the ballot; it was determined that this shading would interfere with the voting machine's ability to detect whether a circle was voted or not.

Commissioner Bernholz asked whether the voting system vendor, Dominion, had already administered an election in a jurisdiction that uses ranked choice voting and whether that jurisdiction had as many options for voting as the contests in San Francisco generally. Director Arntz responded that he did not know if there were another jurisdiction that contracted with Dominion with as many ranked choice candidates as San Francisco, but added that Santa Fe (New Mexico) did have a ranked choice contest, but only had five candidates to rank.

President Mogi asked whether the Department received approval from the city budget process to offer grants to community groups to perform voter outreach. Director Arntz responded that the proposal is still under review. He added that he was also working with the Office of Civic Engagement and Immigrant Affairs to gather input from their office regarding their outreach needs. Once these steps are completed, the Department will draft a request for proposals soliciting from organizations interested in collaborating with the Department on outreach efforts.



Commissioner Bernholz asked when each political party announces their deadline to allow for “No Party Preference” (NPP) voters to participate in their respective primaries. Director Arntz responded that a deadline is not set, but the announcement will likely happen around the fourth week of December.

Commissioner Jerdonek asked whether the Department would consider changing how ranked choice voting contests were reported in the summary of election results to place final round results first rather than first round winner results, which do not always coincide with the actual winner of the election contest. Director Arntz responded that at present no change was proposed; that the Department would continue to report first round results first. He added that per the City policy, once first round votes are counted and a winner is not declared, only then is the ranked choice voting method applied and the subsequent reports are then posted. President Mogi suggested the question of how election results are displayed could be considered more broadly at a future time.

Commissioner Jerdonek asked Director Arntz to discuss the other requests made to the Committee on Information Technology (COIT). Director Arntz responded that an update to the Department asset tracking system in the amount of \$80,000 was approved, that a database request to upgrade the radio frequency identification property asset tags was approved; and a request for ballot sorting equipment was rejected by COIT, and went to the General Fund instead.

RECEIVED Public Comment on the Director’s Report:

Ellen Lee Zhou commented on potential voter fraud and the lack of a system that tracks absentee voters and whether voters are on inactive status. She also stated that the policy of non-citizen voting in school board election placed undocumented voters at risk of being convicted of a felony. She also said she had reservations about a ranked choice voting system that gave voters an opportunity to rank up to 10 candidates. She also questioned whether absentee balloting and voting processes are corrupted.

Pedro Hernandez, FairVote – commented on the Voter Outreach Plan. He stated the plan looked robust and thorough. He thanked the Department and the Director of Elections for including FairVote in the outreach planning process. He added that the ability to rank more than three candidates in ranked choice voting contests will be exciting to many voters. He suggested decreasing the font size of names to help with the placement of the voting circle. He encouraged the Department to place the last round of ranked choice voting first when reporting results.



Brent Turner, California Association of Voting Officials – said he attended the Committee on Information Technology meeting that considered funding Department of Elections proposals and that he took exception to some of the scoring methodology. He hoped that COIT would reconsider its scoring method considering the Mayor and the Board of Supervisors many years ago were supportive of an Open Source Voting system.

7. DISCUSSED AGENDA ITEMS FOR FUTURE MEETINGS AT 6:39 P.M.

President Mogi reported that Vice President Hill will schedule a report back from UC Berkeley Graduate School of Journalism student Emma Fernandez regarding outreach to voters to be heard at the July 2019 Regular Elections Commission meeting.

No public comment was given.

President Mogi returned to items not heard earlier in the meeting agenda:

RECEIVED Open Source Voting Project Update at 6:41 P.M. (moved from earlier in the meeting)

- a) Commissioners' Reports
- b) Technical Advisory Committee Report
 - April 21, 2019 Special Technical Advisory Committee Special Meeting
- c) Director's Report

RECEIVED Open Source Voting Technical Advisory Committee (OSVTAC) Report:

Committee Chair Jerdonek reported that:

- The OSVTAC would hold a Special Meeting to Discuss Open Source Voting, develop code for the OSVTAC Voting Results Reporter, and discuss other items on Sunday, April 21, 2019, at the San Francisco Public Library-Main Branch: 100 Larkin Street, near Grove, San Francisco.
- The OSVTAC made progress on its Results Reporter utilizing data from the June 2018 and November 2018 elections, some of which was not in an open source software format. He then demonstrated what the Open Source Voting System Results Reporter would show to the public after voting results are tabulated and reviewed a number of features of the Results Reporter, including the highlighting of the winner or winning proposition in each contest, the graphical user interface and the colors utilized to distinguish elements of the report, and the ability to translate the report into other languages.



- Reported that the OSVTAC is still interested in meeting with Technical Lead Sean Roberts and mentioned that the Department of Technology had not sent a representative to attend the OSVTAC meeting since November of 2018.

RECEIVED Commissioner Reports on Open Source Voting activities:

Commissioner Jerdonek reported that:

- The Committee on Information Technology (COIT) Finance Subcommittee recommended not to fund Department of Elections funding requests. He reported that COIT gave a score of one to the Open Source Voting project and that COIT cited that the Department of Elections did not have capacity to pursue or manage the project and that the Department of Technology did not have the staff power to develop the open source software required for the Open Source Voting system. Commissioner Jerdonek stated his disagreement with the scoring rubric considering that the Department of Elections was no longer managing the project any longer.
- California Clean Money Campaign continues to work on a request for matching funds for two California municipalities to build their own voting system. The campaign will meet with Assemblymember Ting on April 18 to discuss the request.
- He is interested in the Commission seeking that the Board of Supervisors State Legislative Committee support the bill that may come out of the April 18 meeting, and asked that either an Elections Commissioner and/or Chief Information Officer Gerull attend the rally intended to support this legislation that will be held the weekend of May 11.

RECEIVED Director's Report on Open Source Voting activities:

Director of Technology and Chief Information Officer Linda Gerull provided the following report on Open Source Voting Activities; Chief Information Officer Gerull reported that:

- CIO Gerull began by highlighting the many accomplishments of the Open Source Voting System Project thus far:
 - o A feasibility study was conducted by Slalom Consulting; that work was slated to begin at the end of 2017 and ran through 2018. This work also addressed concerns brought forth by the San Francisco Civil Grand Jury Report.
 - o The Board of Supervisors did fund an add back to the budget for Open Source Voting in Fiscal Year 2018-2019, totaling \$1.5 million over two years.
 - o An initiation phase took place in 2018, with an assessment of the current state of Open Source Voting; this report will require more polishing and CIO Gerull is looking into resources for accomplishing this.
 - o Two employees have been hired to staff the open source voting project,



- one being a project manager.
- A requirements document is in the process of being drafted.
- An already scheduled April 19 community meeting to discuss the Open Source Voting project was postponed until May 31, due to the COIT Finance Committee not financing the Open Source Voting project.
- The Open Source Voting Project currently had a project balance of \$748,000 and the expenditure of 1.5 full time equivalents. There should be an expectation of \$733,000 in funding at the end of FY 2019-2020. The current funding strategy might require a partner willing to share in the costs of building a system. Framing the Request for Proposals in a manner that would allow proposers to suggest a business plan model, identify shared costs, determine what they would and would not fund, develop the timeline that might coincide with their proposed timeline, and truly define the type of assistance the partner might want from a local government partner. A public private partnership might create some competition between vendors, thereby generating different thought processes about how to move forward. CIO Gerull added that several other Department of Technology priorities were not funded, including the CloudSF project, which is considered core city infrastructure upgrade at a cost of \$20 million to \$25 million, to be expended over a five-year period; and other projects were also not funded.
- CIO Gerull concluded that her timeline included the following:
 - Evaluating potential Open Source Voting System Development partners
 - Agree on a type of voting system design.
 - Gather comment on potential models for developing the open source voting system
 - Understand how to design a system that will meet California Secretary of State Certification Standards and have little to no cost to license software.
 - Determine if the open source voting system proposal is more attractive to the RFP setting or in a future budget cycle
- CIO Gerull will continue to advance and advocate for the Open Source Voting project.

RECEIVED Questions regarding Open Source Voting Update:

Commissioner Bernholz asked what CIO Gerull anticipated might be different by pushing back the planned community forum hosted by the Department of Technology from April 19 to May 31. CIO Gerull responded that there may be more direction from the Mayor's Office or other policy advisors at that point. This would shape any message communicated to stakeholders at the community meeting.

Commissioner Jerdonek asked whether the Department of Technology would be supportive of the Elections Commission requesting that the Board of Supervisors State Legislation Committee support the matching funds bill. CIO Gerull responded that she



receives her direction from the Mayor's Office regarding whether the Department of Technology supports a particular policy.

Commissioner Jerdonek asked whether CIO Gerull was able to give feedback on the matching funds legislation being developed by the California Clean Money Campaign and being presented to State Assemblymember Phil Ting (19th District) on April 18, 2019. CIO Gerull said that she had already submitted comments to California Clean Money Campaign Director Trent Lange regarding the proposed legislation.

Commissioner Jerdonek asked if CIO Gerull would be ok with the Elections Commission asking that the State Legislation Subcommittee of the San Francisco Board of Supervisors support the matching funds legislation. CIO Gerull responded that policy positions come from the Mayor's Office and that she would speak with the Mayor's Office within the next 8 days. She added that she drafted a statement for the Mayor to review. She added if the City and County is unable to fund the project this year, that the funding could be offered in a future year or a public private partnership could be explored.

Commissioner Rowe asked if there were any practical concerns that the Department of Technology might have with accepting the matching funds should San Francisco be awarded matching funds to build an open source voting system. CIO Gerull responded that as the legislation is currently written, there are specified deadlines that the City and County of San Francisco might have trouble delivering a full Open Source Voting system, but could possibly complete components of the system and any matching funds dedicated to that would be appreciated.

Commissioner Jerdonek suggested the City and County consider the State of California as its partner to build out the Open Source Voting system. CIO Gerull responded that if the State of California is so interested in rolling out an Open Source Voting system that why the State is not taking the lead in building the project by managing it, making open source code available to all the cities and counties.

Commissioner Jerdonek asked if CIO Gerull and representatives from the Department of Technology working on the Open Source Voting project could attend a future Open Source Voting Technical Advisory Committee meeting. CIO Gerull responded affirmatively and added that the Department would be able to do that at some point.

President Mogi thanked CIO Gerull for her presentation and asked whether CIO Gerull anticipated that the Open Source Voting system project would score so low when being



considered by the Committee on Information Technology's finance committee, and whether participating in the COIT process would yield any benefit for the Open Source Voting project. CIO Gerull responded that COIT was using this scoring rubric for the first time and that with more than 45 projects being considered, it was difficult for COIT to fully vet each project not knowing each project's background and scope.

President Mogi asked, considering that CIO Gerull stated that the COIT process was flawed and that since CIO Gerull would have scored the Open Source Voting project differently, if COIT would continue to improve its scoring process. CIO Gerull responded that two more presentations about the project have yet to occur before there is a final decision regarding the project and that she hoped that she could provide more information to the COIT Finance Committee so it could make a better decision.

Commissioner Jerdonek asked if CIO Gerull could attend the rally in support of Open Source Voting that the California Clean Money Campaign is planning for May 11 at the Women's Building in San Francisco. CIO Gerull responded that her participation in the rally would depend on decisions made at the next policy briefing and whether the Mayor would prioritize the Open Source Voting project.

Commissioner Rowe thanked CIO Gerull for her presentation and hard work on the Open Source Voting project.

RECEIVED Public Comment on Item 3, Open Source Voting System Report:

Ellen Lee Zhou gave public comment on corruption with the new voting system, the unnecessary expenditure of funds on an open source voting system when 60 percent of ballots submitted are from absentee voters, on where funding for a new voting system might come from, on who controls the money, and whether the public interest is protected. Zhou stated that voting rights are for people who are qualified, who are citizens and who obey the rules and laws. Zhou added that people bought votes when Ed Lee was mayor. Zhou said that ballots were found in the bay some years ago. Zhou concluded by saying absentee voters cheat and that the absentee balloting process should be evaluated.

Trent Lange, California Clean Money Campaign, thanked the Commission for its work toward an Open Source Voting system, announced that his organization was sponsoring Assembly Bill 1784, the "Secure the Vote" Act, that would award two counties \$8 million each in matching funds toward developing an open source voting system. He added that Los Angeles County would be applying for funds and said that



San Francisco's participation is crucial to getting the matching funds legislation passed at the State Legislature. He concluded by saying that both Assemblymembers Chiu and Ting are very interested in supporting San Francisco's application for Open Source Voting system matching funds, but that the Assemblymembers would need more details about the City and County's budget proposal for how it would spend the funds before they could offer a final endorsement.

Commissioner Jung asked Trent Lange what the impact of the Elections Commission would be voting to support the legislation when the Commission does not oversee the relevant department, that an endorsement by the Commission would not be binding policy, and that the Commission cannot decide what the Mayor supports. Trent Lange of the California Clean Money Campaign responded that the Commission could after endorsing the legislation make a request to the Board of Supervisors State Legislation Committee. He added that the Elections Commission request for \$4 million in a previous budget cycle is what caused the initial \$1.5 million fund request from the City and County of San Francisco to be allocated.

Commissioner Jerdonek asked Trent Lange if there was anything else needed from the Commission other than getting the City and County to support Assembly Bill 1748 to make the meeting with Assemblymember Ting's Office successful. Trent Lange responded that a budget outlining how the \$8 million would be used and a timeline outlining how benchmarks would be met that are stated in the bill's language. CIO Gerull suggested that Trent Lange bring the Slalom Feasibility Study, which outlines costs, plans and components, as well as risks, although it is not an engineering document. CIO Gerull recommended that the Slalom Consulting Report be shared at this meeting with the Assemblymembers.

Trent Lange, California Clean Money Campaign, announced that the Rally in Support of Open Source Voting would be held May 11 at the San Francisco Women's Building. He asked that the Commission and, if appropriate at that time, CIO Gerull attend the rally. Commissioner Rowe agreed to attend the rally.

Jim Soper suggested that the Commission, Assemblymember offices and CIO Gerull work together on any potential documents that could be lined up in the next few weeks amidst the "April and May flurry times" at the State Capitol. He added that along with Assembly Bill 1784, a second process at the Budget Appropriations committee would be necessary to fund the bill.



Allan Deckard, Open Source Voting Group, said the Open Source Voting campaign began in the early 2000s. He added that his organization both created and demonstrated systems in 2008 at several conferences; this work was supported by \$50 to \$100 contributions and the work of dozens of volunteers and thousands of donors who were delighted to help. He suggested volunteers be recruited to develop the open source voting system.

Alec Banesh commented that he volunteered many years ago on Open Source Voting efforts in San Francisco. He suggested that everyone should be trying to move the Open Source Voting system forward. He thanked the Open Source Voting Technical Advisory Committee and CIO Gerull for their work. He added that Commissioners do all they possibly can to move this forward by discussing it with their appointing authority and the Mayor. He added that the Commission should consider his request with urgency.

Brent Turner, California Association of Voting Officials, thanked commissioners, thanked Allan Deckard, whom he called the father of the Open Source Voting movement, and asked that the Open Source Voting project be implemented as expeditiously as possible. He added that if the members of COIT that scored the Open Source Voting project as they did understood the gravity of the effort to implement Open Source Voting, then they would not want to associate themselves with such a poor ranking on the Open Source Voting system. He added that no was an unacceptable answer for the implementation of an open source voting system, and added that Secretary of State Debra Bowen was in the process of implementing open source voting, but was unable to before the end of her term because of health reasons.

President Mogi closed public comment and asked Commissioner Jerdonek for next steps. Commissioner Jerdonek responded that the Commission could decide to forward Assembly Bill 1748 to the State Legislation Committee of the Board of Supervisors. Deputy City Attorney Joshua White said the Commission could vote to have a Commissioner fill out the form that makes a recommendation to the State Legislation Committee of the Board of Supervisors.

Commissioner Rowe presented the following motion, RESOLUTION 20190417-03-1 (seconded by Commissioner Bernholz):

RESOLVED that the Commission **RECOMMEND** a "**SUPPORT**" position on California State Legislature Assembly Bill No. 1748 to the Board of Supervisors State Legislation Committee, that the Commission **AUTHORIZE** Commissioner



*Jerdonek to complete the application for the Board of Supervisors State Legislation Committee, and **AUTHORIZE** President Mogi's designee to present the motion at the State Legislation Committee.*

President Mogi asked that Secretary Walker take a roll call vote.

AYES: 5-BERNHOLZ, JERDONEK, JUNG, MOGI, ROWE.
NOES: 0-NONE.
ABSTENTIONS: NONE
ABSENT: HILL, ROWE.

MOTION TO APPROVE RESOLUTION 20190417-03-1 (ROWE MOTION) TO SUPPORT ASSEMBLY BILL 1748 CARRIES WITH A UNANIMOUS VOTE (5-0).

CONSIDERED SPECIAL ORDER: Commendation of Service by Deputy City Attorney Joshua White to the Elections Commission of the City and County of San Francisco:

President Mogi thanked Deputy City Attorney Joshua White for his service and for everything he has done for the Commission.

Commissioner Jerdonek thanked Deputy Attorney White and said he really enjoyed working with Deputy Attorney White.

Commissioner Bernholz thanked Deputy Attorney White for everything.

President Mogi adjourned the meeting.

MEETING ADJOURNED AT 7:43PM.

MINUTES WERE APPROVED AT THE MAY 15, 2019 REGULAR MEETING OF THE ELECTIONS COMMISSION.

**WILLIAM WALKER, SECRETARY
ELECTIONS COMMISSION**