

SAN FRANCISCO ELECTIONS COMMISSION
ANNUAL REPORT

January 1, 2018 – December 31, 2018

Roger D. Donaldson
President

Approved by the Commission on:
September 18, 2019

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1 Purpose

1.1 The San Francisco Election Commission

The Elections Commission was established by San Francisco Charter § 13.103.5 pursuant to a Charter amendment called Proposition E that was passed by voters in the November 6, 2001 Consolidated Municipal Election. The Elections Commission assumed policy-making authority and oversight of all public federal, state, district and municipal elections in the City and County of San Francisco effective January 1, 2002.

1.2 Commission Annual Report

Pursuant to Article XI of the Bylaws of the Elections Commission, the purpose of this report is to preserve and pass on to successive Commissions relevant information so as to make more effective subsequent Commission tenures by providing institutional memory to assist in resolution of recurring Commission problems. This report contains the President's report of the activities of the Commission during 2016, as well as other information the President deems significant and of likely assistance to subsequent Commissions.

2 Commission Organizational Description

2.1 Commission Members

The San Francisco Election Commission members are appointed to staggered 5 year terms by the elected office holders as defined in the San Francisco Charter § 13.103.5

The Commissioners, Commission Role, Appointed By and Term in 2018 were:

- Roger Donaldson President City Attorney 2018 Full Year
- Viva Mogi Vice President District Attorney 2018 Full Year
- Chris Jerdonek Commissioner Board of Supervisors 2018 Full Year
- Charles Jung Commissioner Mayor 2018 Full Year
- Jill Rowe Commissioner Public Defender 2018 Full Year

The following Commissioners left the Commission mid-year

- Dominic Paris Commissioner Board of Education Jan-Feb 2018
- Rosabella Safont Commissioner Treasurer Jan-Mar 2018

The following Commissioners were appointed to the Commission mid-year

- Charlotte Hill Commissioner Board of Education Apr 2018 onward
- Lucy Bernholz Commissioner Treasurer Sep 2018 onward

2.2 Budget and Oversight of Public Elections Committee (BOPEC) Members

The Commission's Budget and Oversight of Public Elections Committee reviews Election Plans, Budgets and other matters referred to it by the President or full Commission and provides findings and recommendations for consideration at Commission Meetings. The Committee consisted of the following members:

- Roger Donaldson Chair Full Year

The following Commissioners left the Commission mid-year

- Dominic Paris Member Thru Feb 2018
- Rosabella Safont Member Thru Mar 2018

The following Commissioners were appointed to the Committee by the Commission President

- Charles Jung Member Jul 2018 onward
- Viva Mogi Member Jul 2018 onward

2.3 Open Source Technical Advisory Committee (OSVTAC)

The Elections Commission created the [Open Source Voting System Technical Advisory Committee](#) (TAC) in April 2017. The committee's purpose is to provide technical guidance to the Commission on the City and County of San Francisco's open source voting system project:

- Chris Jerdonek Chair 2018 Full Year Re-appointed Chair May 16, 2018
- Carl Hage Member 2018 Full Year Re-appointed May 16, 2018
- Roan Kattouw Member 2018 Full Year Re-appointed May 16, 2018
- Tony Wasserman Member 2018 Full Year Re-appointed May 16, 2018

The following Members left the Committee mid-year

- Larry Bafundo Member Jan-Aug 2018

The following Member was appointed to the Committee by the Commission mid-year

- Brandon Philips Member Oct 2018 onward Appointed October 17, 2018

2.4 Director of Elections

The Director of Elections is hired by the Election Commission and serves as the executive of the San Francisco Department of Elections and is a full time employee of the City and County of San Francisco

- John Arntz Director of Elections 2018 Full Year.

2.5 Secretary

The Commission Secretary is hired by the Election Commission and serves as the administrative staff to the Commission and is an employee of the City and County of San Francisco

- Don Chan Commission Secretary 2018 Full Year

2.6 Deputy City Attorney

The deputy City Attorney is assigned to the Election Commission to advise the body on matters pertaining to it's authority

- Joshua White Deputy City Attorney 2018 Full Year

3 Commission Activities

3.1 Elections

The Department of Elections conducted 2 City-wide elections: June 5, 2018 Consolidated Statewide Primary Election and November 6, 2018 General Election.

3.1.1 June 5, 2018 Consolidated Statewide Primary Election

At the March 21, 2018 Elections Commission meeting the Commission assessed and unanimously approved the Department's the June 5, 2018 Election Plan with the stipulation of the insertion of a script for poll workers regarding the availability of accessible voting machines.

The Commission assessed the Jun 5, 2018 election at it's July 18, 2018 Commission meeting. At the Election Commission meeting, it was noted that the statement on accessible voting machines was included in poll worker training. The Commission voted unanimously to declare that the election plan succeeded in carrying out a free and fair election.

3.1.2 November 6, 2018 General Election

At the September 20, 2018 Elections Commission meeting the Commission assessed the November 8, 2018 Election Plan. The Commission noted that the November election would include non-citizen voters for the School Board election as approved in Proposition N by San Francisco voters. Also, the Department of Elections would reintroduced a statement about the Elections Commission in the Voter pamphlet. The Plan was unanimously approved by the Commission.

The Commission assessed the November 6, 2018 election at its December 19, 2018 Commission meeting. The Commission voted unanimously to de accept the November election as free, fair, and functional.

3.2 Director of Elections, John Arntz – Offer of Additional 5-Year Term

At the February 21, 2018 Election Commission Meeting the Commission voted to offer Director of Elections John Arntz another 5-year term.

3.3 FY2018-2019 Budget

BOPEC reviewed and assessed the budget for FY2018-2019 at \$18.5M and FY2019-2020 at \$23.2M. General fund requests were \$17.6M and \$23.1M respectively due to revenue for candidate fees and reimbursement for special elections. The difference between the years was largely due to 2 elections in the first fiscal year and 3 in the second. Additionally, there is an increase over FY2017-2018 with increases in fixed operating costs in both FY2018-19 and FY2019-20 totaling \$2,036,404 and \$894,144 respectively due to costs associated with leasing or renting a new voting system and costs resulting from a contract to provide a remote accessible vote-by-mail system, as required under recently enacted state election law. BOPEC recommended the full Commission's acceptance and adoption of the Departments FY2018-2019 budget.

At the February 21, 2018 Election Commission meeting, the Commission reviewed and assessed the budget and the motion to approve the proposed budget carried unanimously.

3.4 Open Source Voting

Throughout calendar year 2018, the Commission encouraged and supported the development of an open source voting system by the City of San Francisco. This included the continuation of the Open Source Voting Technical Advisory Committee formed by the Commission in April 2017. Additionally, the Commission was required to respond to the Civil Grand Jury Report on Open Source Voting in San Francisco.

Commissioner Jerdonek and Donaldson advocated for an Open Source Voting and the San Francisco Open Source Voting System Development Project at meetings with the Board of Supervisors, the public, the press and at other good government groups. They also advocated for funding for the next increment of funding for an open source voting development project by the City. The City Department of Technology was funded

\$1.26M to pursue a open source voting system development project. The Director of the Department of Technology provided an overview and updates on the project at the September, October and December Commission meetings.

3.4.1 Open Source Voting Systems Resolution #2

At the June 20, 2018 Election Commission meeting, the Commission approved a resolution calling on the Board of Supervisors and the Mayor to publicly state support for and fully fund an open source voting systems development project, that it should be developed by a dedicated project manager, rejecting the findings of high cost and risk of the commissioned Slalom report on development of such a system, and encouraging the Department of Elections to collaborate with other City departments on the project. See Appendix A for the Resolution text in its entirety, and can be found with others in the [Documents section](#) of the Elections Commission website.

3.4.2 Open Source Voting Technical Advisory Committee (OSVTAC)

Commissioner Jerdonek chaired the OSVTAC which met throughout calendar 2018. Members of OSVTAC, appointed by the Commission, provided updates at each of the Election Commission meetings. OSVTAC did extensive work developing recommendations on how the City could approach and deliver meaningful voting system component as part of an open source voting project.

3.4.3 Civil Grand Jury Report on Open Source Voting in San Francisco

The San Francisco Civil Grand Jury (CGJ) chose to investigate the open source voting in San Francisco during its 2017-18 term. The CGJ investigation focused solely on the open source voting project in San Francisco. It includes twenty-two findings and thirteen recommendations, with responses requested from the Mayor of San Francisco, the Director of the San Francisco Department of Elections, the President of the San Francisco Elections Commission, San Francisco's Chief Information Officer (of the San Francisco Department of Technology), and the San Francisco Controller.

At the July 18, 2018 meeting the Commission reviewed and assessed a draft response to findings and recommendations of CGJ. With a thorough review and updates from Commissioners, the response was approved unanimously and Commissioner Donaldson charged with updates and returning the document to CGJ.

Appendix A

1 SAN FRANCISCO ELECTIONS COMMISSION

2 **Open Source Voting Systems Resolution #2**

3 (Adopted by the San Francisco Elections Commission (6-0) on June 20, 2018.)

4

5 [The Commission is adopting this resolution to supplement (and not replace) its first
6 Open Source Voting Systems Resolution, adopted on November 18, 2015, since many
7 events have transpired since that time.]

8

9 WHEREAS, The San Francisco Elections Commission (“Elections Commission”)
10 on November 18, 2015 unanimously passed an Open Source Voting Systems
11 Resolution that, in part—

12 (a) Encouraged the Mayor and Board of Supervisors to initiate and fund a project
13 to develop and certify an open source voting system; and

14 (b) Outlined several key project characteristics, and encouraged the Mayor and
15 Board of Supervisors to consider incorporating them; and

16 (c) Established a policy for the San Francisco Department of Elections to support
17 and work towards the adoption of an open source voting system;

18 WHEREAS, Mayor Ed Lee in the 2016 budget process allocated \$300,000
19 towards a planning and assessment phase for the project, approximately half of which
20 was allocated for a “business case” to assess the feasibility of the project, including
21 informing the City and County of San Francisco (“San Francisco”) of the associated
22 costs, timelines, options, and possible next steps;

23 WHEREAS, The Elections Commission on April 19, 2017 established an Open
24 Source Voting System Technical Advisory Committee (“TAC”) to provide technical

1 guidance, ideas, and support to the Elections Commission on ways to improve and help
2 ensure the success of San Francisco's open source voting system project;

3 WHEREAS, The Department of Elections in May 2017 issued the RFP for the
4 business case, which required that, "Any Contractor who prepares or assists in
5 preparing the business case described in this RFP will not be eligible to perform
6 subsequent services for the City in relation to the possible development of an
7 accessible, open source voting system," which resulted in organizations with the most
8 interest and expertise not bidding;

9 WHEREAS, The winning bidder, Slalom, whose contract was signed September
10 29, 2017, had no prior experience in elections or voting systems and little or no
11 experience with open source development efforts;

12 WHEREAS, Travis County, Texas on September 28, 2017 cancelled its
13 STAR-Vote project, in large part because its monolithic, waterfall-like approach sought
14 to build all components at once as opposed to developing components delivering
15 usable functionality incrementally, and which differed from San Francisco's project
16 because it—

17 (a) Was larger in scope to the extent that its core purpose was to fundamentally
18 change how voting was performed, recorded, tabulated, and verified;

19 (b) Was based on a proprietary source rather than an open source development
20 plan and only anticipated becoming open source eventually; and

21 (c) Lacked a business / development plan to incrementally provide usable
22 functionality within the available funding capacity;

23 WHEREAS, Slalom delivered its final report to San Francisco for review by the
24 Mayor's Office and San Francisco's Committee on Information Technology ("COIT") on

1 March 14, 2018, more than six weeks after the January 26, 2018 due date and well into
2 San Francisco's annual budget process;

3 WHEREAS, Slalom's report recommended a waterfall-like approach and lacked
4 the information, specificity, and credibility needed for San Francisco leaders and
5 stakeholders to decide on next steps, including—

6 (a) Recommended a second, much more expensive planning phase of \$1.1 to
7 \$1.2 million that the report called a "Discovery Phase," which would take place
8 before doing any actual development and whose purpose included doing many
9 of the things the business case was supposed to do;

10 (b) Failing to consult with vendors and organizations that the Commission invited
11 to present at its October 21, 2015 meeting—subsequent to the Department of
12 Elections' August 6, 2015 RFI (REG 2015-01) in relation to obtaining a new
13 voting system—all of whom presented cost estimates much lower than those
14 provided in Slalom's report;

15 (c) Provided excessively high cost estimates with extremely wide ranges,
16 including—

17 (1) \$850,000 to \$2 million to develop a "Vote Tabulator System," a simple
18 component responsible for summing vote totals;

19 (2) \$860,000 to \$2 million to develop a "Vote Reporting System," a simple
20 component responsible for generating static reports of vote totals; and

21 (3) \$500,000 to \$1 million per year for "cloud-based hosting," even though
22 only a remote accessible vote by mail component is allowed to be
23 connected to the internet, such a component would require a much

1 smaller hosting requirement, and such a component is not a requirement
2 to implement any other part of the system;

3 WHEREAS, TAC on March 8, 2018 voted unanimously to recommend to the
4 Elections Commission that—

5 (a) “the Mayor budget for the Department of Elections a full-time staff person who
6 can serve as the project lead / product owner for the project and report directly to
7 the Director of Elections”; and that

8 (b) “an agile, incremental approach be taken towards the project, in which
9 components can be piloted and used in real elections [in conjunction with the
10 proprietary system in use] as the components are developed and certified,”
11 starting with the components needed to tabulate vote-by-mail ballots;

12 WHEREAS, The Elections Commission on March 21, 2018 voted unanimously to
13 approve TAC's March 8, 2018 recommendations;

14 WHEREAS, TAC on June 14, 2018 voted unanimously to adopt a statement on
15 Slalom's “Open Source Voting System Feasibility Assessment,” beginning, “Certain
16 inaccuracies and basic omissions in Slalom's Report lead us to seriously question the
17 report as a whole. We recommend not relying on it for determining the future direction
18 of the project”;

19 WHEREAS, TAC also on June 14, 2018 voted unanimously to adopt a project to
20 implement a full-featured election results reporter as a proof of concept, to show in part
21 that a reporting component can be developed for much less cost than the \$860,000 to
22 \$2 million estimated by Slalom;

23 WHEREAS, The Open Source Voting System Resolution unanimously passed
24 by the Elections Commission on November 18, 2015 encouraged that the project “First,

1 hire a project director with technical expertise to be responsible for planning and leading
2 the project, including working with stakeholders, collaborators, and regulators; drafting
3 system requirements; and selecting and managing technical contractors, as necessary”;

4 WHEREAS, The Department of Technology and Department of Elections jointly
5 submitted to COIT an application for funding the open source voting system project in
6 FY2018-19 with an additional \$960,000; and in response COIT recommended only an
7 additional \$300,000, for a total of \$425,000 available for FY2018-19;

8 WHEREAS, San Francisco’s Department of Human Resources (“DHR”) in 2017
9 started a technology project to modernize its hiring practices (the “Hiring Modernization
10 Project”) using an iterative, modular approach that internally it estimated could cost
11 between \$20-30 million over five years;

12 WHEREAS, COIT on May 4, 2018 recommended allocating \$1 million in seed
13 money for the first year (FY2018-19) of the Hiring Modernization Project, for the
14 purposes of hiring a Project Manager and starting incremental development—even
15 though DHR recognizes that their overall estimate will continue to evolve since the
16 project is being approached in a modular and iterative way;

17 WHEREAS, The Elections Commission is responsible for the proper
18 administration of the general practices of the Department of Elections, which in turn is
19 vested with the conduct and management of matters pertaining to elections in San
20 Francisco;

21 WHEREAS, Since voting systems pertain to and are used in elections in San
22 Francisco, their development by San Francisco should require the same level of
23 transparency and public oversight that elections themselves require;

1 WHEREAS, Progress towards planning and development of an open source
2 voting system has so far been hampered by the lack of both clear designations of
3 accountability and a person with appropriate skills and experience to lead the project;

4 WHEREAS, Significant efforts and progress have been made by the California
5 Clean Money Campaign in conjunction with some San Francisco elected officials to
6 provide for state matching funds for open source voting systems;

7 WHEREAS, Clearer and renewed commitments from the Mayor and the Board of
8 Supervisors for an open source voting system, including a commitment for greater
9 funding in FY2018-19, would strengthen the project's ability to attract effective
10 development collaborators and supplementary sources of funding;

11 WHEREAS, Board of Supervisors President and Mayor-elect London Breed,
12 Board of Supervisors Budget and Finance Committee Chair Malia Cohen, and Board of
13 Supervisors Member Jane Kim recently made public statements in support of effective
14 funding to start developing an open source voting system project, in response to the
15 Elections Commission's request of \$4 million for FY2018-19; now, therefore be it

16 RESOLVED, That the Elections Commission calls on the Mayor and Board of
17 Supervisors to state their commitment to effectively proceeding with San Francisco's
18 open source voting system project, so that the Elections Commission, Department of
19 Elections, and the rest of San Francisco can state publicly and unambiguously that San
20 Francisco has decided to move forward, which will allow San Francisco to more
21 effectively identify and attract potential collaborators and other funders, including the
22 State of California, nonprofits, and other counties; and, be it

1 FURTHER RESOLVED, That the Commission ask the Mayor and Board of
2 Supervisors that the project be funded and developed incrementally, so that San
3 Francisco can support a robust development schedule in FY2018-19 that—

4 (a) Develops and uses some open source voting system components sooner and
5 more cost-effectively, without necessarily having to first fund the entire project;

6 (b) Develop cost estimates and project management approaches for later stages
7 of the project by learning from real-world experience, as opposed to planning
8 abstractly on paper; and

9 (c) More effectively attract and recruit project collaborators, by being able to
10 show real progress using innovative approaches; and, be it

11 FURTHER RESOLVED, That the Elections Commission ask the Mayor and
12 Board of Supervisors to name the Department of Elections as the owner of the project
13 to develop and certify an open source voting system, so that the Elections Commission
14 and the public can, through the authority and meetings of the Elections Commission,
15 have oversight over and regular visibility into this fundamental matter pertaining to
16 elections; and, be it

17 FURTHER RESOLVED, That it is the policy of the Elections Commission that the
18 open source voting system project should be led by a dedicated project director /
19 project manager who reports to the Director of Elections; who has experience in agile
20 methods, open source development, elections and voting systems, and the
21 management of technical projects; and who will—

22 (a) Work with the Director and other stakeholders in San Francisco;

23 (b) Use TAC and other Departments among their resources, including learning
24 from the model of DHR's Hiring Modernization Project;

1 (c) Use the RFI process to learn possible approaches from vendors; and, be it
2 FURTHER RESOLVED, That the Elections Commission rejects the cost
3 estimates in the Slalom Report as poorly supported and not credible, and the waterfall
4 approach recommended in the report as outmoded, inconsistent with the agile
5 approach preferred by the Commission, and generally not in San Francisco's interest
6 due to the increased cost and risk; and, be it

7 FINALLY RESOLVED, That the Commission encourages the Department of
8 Elections to continue its best practices of working collaboratively with other
9 Departments, including the Department of Technology, San Francisco Digital Services,
10 the Office of Contract Administration, the Mayor's Office, and other members of COIT
11 on the project.