

1 DRAFT – June 15, 2022

2 SAN FRANCISCO ELECTIONS COMMISSION

3 **Resolution on Extending the City’s Contract with Dominion Voting Systems**

4 (Adopted by the San Francisco Elections Commission (X-X) on XXX.)

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6 **Resolution in support of extending the City and County of San Francisco’s**
7 **contract with Dominion Voting Systems, Inc. for only one year this year, and**
8 **waiting until next year to decide whether to extend the contract a second year.**

9
10 WHEREAS, The Board of Supervisors (“Board”) and Elections Commission
11 (“Commission”) have a goal of moving towards open source voting systems for the City
12 and County of San Francisco’s (“City’s”) elections;

13 WHEREAS, On February 4, 2022, in support of that goal, the City enacted
14 Ordinance No. 12-22 to implement an open source voting pilot program during the
15 November 8, 2022 Consolidated General Election, though the City’s plan for the pilot
16 program was not ultimately approved;

17 WHEREAS, The City’s contract with Dominion Voting Systems, Inc. (“Dominion”),
18 which the Board approved on March 12, 2019 as part of Resolution No. 127-19, was
19 structured to give the City the option of switching to an open source voting system when
20 such a system becomes available, by giving the City the option “to renew two times for
21 one year each renewal,” and with no penalty for renewing later;

22 WHEREAS, Dominion was the only qualified bidder that responded to the
23 Department of Elections’ February 1, 2018 Request for Proposals (“RFP”) that led to the
24 City’s current contract with Dominion;

1 WHEREAS, ~~In the context of a federal court case in the Northern District of~~
2 ~~Georgia, Curling v. Raffensperger, a description was recently made public of a sealed~~
3 ~~report by University of Michigan Professor Alex Halderman concerning potentially~~
4 ~~serious security vulnerabilities in Dominion's ImageCast X voting equipment, a version~~
5 ~~of which San Francisco uses as part of its contract;~~

6 WHEREAS, ~~It may be several months or more before the City can know whether~~
7 ~~and how the City is impacted by the vulnerabilities described in the report, because the~~
8 ~~Court sealed the report due to its sensitive nature and is awaiting its review by the~~
9 ~~Federal Cybersecurity and Infrastructure Security Agency (CISA);~~

10 WHEREAS, In a San Francisco Examiner (“Examiner”) article dated November
11 14, 2021, the Examiner quoted a Dominion Sales Representative for the City as making
12 statements to the Examiner that were inappropriate and disrespectful of the City and its
13 residents, including that “Most people in San Francisco don’t care about voting”;

14 WHEREAS, The Sales Representative did not respond to a January 12, 2022
15 letter from the Commission President inviting him to submit a response regarding these
16 remarks, including any explanation, clarification, or retraction;

17 WHEREAS, Waiting a year before deciding whether to renew the agreement for
18 a second year will permit the City to ~~conduct the open source voting pilot first and keep~~
19 ~~open the option of switching to an open source system for the second year, should an~~
20 ~~open source system become a viable option between now and then; and~~

21 WHEREAS, Waiting a year will also, independent of the pilot, provide an
22 incentive for additional vendors to become qualified bidders on future RFP’s, which, by
23 promoting competition, would be to the City’s advantage, irrespective of whether those
24 vendors are vendors of open source systems; now, therefore, be it

1 RESOLVED, That the Commission supports extending the City’s contract with
2 Dominion for only one year this year, and waiting until next year to decide whether to
3 extend the contract for a second year; and, be it

4 ~~FURTHER RESOLVED, That the Commission requests that the Director of
5 Elections ask the Board to extend the contract only one year this year; and, be it~~

6 FINALLY RESOLVED, That the Commission requests that the Board extend the
7 contract only one year this year and revisit the second-year extension next year, to
8 ensure that the Department has a voting system in place with adequate time in advance
9 of the November 5, 2024 Election.