

1 [Supporting the Creation of Open Source Voting Systems - Studying New Models of Voting
2 System Development]

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3 **Resolution committing the City and County of San Francisco to work with other**
4 **jurisdictions and organizations to create new voting systems using open source**
5 **software; and to study the feasibility of the City and County of San Francisco**
6 **developing and using a new voting system, either whole or in part, through a**
7 **collaborative model like the Los Angeles County Voting Systems Assessment Project.**

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9 WHEREAS, The City and County of San Francisco holds it in the interest of its citizens
10 to conduct efficient and accurate elections in a manner which promotes public trust in the
11 integrity of every aspect of the elections process; and

12 WHEREAS, Transparency in the recording, collection, transmission, aggregation and
13 tally of votes promotes public confidence in the integrity of elections; and

14 WHEREAS, A growing number of government leaders, good government groups,
15 citizens, and media reports have questioned the value and integrity of the existing, limited
16 choices of voting systems certified for use in conducting elections; and

17 WHEREAS, A limited number of vendors dominate the voting systems marketplace,
18 reducing incentives to innovate, and their refusal to make public their voting system software
19 and hardware designs conflicts with the goal of election transparency; and

20 WHEREAS, In order to address these issues, the San Francisco Board of Supervisors
21 on November 18, 2008, adopted Ordinance No. 268-08, File No. 081227, amending the
22 Administrative Code by adding Sections 5.400-410 to establish a Voting Systems Task Force
23 comprised of individuals with backgrounds in good government, computer science or the
24 computer industry, election administration, and accommodations of persons with disabilities,
25 to make recommendations to the Board of Supervisors about voting system standards, design

1 and development; and

2 WHEREAS, Pursuant to Ordinance No. 268-08, the San Francisco Voting Systems
3 Task Force was created to provide the City with recommendations on: standards and
4 guidelines for development and acquisition of voting systems; methods for acquiring voting
5 systems in conformity with federal, state and municipal laws; models for the development of a
6 voting system; business models, including the City and County of San Francisco acting as its
7 own vendor, which promote transparency; and any other issues related to voting systems
8 which will engender public trust in the elections processes of the City and County of San
9 Francisco; and

10 WHEREAS, In June 2011, “Recommendations on Voting Systems for the City and
11 County of San Francisco – A Report by the San Francisco Voting Systems Task Force
12 (VSTF)” was completed, in which the VSTF recommended that San Francisco advocate with
13 the California Secretary of State and the State legislature for a new, comprehensive state
14 certification process to replace the existing requirement for federal certification; and

15 WHEREAS, California Governor Jerry Brown on October 5, 2013, approved California
16 Senate Bill No. 360 amending the California Elections Code to create a comprehensive state
17 certification process and adding a new Section 19006 to the Elections Code stating the intent
18 of the Legislature that:

19 (a) All voting systems be certified or conditionally approved by the Secretary of State,
20 independent of voluntary federal qualification or certification, before they are used in
21 future elections to ensure that the voting systems have the ability to meet accuracy,
22 accessibility, and security standards.

23 (b) The Secretary of State adopt and publish testing standards that meet or exceed
24 federal voluntary standards set by the United States Election Assistance Commission
25 or its successor agency.

1 (c) The Secretary of State study and encourage the development of voting systems
2 that use nonproprietary source code and that are easy to audit.

3 (d) A local jurisdiction may use available public funds to purchase and maintain any
4 certified or conditionally approved voting system or part of a voting system.

5 (e) California receives the benefits of the publicly funded development of a
6 nonproprietary voting system in the state.

7 (f) A local jurisdiction may use available public funds to research and develop a
8 nonproprietary voting system that uses disclosed source codes, including the
9 manufacture of a limited number of voting system units, for use in a pilot program or for
10 submission to the Secretary of State for certification; and

11 WHEREAS, The VSTF in its June 2011 report also recommended that:

12 (a) the San Francisco Department of Elections give strong preference to a voting
13 system licensing structure that gives San Francisco all of the rights provided by a
14 license approved by the Open Source Initiative, a global non-profit that supports and
15 promotes the open source movement (“OSI-approved license”), even if the system is
16 maintained by an external party.

17 (b) San Francisco work with other jurisdictions and organizations, if an open source
18 model is used, to develop and manage the code-base in order to leverage additional
19 resources and expertise, and participate during the requirements gathering stage of
20 development so that its unique requirements can be incorporated into the system
21 design and implementation.

22 (c) San Francisco be an active participant in the movement toward more open and
23 transparent voting systems, acknowledging the complexity of moving from the existing
24 marketplace toward more innovative voting systems; urging San Francisco to move
25 steadily toward the goal of transparency—even if it must do so in incremental steps;

1 encouraging the City to be a strong advocate in the private sector marketplace for more
2 transparent systems and to be open as well to new collaborative development models;
3 and

4 WHEREAS, The Los Angeles County Voting Systems Assessment Project (VSAP) is a
5 collaborative project to design and implement a new voting system that was launched by the
6 Los Angeles County Registrar-Recorder/County Clerk and is a project that San Francisco
7 officials can learn from; and

8 WHEREAS, The City and County of San Francisco recognizes that development and
9 certification of these systems will entail substantial investment, but by pooling resources from
10 other jurisdictions and organizations, the cost to each participant can be reduced; now,
11 therefore be it

12 RESOLVED, That the City and County of San Francisco supports the movement
13 toward more open and transparent voting systems and the creation of new voting systems
14 using open source software and inexpensive commodity components; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors requests that the Local Agency
16 Formation Commission conduct a study of the feasibility and cost-effectiveness of the City
17 and County of San Francisco leading an effort to develop and use a new voting system, either
18 whole or in part, through a collaborative model, and which includes researching and
19 presenting options for structuring such a development project, as well as reviewing the work
20 of the Los Angeles Voting Systems Assessment Project (VSAP) and its process of voting
21 system design and acting as its own vendor, as a model for San Francisco in its pursuit of
22 transparent, secure and fair elections.