

1 [Urging Issuance of a Request for Proposals for an Open Source Voting System for the
2 November 4, 2008 General Election]

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4 **Resolution endorsing the use of Open Source software in voting systems for the City**
5 **and County of San Francisco and urging the Mayor to urge the Director of Elections to**
6 **prepare and issue a Request for Proposals for an Open Source voting system for the**
7 **November 4, 2008 General Election.**

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9 WHEREAS, California Secretary of State Debra Bowen has expressed strong support
10 for a move towards Open Source election software in which the source code is available
11 under a license or arrangement such as the public domain that permits users to use, change,
12 and improve the software, and to redistribute it in modified or unmodified form, facilitating
13 development in a public, collaborative manner through incremental individual effort or through
14 collaboration; and

15 WHEREAS, A well-known example of Open Source software is Linux, a free operating
16 system originally created by Linus Torvalds with the assistance of developers around the
17 world and the source code freely available to everyone, which has caused a revolution in the
18 world of computers; and

19 WHEREAS, Public confidence in the integrity of the election system in the United
20 States is declining; and voting machines and the computers that add vote totals are being run
21 with computer programs or software that can substantially change vote totals in subtle ways
22 that are difficult to detect; and

23 WHEREAS, The people have the right to know exactly how votes are processed, to
24 have transparent elections, and to have computer scientists analyze Open Source software
25 for malicious code which could manipulate elections; and

1 WHEREAS, Proprietary computer software denies us this right to know because inner
2 workings of the computerized vote counting hardware are secret; and

3 WHEREAS, Controversy surrounds the use of electronic voting systems with secret,
4 proprietary source code that has been demonstrated in publicly-administered tests and
5 reviews to be susceptible to both failure and “hacking” by knowledgeable investigators; and

6 WHEREAS, Pursuant to Section 13.105.5 of the San Francisco Charter, the San
7 Francisco Elections Commission (“Elections Commission”) is authorized to establish general
8 policies for the San Francisco Department of Elections (“Elections Department”); and

9 WHEREAS, The Elections Commission on May 16, 2007, endorsed the policy of using
10 voting system technologies and software that maximize voting system security while at the
11 same time providing the maximum level of transparency possible to assure voters that their
12 votes will be accurately counted; and

13 WHEREAS, To ensure the integrity of our elections and to increase public confidence
14 in our government, the Elections Commission endorsed a policy that the Elections
15 Department should make reasonable efforts to select and use voting systems technology,
16 including hardware and software, that at a minimum, is publicly disclosed, i.e., members of
17 the public should have at least the right to inspect, test, and comment on such technology in
18 a procurement process and as configured for a specific election independent of the Elections
19 Department or other government agency of the City and County of San Francisco; and

20 WHEREAS, The Elections Commission adopted as policy that the Election
21 Department shall endeavor in contracting to prioritize and select if possible, voting systems
22 and vendors which provide the maximum level of security and transparency possible
23 consistent with the principles of public disclosure, thereby enabling the citizenry to understand
24 the methodology involved in the election process, in a manner consistent with ensuring secret
25 ballot protection and voting system security; and

1 WHEREAS, The Board of Supervisors on June 12, 2007, adopted a resolution
2 supporting an investigation into the feasibility of an Open Source voting system in the City
3 and County of San Francisco which could be funded wholly or in part by grant funds with the
4 support of the Department of Elections staff, and declaring that the City is open to
5 participating in grant applications, which resolution was approved by the Mayor on June 22,
6 2007; and

7 WHEREAS, Secretary of State Debra Bowen has advised the City and County of San
8 Francisco that its current voting systems as provided by Elections Systems and Software, Inc.
9 (“ES&S”) will not be recertified for the November 4, 2008 General Election; and

10 WHEREAS, The Board of Supervisors believes that all technology used in processing
11 our votes should be publicly disclosed, and that such technology shall end secrecy in vote
12 tabulation, produce a paper ballot as the official record of the vote, be scientifically verifiable,
13 be multi-lingual, be handicapped-accessible, and be designed to accommodate non-
14 traditional voting schemata when required; and

15 WHEREAS, the Board of Supervisors believes that any new voting systems purchased
16 for San Francisco elections should utilize Open Source software to provide transparency in its
17 elections and to enable computer scientists to analyze software and ensure against malicious
18 code which could manipulate election results; and

19 WHEREAS, Open Source software offers the potential for managing and running
20 elections with off-the-shelf hardware, freeing the City and County of San Francisco from
21 vendor lock-in while providing choice and flexibility to integrate leading edge technologies and
22 best practices into a long-term, strategic platform; now, therefore, be it

23 RESOLVED, That the City and County of San Francisco endorses the use of Open
24 Source software in voting systems for the City and County of San Francisco; and be it

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1 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the Mayor
2 to urge the Director of Elections to prepare and issue a Request for Proposals for a voting
3 system utilizing Open Source software, in order to select and recommend to this Board a
4 contract for an election system vendor utilizing Open Source software that can be developed,
5 installed and utilized in the November 4, 2008 General Election.

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