

San Francisco Elections Commission
November 19, 2021

Elections Commission
City & County of San Francisco
Lucy Bernholz, President
Charles Jung, Vice President
Christopher Jerdonek
Becca Chappell
Viva Mogi



John Arntz, Director of Elections
Martha Delgadillo, Secretary

To: President Shamann Walton
Supervisor Connie Chan
Supervisor Matt Haney
Supervisor Rafael Mandelman
Supervisor Gordon Mar
Supervisor Myrna Melgar
Supervisor Aaron Peskin
Supervisor Dean Preston
Supervisor Hillary Ronen
Supervisor Ahsha Safaí
Supervisor Catherine Stefani

From: Lucy Bernholz, President of the San Francisco Elections Commission

Date: November 22, 2021

Re: U.S. Department of Homeland Security UASI grant for Remote Accessible Voting

I am writing in my role as President of the San Francisco Elections Commission (“Elections Commission”), on behalf of my fellow commissioners to express deep concern about a pending contract, initiated by the Bay Area Urban Areas Security Initiative (Bay Area UASI) and administered by the City and County of San Francisco, for “Enhanced Election Security – AFN Remote Ballots.” The intention of the effort, to improve voting access for voters with disabilities is commendable. The discussed components of the effort – which include references to both internet voting and the use of blockchain protocols – as well as the lack of transparency to or inclusion of the Elections Commission/Department of Elections are the sources of our concern. Following a review of timelines and the RFP and incorporating significant public feedback at the November 17 meeting of the Elections Commission, we are calling on the Board of Supervisors to hold investigatory hearings into this project and its contracting procedures. We also call on the Board to put a hold on this contract until such hearings are held and questions answered.

Secure, free, fair and functional elections are the core of the Elections Commission's concerns and the heart of our democracy. As you are aware, internet-based voting is illegal in California (California Elections Code Section 19295). In addition, computer science and cyber security professionals regularly attest to the cybersecurity implications of internet-based voting and do not recommend incorporating it into any part of elections systems, with or without the use of blockchain protocols. The interest reflected in the Bay Area UASI materials in using the internet and/or blockchain on this project is alarming on its face – and cause for concern – as are the references in the project narrative equating voter fraud with terrorism.

The opaque and confusing interface between Bay Area UASI, the numerous city departments involved in this project, and the Department of Elections/Elections Commission raises additional questions, which we have been unable to answer in our hearings. The parties involved include the San Francisco Departments of Technology, Emergency Management, and Elections, the Mayor's Office on Disability, Bay Area UASI, and, in the future, the various local departments of elections, disability, and information technology of the fourteen jurisdictions of the Bay Area UASI region. All but one of these departments or offices are outside the jurisdiction of the Elections Commission. Since the grant funds themselves were and need to be approved by the Board of Supervisors, and because the Board has authority over the various San Francisco departments involved, we believe these concerns are best addressed by the Board.

Furthermore, as of this date, a contract is pending because of the issued RFP. We request that the Board call for a hold on this contract until hearings can be held that provide needed transparency into this project. Below are some of the questions we hope can be answered:

- How and why was the RFP developed and issued with a focus on election-related issues and listing the Department of Elections as a collaborator, without involving the Department of Elections?
- Will the project be used to design, develop, prototype, pilot, or otherwise implement any approaches to voting that aren't allowed by state law, including ones that rely on internet transmission of votes? What about approaches that use blockchain protocols?
- On July 21, 2021, the Board approved a \$1,012,500 increase to the FY 2020 UASI grant funds for a total of \$33,012,500. Was the Board informed of the project or any project details at the time it approved the original base FY 2020 amount? If not, why not?
- The RFP was issued on April 2, 2021. Why does the budget handout at COIT's April 15, 2021, meeting only mention expending \$120,000?
- Is or will San Francisco be contributing any money towards the project that isn't coming from the UASI grant funds? If so, how much, and what is that money being used for?
- Are any of the grant funds being used for purposes other than to pay for the contract from the RFP? If so, where is that money going and what will it be used for?
- Did San Francisco propose the project idea to Bay Area UASI? If so, who proposed the idea and when?
- Prior to applying for the grant or issuing the RFP, was any kind of public report or study done that looked at the feasibility or legality of internet-based voting, or at alternative ways to improve voting for people with disabilities?

November 19, 2021


- Has the Department of Technology already been involved in prototype work related to a remote ballot application? If so, what is the prototype?
- Has the winning bidder already done work for San Francisco related to the proposed project?
- Were any potential vendors notified of the RFP outside of posting the RFP on the City's website? Which ones? Were any of the people or organizations on the Department of Technology's open-source voting outreach list notified of the RFP? If not, why not?
- In San Francisco, the project has been categorized under Open Source Voting. Why doesn't the grant narrative mention open source, and why doesn't the RFP mention any requirements around open source?
- Have any of the other departments of elections, disability, and information technology in the Bay Area UASI region been informed of the project or agreed to be a part of it?

Finally, we would urge the Board to invite expert testimony from cybersecurity and computer science professionals regarding both internet voting and blockchain. After receiving this testimony, answers to the above questions, and any other new information that may come to light, we call on the Board to evaluate whether these funds are being expended appropriately.

I am attaching to this letter a memo prepared for the Elections Commission on November 12, 2021, by Elections Commissioner Chris Jerdonek. It provides extensive detail on the timeline, RFP details, and communications that have ensued to date. I urge you to consider the risks associated with what is being requested by proposal and to move quickly to hold public hearings to answer the questions noted above. If necessary, the Elections Commission will also call for hearings, but the limits on our authority are such that we believe these questions will be best asked and answered by the Board of Supervisors. We will, of course, do anything we can to help.

Thank you for your immediate attention to these concerns.

Sincerely,



Lucy Bernholz
President, San Francisco Elections Commission

cc: Mayor London Breed
Members of the San Francisco Elections Commission
San Francisco Director of Elections John Arntz
Deputy City Attorneys Andrew Shen and Ana Flores

San Francisco Elections Commission
November 19, 2021

Attachment: November 12, 2021, Memo to the Elections Commission, Commissioner Jerdonek