Hi John! Thank you for giving us the opportunity to provide feedback on the preliminary Open-Source Pilot Use Procedures documentation. Initially, I note that the VotingWorks San Francisco Open-Source Pilot Use Procedures document is not consistent with the SOS Use Procedures template. Consideration of a Pilot Program, including the applicable Use Procedures, does not take effect until a comprehensive analysis of all applicable procedures for the system's use have been formulated and a formal plan for conducting a Pilot Program has been submitted to our office pursuant to California Elections Code Section 19209 (d). The Secretary of State recommends that voting system Use Procedures be initially developed by the vendor, working together with county election officials who are knowledgeable in the laws and practices for conducting elections in California. The Use Procedures will need to comply with California election law. For reference, the Secretary of State Use Procedure template is available on the Secretary of State's website at: https://votingsystems.cdn.sos.ca.gov/cert-and-approval/vsysapproval/use-procedures-2006.pdf.

In reviewing the Use Procedures document you sent, the following are some items that were identified as potentially being in conflict with or not taking into account California law and requirements:

1. All hardware and software will be configured by VotingWorks personnel at VotingWorks' San Francisco production facility before delivery to San Francisco County.
   a. The Secretary of State requires county election officials to follow strict chain of custody requirements for all voting system hardware and software. Hardware and software configuration outside of the County of San Franciso's custody and oversight is prohibited.

2. No updates will be applied to the system during the pilot. If updates were to be performed, VotingWorks would perform a system update on-site on behalf of the customer.

   a. Substitutions or modifications to any component of the voting system is prohibited unless approved by the Secretary of State. Immediately upon repair or modification of any voting system component that requires opening the housing, the integrity of the firmware and/or software must be verified using an automated mechanism, or all software must be reinstalled by the jurisdiction from a read-only version of the approved firmware and/or software before the equipment can be put back into service.
3. Source data system IDs if producing a results file for an external system. This is unnecessary for the pilot as ballots will be copied to a Dominion format and VotingWorks results will not need to be imported into the Dominion EMS.

      a. Any communication and/or data transfer between the VotingWorks and Dominion system is prohibited unless previously approved by Dominion and the Secretary of State.
4. The only polling place equipment used for the pilot will be VxMark, which does not require any application of tamper-evident seals during voting.
      a. The Secretary of State will determine the need for tamper evident seals during voting equipment storage and use.

When you are ready to submit the pilot program plan, please complete an application (attached) and the following items:

- Clear identification of how the system complies with EC §19209 which includes:

  a. The location of the disclosed software and firmware source code;
  b. The current and projected number of voting-eligible individuals in the jurisdiction;
  c. The number of units to be deployed and the number of units to be designated as reserve during the pilot program; and
  d. The geography and distribution of the population in the jurisdiction.

- Clear identification of how you will comply with EC §15210 requiring original ballots and duplicated ballots shall be tied together upon duplication. Please provide details regarding the planned procedures to duplicate ballots produced by the VotingWorks BMD and then tabulate them in both the Dominion and VotingWorks voting systems. Because all of the VotingWorks ballots are planned to be duplicated, you should review and plan for appropriate notice to voters.
- EC §13004 and California Code of Regulations (CCR) §20220 require that ballots must be printed by a certified ballot printer. The County of San Francisco must secure a ballot printer to print VotingWorks ballots, and that ballot printer must obtain Secretary of State certification to print the ballots. Information regarding certification of ballot printers can be located at: https://www.sos.ca.gov/elections/ovsta/certification-and-approval/ballot-printerballot-demand-bod-certification.

Thanks for letting us look at your preliminary Open-Source Pilot Use Procedures documentation. We look forward to receiving your official open-source voting system pilot program plan, which, if San Francisco intends to conduct the pilot in the November General Election, it must be received on or before February 8, 2022.

Hope all is well with you and happy New Year!

From: Lapsley, Susan <SLapsley@sos.ca.gov>
Sent: Thursday, January 6, 2022 10:16 PM

To: Arntz, John (REG) <john.arntz@sfgov.org>; Robinson, NaKesha <Nakesha.Robinson@sos.ca.gov>
Subject: Re: Draft Use Procedures from vendor: VotingWorks

Hi John,

We will review and get back to you with questions.

Happy New Year!

From: Arntz, John (REG) <john.arntz@sfgov.org>
Sent: Wednesday, December 29, 2021 3:14 PM
To: Lapsley, Susan <SLapsley@sos.ca.gov>; Robinson, NaKesha <Nakesha.Robinson@sos.ca.gov>
Subject: Draft Use Procedures from vendor: VotingWorks

Hello, Susan and NaKesha,

FYI. I'm attaching the draft use procedures the vendor, VotingWorks, provided in relation to the proposed pilot program in San Francisco.

The President of the Board of Supervisors introduced an ordinance to authorize the pilot program and the Board will likely vote on the ordinance in January. Although the ordinance hasn't yet been approved, the current version requires one ballot marking device, and more if feasible, be provided to voters in the City Hall Voting Center.

I expect to submit a plan to your office in February regarding the pilot program to formally begin the SOS' review process. Please let me know if you have any questions.

Otherwise, I hope both of you are able to enjoy your holiday seasons.

Take care,
-John.

John Arntz, Director
San Francisco Department of Elections
1 Dr. Carlton B. Goodlett Place
City Hall, Room 48
San Francisco, CA 94102
(415) 554-4375
sfelections.org

Follow the San Francisco Department of Elections on Facebook and Twitter!

Your feedback is important to us! Please take our Customer Service Survey