

1 [Contract Approval - Retroactive - Dominion Voting Systems, Inc. - Voting System - Not to
2 Exceed \$12,660,000]

3 **Resolution retroactively approving a contract agreement between the City and County**
4 **of San Francisco, by and through its Department of Elections, and Dominion Voting**
5 **Systems, Inc., for the lease of a voting system, a license to use the voting system**
6 **software, and related maintenance and support services, for four years for a contract**
7 **term from January 1, 2019, through March 31, 2023, in an amount not to exceed**
8 **\$8,460,000 and with two one-year options to extend, for a total contract amount not to**
9 **exceed \$12,660,000.**

10
11 WHEREAS, On February 1, 2018, the Department of Elections issued a Request for
12 Proposals (“RFP”) seeking bids to lease a new voting system, including voting equipment and
13 services, to collect, count, tabulate and report votes for all elections held in the City and
14 County of San Francisco; and

15 WHEREAS, Dominion Voting Systems, Inc. (“Dominion”) was the sole qualified bidder
16 that responded to the RFP; and

17 WHEREAS, The Department of Elections completed negotiations and reached
18 agreement with Dominion, on the terms of a proposed contract (the “Agreement”), with a term
19 of four years from January 1, 2019, through March 31, 2023, with the option for the City to
20 renew two times for one year each renewal; and

21 WHEREAS, The total amount of the Agreement for the initial four-year term shall not
22 exceed \$8,460,000, and the total amount of the Agreement if the City exercises the two one-
23 year options shall not exceed \$12,660,000; and

24 WHEREAS, The Agreement is on file with the Clerk of the Board of Supervisors in File
25

1 No. 190192 and is hereby declared to be a part of this resolution as if set forth fully herein;
2 and

3 WHEREAS, The Agreement requires Dominion to provide a voting system with the
4 capability to accommodate ranked-choice voting, with rankings equal to the number of
5 candidates in a contest, as required under Charter Section 13.102, and have the capability of
6 ranking no less than ten candidates; and

7 WHEREAS, The City and County of San Francisco, through its Department of
8 Technology and with the assistance of the Department of Elections, is currently moving
9 towards the development of an open source voting system, and aspires to complete the
10 development of that system by the time this Agreement has concluded; and

11 WHEREAS, Consistent with the City's movement towards open source voting, the
12 Agreement requires Dominion to assist the Department of Elections with incorporating the
13 third-party open source post-election risk-limiting auditing (RLA) system implemented in
14 Denver, Colorado, into Dominion's voting system; and

15 WHEREAS, Consistent with the goal of holding transparent elections, the voting
16 system provided for in the Agreement will: 1) capture images of all cast ballots; 2) append to
17 every image of cast ballots an explanation of how the voting system interpreted each vote-
18 marking; 3) create transaction logs of all actions associated with the system's operation; 4)
19 provide all of the foregoing to the Department of Elections in a format where it can posted
20 online for public viewing; and 5) contain a Ballot Audit and Review Module, which will allow
21 members of the public to search ballot images for votes cast for specific candidates and
22 measures and tally those votes using the Module to compare to the Department of Elections'
23 posted election results; and

24 WHEREAS, The Agreement requires Dominion to meet with the Department of
25 Elections' Voting Accessibility Advisory Committee (VAAC), as well as VAACs from

1 neighboring Bay Area counties, to obtain input on possible improvements regarding the
2 accessibility and usability of the voting system; and Dominion must specifically respond in
3 writing to each proposed improvement, explaining whether and when it will be implemented;
4 now, therefore, be it

5 RESOLVED, That in accordance with Charter section 9.118(b), the Board of
6 Supervisors hereby approves the Agreement with Dominion Voting Systems, Inc. on the terms
7 and conditions of the Agreement on file with the Clerk of the Board of Supervisors in File No.
8 190192; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors authorizes the Department of
10 Elections to enter into any amendments or modifications to the contract, prior to its final
11 execution by all parties, that the Department determines, in consultation with the City
12 Attorney, are in the best interests of the City, do not otherwise materially increase the
13 obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of
14 the contract, and are in compliance with all applicable laws; and, be it

15 FURTHER RESOLVED, That within 30 days of the contract being fully executed by all
16 parties, the Director of Elections shall provide the final contract to the Clerk of the Board for
17 inclusion in Board of Supervisors File No. 190192.

18
19 _____
20 John Arntz
21 Director of Elections

22 n:\ethics\as2019\1800666\01335197.docx

23
24
25