

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

3 **Resolution endorsing the use of Open Source software in voting systems for the City**
4 **and County of San Francisco and urging the Mayor to urge the Director of Elections to**
5 **prepare and issue a Request for Proposals for an Open Source voting system for the**
6 **November 4, 2008 General Election.**
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9 WHEREAS, California Secretary of State Debra Bowen has expressed strong support
10 for a state-wide transition towards Open Source election software in which the source code is
11 available under a license or arrangement such as the public domain that permits users to use,
12 change, and improve the software, and to redistribute it in modified or unmodified form,
13 facilitating development in a public manner through either incremental individual effort or
14 collaboration; and
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16 WHEREAS, A well-known example of Open Source software is Linux, a free operating
17 system originally created by Linus Torvalds with the assistance of developers from around the
18 world and a source code freely available to everyone, which has revolutionized the computer
19 world; and
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21 WHEREAS, Public confidence in the integrity of the election system in the United
22 States has been significantly declining—voting machines and tabulating computers are
23 operated by computer programs or software that can substantially change vote totals in subtle
24 ways that are difficult to detect; and
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1 WHEREAS, The people have the right to know exactly how votes are processed, to
2 have transparent elections, and to have computer scientists analyze Open Source software
3 for any malicious code that could manipulate elections; and

4 WHEREAS, Proprietary computer software denies the people this right to know
5 because the hardware processes of the computerized vote counting are secret; and

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

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

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

16 WHEREAS, To ensure the integrity of our elections and to increase public confidence
17 in our government, the Elections Commission endorsed a policy urging the Elections
18 Department to make reasonable efforts to select and use voting systems technology,
19 including hardware and software, that at a minimum are publicly disclosed, i.e., the public
20 should have the right to inspect, test, and comment on such technology in a procured method
21 and as configured for a specific election independent of the Elections Department or other
22 government agency of the City and County of San Francisco; and
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1 WHEREAS, The Elections Commission adopted a policy that the Election Department
2 shall endeavor in contracting to prioritize and select if possible, voting systems and vendors
3 that provide the maximum level of security and transparency possible consistent with the
4 principles of public disclosure, thereby enabling the citizenry to understand the methodology
5 involved in the election process, in a manner consistent with secret ballot protection and
6 voting system security; and

7 WHEREAS, The Board of Supervisors on June 12, 2007, adopted a resolution
8 supporting an investigation into the viability of an Open Source voting system in the City and
9 County of San Francisco which could be funded wholly or in part by grant funds with the
10 support of the Department of Elections, and further declaring that the City is open to
11 participating in grant applications. The said resolution was approved by the Mayor on June
12 22, 2007; and

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

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

21 WHEREAS, The Board of Supervisors believes that new voting systems purchased for
22 San Francisco elections should operate Open Source software to provide transparency in
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1 subsequent elections and enable computer scientists to analyze software to ensure against
2 any malicious code capable of manipulating elections; and

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

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

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