

From: Commissioner Jerdonek  
 Date: September 20, 2022

## Open Source Voting History in San Francisco “At a Glance”

The purpose of this document is to provide a concise, birds-eye view of the history of open-source voting in San Francisco — while also including key details and pointers to further information. It does this using the format of a “by-the-numbers” chart.

Hopefully this overview also provides a sense of the strength of support for this issue, both in depth and across time, as well as the scale of time and effort that has been expended so far.

6	<p>Number of legislative actions the SF Board of Supervisors has taken to advance open-source voting, starting 15 years ago:</p> <ol style="list-style-type: none"> <li>1. 2007 Resolution #330-07, File #70865<sup>1</sup> (Tom Ammiano): Passed 10 – 0</li> <li>2. 2008 Ordinance #268-08, File #81227<sup>2</sup> (Tom Ammiano): 7 – 4</li> <li>3. 2014 Resolution #460-14, File #141105<sup>3</sup> (Scott Wiener): 10 – 0</li> <li>4. 2018 Hearing, File #180341<sup>4</sup> (Malia Cohen)</li> <li>5. 2019 Resolution #377-19, File #190816<sup>5</sup> (Rafael Mandelman): 11 – 0</li> <li>6. 2022 Ordinance #12-22, File #211303<sup>6</sup> (Shamann Walton): 11 – 0</li> </ol>
7	<p>Number of resolutions the SF Elections Commission has adopted in support of open source voting, starting 15 years ago:</p> <ol style="list-style-type: none"> <li>1. May 16, 2007 – Policy on Transparency and Security: Passed 6 – 0</li> <li>2. Nov. 18, 2015 – Open Source Voting Systems Resolution: 6 – 0</li> <li>3. March 21, 2018 – Support for \$4 million and matching funds: 4 – 0</li> <li>4. June 20, 2018 – Open Source Voting Systems Resolution #2: 6 – 0</li> <li>5. Nov. 17, 2021 – Open Source Voting Pilot Resolution: 4 – 0</li> <li>6. Dec. 15, 2021 – OSV Pilot Legislation Resolution: 5 – 0</li> <li>7. June 15, 2022 – Resolution on Dominion Voting Contract: 5 – 0</li> </ol>
9	<p>Number of members of SF's Voting Systems Task Force (VSTF)<sup>7</sup>, which the Board of Supervisors established in 2008 to develop voting system recommendations for San Francisco, and which met for two years from 2009 to 2011.</p>

<sup>1</sup> <https://sfgov.legistar.com/LegislationDetail.aspx?ID=480559&GUID=477CF22F-A4C6-4C0E-ABB7-A711D8EA9208>

<sup>2</sup> <https://sfgov.legistar.com/LegislationDetail.aspx?ID=482591&GUID=EB20560E-E9DD-43FD-B397-181204298CBD>

<sup>3</sup> <https://sfgov.legistar.com/LegislationDetail.aspx?ID=1946783&GUID=0725E575-B05E-4137-B771-E8BFD5B98237>

<sup>4</sup> <https://sfgov.legistar.com/LegislationDetail.aspx?ID=3470262&GUID=0DCE7F8F-CFB4-47D9-A6A5-C60BB9A840F8>

<sup>5</sup> <https://sfgov.legistar.com/LegislationDetail.aspx?ID=4071898&GUID=913574DB-920A-485A-AFBC-D565AC8AEAF5>

<sup>6</sup> <https://sfgov.legistar.com/LegislationDetail.aspx?ID=5363338&GUID=17F649C5-8994-4B55-BC46-BEF731449C51>

<sup>7</sup> <https://sfgov.org/ccsfgsa/voting-systems-task-force>

8	<p>Number of individuals and organizations that have presented to the Elections Commission over the years that either developed or were offering to help SF develop an open-source voting system:</p> <ul style="list-style-type: none"> <li>• At October 21, 2015 Commission Meeting: <ol style="list-style-type: none"> <li>1. Mr. Brent Turner, California Association of Voting Officials (CAVO)</li> <li>2. Mr. Alan Dechert</li> <li>3. Digital Foundry and IDEO</li> <li>4. Dr. Joe Kiniry, Galois</li> <li>5. Dr. Juan E. Gilbert, University of Florida</li> <li>6. Mr. Gregory Miller, Open Source Election Technology Foundation</li> </ol> </li> <li>• At January 15, 2020 Commission Meeting: <ol style="list-style-type: none"> <li>7. David Henkel-Wallace, Open Source Election Systems (OSES)</li> </ol> </li> <li>• At September 22, 2021 Commission Meeting: <ol style="list-style-type: none"> <li>8. Matt Roe, VotingWorks</li> </ol> </li> </ul>
6 reports (266 pages)	<p>Number of SF-commissioned reports (and pages) to research and evaluate open-source voting over the 10 years from 2011 to 2020:</p> <ol style="list-style-type: none"> <li>1. June 2011 – “Recommendations on Voting Systems for the City and County of San Francisco” by SF Voting Systems Task Force (57 pages).</li> <li>2. October 23, 2015 – “Study on Open Source Voting Systems” by SF Local Agency Formation Commission (LAFCo) (39 pages).</li> <li>3. March 14, 2018 – “Open Source Voting System Feasibility Assessment” by Slalom (consulting firm hired by Department of Elections) (65 pages).</li> <li>4. June 29, 2018 – “Open Source Voting in San Francisco” by San Francisco Civil Grand Jury (48 pages).</li> <li>5. December 2019 – “Los Angeles County Voting Solutions for All People (VSAP) Overview” by Gartner (consulting firm hired by Department of Technology) (14 pages).</li> <li>6. January 2020 – “State of the Art Briefing on Open Source Voting Systems and Projects” by SF Department of Technology (43 pages).</li> </ol>
53	<p>Number of Commission (or BOPEC) meetings from 2015 to 2022 in which open-source voting was an agenda topic of discussion: 3 in 2015, 1 in 2016, 13 in 2017 (4 BOPEC), 13 in 2018 (4 BOPEC), 11 in 2019, 4 in 2020, 4 in 2021, and 4 in 2022.</p>
37 (101 hours)	<p>Number of times (and total hours) the Commission’s 5-member Open-Source Voting System Technical Advisory Committee (OSVTAC) met from 2017 to 2020 to support the Commission’s efforts on open-source voting.</p>

2,125+	Number of SF residents that have signed petitions in support of open-source voting in San Francisco over the years (this is a minimum).
28+	Number of organizations that have passed resolutions or signed on in support of open-source voting in San Francisco (this is a minimum). These include the San Francisco Democratic County Central Committee (DCCC), various Democratic Clubs, California Common Cause, the California Clean Money Campaign, Electronic Frontier Foundation (EFF), Verified Voting, FairVote, Open Source Initiative (OSI), etc.
16+	Number of articles in the media from 2015 to 2022 that have covered the effort to adopt open-source voting in San Francisco (this is a minimum). This includes TV coverage by NBC Bay Area News, radio coverage by KQED, and pieces in the San Francisco Chronicle, StateScoop, Quartz, and many pieces in the SF Examiner over the years, including a full front-page cover story on November 26, 2015, Thanksgiving Day called, "San Francisco sets sights on open source voting by November 2019."
AB 1784 (2019-2020)	California state bill that would have provided up to \$16 million in matching funds for open-source voting. Introduced by SF Assemblymember David Chiu (and others), co-authored by SF Senator Scott Wiener, and supported unanimously by the SF Board of Supervisors (and Elections Commission). It passed the Assembly but didn't advance in the Senate.
\$1.68 million	Amount San Francisco allocated to open-source voting between 2016 and 2018.
\$30.4 million	Amount San Francisco has paid to Dominion Voting Systems from 2008 to 2022 to use its proprietary voting system (approx. \$2.03 million per year).

San Francisco Elections Commission  
January 12, 2022  
**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

January 12, 2022

Dear Mr. Bennett:

I am writing in my role as President of the San Francisco Elections Commission (“Elections Commission”) in response to a story published in the San Francisco Examiner on November 14, 2021, in which you are quoted. The full story can be found here: <https://www.sfexaminer.com/news/how-one-company-came-to-control-san-franciscos-elections/>

You are quoted in the story as saying: “The Elections Commission doesn’t know anything about California elections” Bennett and “most people in San Francisco don’t care about voting.” These statements impugn both the people of San Francisco and the credibility of the Commission.

On behalf of the Commission and the people of San Francisco, I invite you to submit a response regarding these remarks, including any explanation, clarification, or retraction to [lucy.bernholz@sfgov.org](mailto:lucy.bernholz@sfgov.org). Your response is of great interest to the Commission and the members of the San Francisco public who’ve brought these items before the Commission at several of our last meetings. Our next meeting is on January 19, 2022, and I will be reporting on this inquiry at that time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lucy Bernholz".

Lucy Bernholz  
President, San Francisco Elections Commission

cc: 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

**List of Regularly Requested Information**

First adopted: September 21, 2022

Last updated: N/A

This document provides a record of some of the information the Elections Commission would like to receive on a regular basis.

The list is organized into the following categories, based on when and how often the information would be provided, and is not meant to be exhaustive—

1. Monthly Director's Reports
2. Quarterly Basis
3. Post-election Reviews
4. Annual Proposed Budget

## 1. Monthly Director's Reports

In the monthly Director's Report—

1. Upcoming or outstanding Requests for Proposals (RFPs) from the Department (including the dollar amount or range).
2. Sole-source contracts for which the Department has requested approval from the Office of Contract Administration (OCA) (including the dollar amount).
3. Proposed projects, local legislation, or proposed positions on state legislation within San Francisco government that are related to elections and that have come to the Director's attention, especially those related to topics the Commission has adopted a policy position on, like open-source voting and internet voting.

## 2. Quarterly Basis

On a quarterly basis—

- The number of Equal Employment Opportunity (EEO) complaints within the Department in the past quarter, along with whatever other information the Commission is permitted to receive about the complaints. (The Commission may need to obtain this information through one of the Commission's Deputy City Attorneys or from the Department of Human Resources.)

### 3. Post-election Reviews

#### 3.1. The following reports—

1. Vote-by-Mail (VBM) Report
2. Provisional Ballot Report
3. Conditional Voter Registration (CVR) Report
4. Incident Report (e.g. from the Incident Reporting Information System, aka IRIS)

#### 3.2. Updated graphs of the following values taken from the above reports, over past elections—

1. Percent of counted ballots that were VBM ballots (relative to the total number of ballots counted)
2. Percent of VBM ballots that were not counted (relative to the total number of VBM ballots that were submitted, i.e. counted plus not counted)
3. Percent of VBM ballots that were remedied (relative to the total number of VBM ballots that were eligible to be remedied, i.e. remedied plus not counted due to not being remedied)
4. Percent of counted ballots that were cast provisionally (relative to the total number of ballots counted)
5. Percent of provisional ballots that were not counted at all (relative to the total number of provisional ballots submitted, i.e. counted plus partially counted plus not counted)
6. Number of accepted (counted) CVR ballots

#### 3.3. The following numbers and/or percents—

1. Number and percent of ballots reported on Election Night (relative to the total number of ballots counted), with an updated graph of the percent over past elections.
2. Of the counted VBM ballots, the number and percent sent or dropped off (relative to the total number of counted VBM ballots)—
  - a. By US mail (USPS)
  - b. At a polling place on Election Day
  - c. Using a ballot drop box
  - d. At a Voting Center (e.g. City Hall Voting Center).

Also include for each of the above an updated graph of the percent over past elections.

3. For the three categories in (2) above of (a) US mail, (c) ballot drop box, and (d) Voting Center, the total number for the category broken down into the following subtotals, based on when the ballots were *received* by the Department—
  - a. Before Election Day
  - b. On Election Day
  - c. After Election Day (if applicable)

4. Number of ballots cast—
  - a. Using a ballot-marking device (BMD)
  - b. Using emergency voting (e.g. hospitalized or homebound voters)
  - c. By printing and returning an Accessible Vote-by-Mail (AVBM) ballot
  - d. By fax (e.g. military and overseas voters)
  - e. By people incarcerated in San Francisco jails
  - f. By people who were formerly incarcerated and recently had their voting rights restored (if this can be provided)
  - g. By people who are registered to an intersection (as opposed to a home address)Also include for each of the above an updated graph of the absolute number over past elections.
5. Of the ballots cast using a ballot-marking device (BMD), the number cast—
  - a. At polling places
  - b. At a Voting Center
  - c. Using emergency voting (e.g. hospitalized or homebound voters)
6. Number and percent of individual ballot cards that were remade due to damage (so excluding AVBM and provisional, etc.), with an updated graph of the percent over past elections.

## 4. Annual Proposed Budget

In the annual proposed budget—

- For each contract the Department has (e.g. sole-source or resulting from an RFP), show which budget line items the contract contributes to, as well as—
  - the name of the entity the contract is with,
  - the contract's start and end date,
  - the dollar amount for each year,
  - what the contract is about, and
  - whether the contract was sole-source or from competitive bidding.
- Include a breakdown of the "Non-Personnel Services" line item. (For example, in the February 2022 proposed budget, this was the \$11,574,090 total for 2022-23 and \$16,126,649 total for 2023-24.)

1 SAN FRANCISCO ELECTIONS COMMISSION

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

3 (Adopted by the San Francisco Elections Commission (5-0) on June 15, 2022.)

4  
5 **Resolution in support of extending the City and County of San Francisco’s**  
6 **contract with Dominion Voting Systems, Inc. for only one year this year, and**  
7 **waiting until next year to decide whether to extend the contract a second year.**

8  
9 WHEREAS, The Board of Supervisors (“Board”) and Elections Commission  
10 (“Commission”) have a goal of moving towards open source voting systems for the City  
11 and County of San Francisco’s (“City’s”) elections;

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

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

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



1           WHEREAS, In a San Francisco Examiner (“Examiner”) article dated November  
2 14, 2021, the Examiner quoted a Dominion Sales Representative for the City as making  
3 statements to the Examiner that were inappropriate and disrespectful of the City and its  
4 residents, including that “Most people in San Francisco don’t care about voting”;

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

8           WHEREAS, Waiting a year before deciding whether to renew the agreement for  
9 a second year will permit the City to keep open the option of switching to an open  
10 source system for the second year, should an open source system become a viable  
11 option between now and then; and

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

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

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

San Francisco Elections Commission  
Diversity, Equity, Inclusion, Belonging, Justice Initiatives  
President Stone  
February 28, 2023

## 2022 Review: Elections Commission Racial Equity Discussion Lookback

Documents the Commission's investment in racial equity, broadly defined  
(*Meeting minutes included as hyperlinks*)

Agenda items entirely designated to racial equity initiatives are in bold.  
Includes discussion of topics directly tied to Commission work.

- [May 18](#)
  - Agenda Item #10: Director's Report
    - In reviewing the Department of Elections racial equity report, Commissioner Shapiro asked how the Department measured progress toward its goals and how it assesses internal culture and climate.
  - Agenda Item #14: Items for Future Meetings
    - Commissioner Shapiro proposed Racial Equity as a separate agenda item, with support from President Jerdonek.
  
- [June 15](#)
  - Agenda Item # 10: Items for Future Agendas
    - Commissioner Shapiro sought Commission support for the following topics pertaining to equity initiatives:
      - Subtopic c) Commission Vacancies
      - Subtopic f) Land Acknowledgment
      - Subtopic g) Racial Equity Plan
        - Includes Department's Racial Equity plan but also our own Commission, including seeking more diverse representation on the body but also assessing our own policies through a Racial Equity lens.
  
- [July 20](#)
  - **Agenda Item #9: Letter to Commission Appointing Authorities**
    - VP Shapiro (with support from Commissioner Dai) -
      - Discussion and for appointing authorities about vacancies
      - Commission letter to appointing authorities seeking better diversity and representation to fill vacancies.
      - Shapiro asked for Commission consensus to cosign to be most effective.

- Agenda Item #10: Director's Report
  - VP Shapiro asked the Director for more information on the Department's community outreach planning from department & requested to shadow Racial Equity Team meetings.
- Agenda Item #12: Agenda Items for Future Meetings
  - VP Shapiro proposed Racial Equity & Land Acknowledgment for upcoming agenda, including how Commission can incorporate racial equity into our own work and how we approach new commissioners coming on board.
  - President Jerdonek proposed Racial Equity as an agenda item for BOPEC to designate more time to the topic.
- [August 10 – BOPEC](#) (Chair: VP Shapiro, Committee Members: President Jerdonek and Commissioner Dai)
  - **Agenda Item #5: Racial Equity**
    - Chair Shapiro shared that the Commission's ability to review the Department's Racial Equity plan proves difficult without Commission investment in and commitment to its own equity work.
      - Presented suggestions for how the Commission could apply the City's racial equity framework in Commission operating policies, citing several specific sections of the City Framework. Proposals and discussion with Committee members included:
        - Incorporating Racial Equity commitments into Commission's bylaws;
        - Evaluating the criteria for "fair" within our "free, fair, and functional" mandate through an equity lens;
        - Examining compensation for Commissioners to increase appointment access for diverse socioeconomic communities and communities of color;
        - Prioritizing community participation and soliciting feedback in Commission policy development;
        - Agendizing racial equity activities/discussions in Commission meetings, including community-based work;
        - Considering redistricting initiative a racial equity initiative;
        - Utilizing the City's Racial Equity Action Plan Executive Summary, Page 12 under "Organizational Culture of Belonging and Inclusion" as a reference for developing inclusive Commission culture.
    - Committee established the following priorities for the Commission's immediate attention:
      - Demographic information incorporated on Commission website
      - Land acknowledgment
      - Racial Equity training
    - Racial Equity was the majority of BOPEC's convening. To view the full discussion, [see the video here](#) (Agenda item #5 begins at minute 14:40).

- [September 21](#)
    - **Agenda Item #7: Racial Equity**
      - VP Stone (formerly Shapiro) provided an update on BOPEC discussion.
        - Asked the Commission what ways we are considering diversity and inclusion and how do we think about the policies and priorities of the communities we serve.
        - Progress on the Land Acknowledgment and relationship development with American Indian community.
        - Pronouns should be included on the website for all members of the commission.
        - Jerdonek shared information regarding compensation for Commissioners as an equity issue.
      - Commission unanimously passed motion to include Commissioner pronouns on the body's website.
    - Agenda Item #10: Agenda Items for Future Meetings
      - Diversity, Equity, Inclusion, Belonging and Justice initiatives.
- [October 19](#)
  - **Agenda Item #7: Diversity, Equity, Inclusion, Belonging, Justice (DEIBJ) Initiatives**
    - VP Stone submitted and presented on resolution for the Commission to recite a land acknowledgment at the opening of every Commission meeting and a renewed partnership with the American Indian community of San Francisco.
    - Commission unanimously passed resolution.
- [November 16](#)
  - Agenda Item #9: Possible Closed Session Regarding Public Employee Appointment/Hiring: Director of Elections.
    - Commissioner Dai shared that the vote represented the Commission's action taken on the City's racial equity plan by giving people an opportunity to compete.

1 SAN FRANCISCO ELECTIONS COMMISSION

2 Resolution on Ramaytush Ohlone Land Acknowledgment

3 Adopted by the Elections Commission 6-0 on October 19, 2022.

4  
5 Resolution to recognize the Ramaytush Ohlone as Native Peoples via the permanent recitation of  
6 a land acknowledgment at the opening of every general, special, and committee meeting held by  
7 the San Francisco Elections Commission.  
8

9 WHEREAS, The San Francisco Elections Commission (“Commission”) acknowledges that the  
10 Ramaytush Ohlone are the original peoples of the San Francisco Peninsula; and

11 WHEREAS, The San Francisco Elections Commission acknowledges that the area comprising  
12 the City and County of San Francisco was originally inhabited by the Yelamu, an independent tribe of the  
13 Ramaytush Ohlone peoples; and

14 WHEREAS, The San Francisco Elections Commission acknowledges that the Association of  
15 Ramaytush Ohlone has actively worked to research, expand public awareness of, and preserve Ohlone  
16 history and culture; and

17 WHEREAS, The San Francisco Elections Commission acknowledges that the City and County of  
18 San Francisco was founded on unceded territory, and continues to participate in the erasure and  
19 exclusion of the Ramaytush Ohlone peoples; and

20 WHEREAS, The San Francisco Elections Commission acknowledges that the Ramaytush Ohlone  
21 peoples have survived systematic disenfranchisement and other atrocities driven by local, federal, and  
22 global governments; and

23 WHEREAS, The San Francisco Elections Commission acknowledges that the Ramaytush Ohlone  
24 peoples are not a mythical population of the past, but an integral and active community in the present San  
25 Francisco Bay Area region and beyond, whose ongoing exclusion and invisibility in the electorate  
26 threaten the greater Native American community’s inclusion and respect in San Francisco; and

27 WHEREAS, To acknowledge the truth of a land’s history is a demonstration of honor for the  
28 contributions and sacrifices of the ancestors and people that inhabited and cared for this land before us;  
29 and

30 WHEREAS, The American Indian Cultural District, in partnership with the Ramaytush Ohlone  
31 Association, submitted a list of demands in 2020 to the San Francisco Mayor, Human Rights  
32 Commission, and Board of Supervisors, including a demand for the City to “Honor the First People of San  
33 Francisco, The Ramaytush Ohlone, by recognizing them and their ancestral homelands prior to all City  
34 meetings;” therefore be it

35 RESOLVED, From this date forward, at the beginning of each Elections Commission meeting, a  
36 member of the Commission will state the following land acknowledgment, which was written in  
37 collaboration with and approved by the Association of the Ramaytush Ohlone:

38            *The San Francisco Elections Commission acknowledges that we are on the unceded ancestral*  
39 *homeland of the Ramaytush Ohlone who are the original inhabitants of the San Francisco Peninsula. As*  
40 *the indigenous stewards of this land and in accordance with their traditions, the Ramaytush Ohlone have*  
41 *never ceded, lost, nor forgotten their responsibilities as caretakers of this place, as well as for all peoples*  
42 *who reside in their traditional territory. As guests, we recognize that we benefit from living and working on*  
43 *their traditional homeland. We wish to pay our respects by acknowledging the ancestors and relatives of*  
44 *the Ramaytush Community and affirming their sovereign rights as First Peoples; and, be it*

45            FURTHER RESOLVED, The San Francisco Elections Commission’s land acknowledgement is  
46 the first step in a broader effort to honor the land, culture, and contributions of the Ramaytush Ohlone  
47 peoples throughout the San Francisco Bay Area.