

File No. 190816

Committee Item No. \_\_\_\_\_

Board Item No. 61

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_  
Board of Supervisors Meeting

Date: \_\_\_\_\_  
Date: July 30, 2019

#### Cmte Board

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|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

- |                          |                                     |   |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>California State Assembly Bill No. 1784 - 06/25/19</u> |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____   |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____   |
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Prepared by: Lisa Lew  
Prepared by: \_\_\_\_\_

Date: July 26, 2019  
Date: \_\_\_\_\_

1 [Supporting California State Assembly Bill No. 1784 (Santiago, Chiu, and Gonzalez) - Secure  
2 the VOTE Act]

3 **Resolution supporting California State Assembly Bill No. 1784, authored by Assembly**  
4 **Members Miguel Santiago, David Chiu, and Lorena Gonzalez, with principal co-author**  
5 **Senator Scott Wiener, the “Secure the VOTE Act,” to authorize the Secretary of State to**  
6 **award up to \$16 million in matching funds, upon appropriation by the Legislature, to**  
7 **counties for the development of open-source paper ballot voting systems.**

8  
9 WHEREAS, In 2019 the U.S. Department of Homeland Security revealed that the  
10 Russian government likely targeted election infrastructure in all 50 states in the 2016  
11 presidential election; and

12 WHEREAS, Proprietary voting systems lack transparency and have proven vulnerable  
13 to security threats, and the 2017 DEF CON Hacking Conference testing current proprietary  
14 voting systems concluded that such systems are a “national security threat”, and that “every  
15 piece of equipment ... was effectively breached in some manner”; and

16 WHEREAS, Publicly owned open-source paper ballot voting systems would be openly  
17 licensed and therefore available for public inspection, allowing for a transparent examination  
18 of public code to find possible security flaws and other issues, and allowing claims about  
19 security and accuracy to be independently verified; and

20 WHEREAS, The Department of Defense uses open-source for security purposes, and  
21 its manual states that “Making source code available to the public significantly aids defenders  
22 and not just attackers. Continuous and broad peer-review, enabled by publicly available  
23 source code, improves software reliability and security through the identification and  
24 elimination of defects that might otherwise go unrecognized by the core development team.”;  
25 and

1 WHEREAS, In 2014 the San Francisco Board of Supervisors unanimously voted in  
2 favor of a resolution declaring support for open-source voting systems; and

3 WHEREAS, The City and County of San Francisco has already allocated an initial  
4 \$1.55 million to the Department of Technology, which is working with the Department of  
5 Elections, the Elections Commission, the Mayor's Office, and other stakeholders to start  
6 development of local open-source voting; and

7 WHEREAS, California State Assembly Bill No. 1784, the "Secure the Voter-verified  
8 Open-source paper ballot Transparent Elections (VOTE) Act", authored by Assembly  
9 Members Miguel Santiago, David Chiu, and Lorena Gonzalez, with principal co-author  
10 Senator Scott Wiener, would authorize the Secretary of State to award up to \$16 million total  
11 in matching funds to counties to speed the development, certification, governance, and  
12 distribution of open-source paper ballot voting systems that all counties would be able to  
13 freely use and modify based on their needs; and

14 WHEREAS, The "Secure the VOTE Act" would provide up to \$8 million in matching  
15 funds that San Francisco could use for any open-source voting systems it develops and uses  
16 at least on a pilot basis by the November 2024 election, if San Francisco meets all of the  
17 following requirements: 1) All of the system's software developed at least in part using state or  
18 county funds pursuant to Section 19504 of AB 1784 must be licensed exclusively under the  
19 GNU Affero General Public License 3.0 or later; 2) All of the system's software components  
20 must be open source during development, using a process that is open to public feedback.  
21 Development must be carried out in public repositories by January 1, 2021; and 3) All of the  
22 system's software components eligible for an award of matching funds pursuant to this  
23 subdivision must be certified or conditionally approved by the Secretary of State, or approved  
24 by the Secretary of State as part of a pilot program pursuant to Section 19209, for use during  
25 the November 5, 2024, general election; and

1           WHEREAS, The San Francisco Elections Commission unanimously voted to request  
2 that San Francisco support the "Secure the VOTE Act"; and

3           WHEREAS, Expeditiously completing the open-source voting system will save San  
4 Francisco significant funds by allowing the City to be eligible to receive matching funds for its  
5 voting systems, and will give voters more confidence in the security and transparency of vote  
6 counting; and

7           WHEREAS, After San Francisco certifies its open-source voting system, every county  
8 in the state and nation will be able to use and build on it for free, significantly increasing the  
9 confidence in the security and transparency of vote-counting across the country; now,  
10 therefore, be it

11           RESOLVED, That the City and County of San Francisco urges the California State  
12 Legislature, Secretary of State Alex Padilla, and Governor Gavin Newsom to support and  
13 pass California State Assembly Bill No. 1784, the "Secure the VOTE Act"; and, be it

14           FURTHER RESOLVED, That the City and County of San Francisco hereby directs the  
15 Clerk of the Board to transmit copies of this Resolution to the California State Legislature, to  
16 Secretary of State Alex Padilla, and to the Office of the Governor of California.

AMENDED IN SENATE JUNE 25, 2019

AMENDED IN ASSEMBLY APRIL 22, 2019

AMENDED IN ASSEMBLY MARCH 28, 2019

CALIFORNIA LEGISLATURE—2019—20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1784**

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**Introduced by Assembly Members Santiago, Chiu, and Gonzalez**  
(Principal coauthor: Senator Wiener)  
(Coauthor: Assembly Member Mullin)  
(Coauthor: Senator Hill)

February 22, 2019

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An act to add Chapter 6 (commencing with Section 19500) to Division 19 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1784, as amended, Santiago. Elections: open-source paper ballot voting systems.

Existing law prohibits the use of a voting system unless it has been certified or conditionally approved by the Secretary of State, or approved by the Secretary of State as part of a pilot program, prior to the election at which it is to be used.

This bill, the Secure the VOTE Act, would authorize the Secretary of State to award up to \$16,000,000 in matching funds, upon appropriation by the Legislature, to counties for the development of open-source paper ballot voting systems.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 6 (commencing with Section 19500) is  
2 added to Division 19 of the Elections Code, to read:

3  
4 CHAPTER 6. OPEN-SOURCE PAPER BALLOT VOTING SYSTEM  
5 PROGRAM  
6

7 19500. This chapter shall be known and may be cited as the  
8 Secure the VOTE Act.

9 ~~19500.~~

10 19501. The Secure the VOTE Act establishes a partnership  
11 between the state and counties, with the goal of developing and  
12 certifying a publicly owned, open-source paper ballot voting  
13 system. ~~systems.~~ The purposes of the program are reducing costs  
14 associated with the replacement and maintenance of current paper  
15 ballot voting systems and providing counties with a more  
16 transparent, secure, and fair election process.

17 ~~19501.~~

18 19502. An amount not to exceed sixteen million dollars  
19 (\$16,000,000) shall be made available to the Secretary of State,  
20 upon appropriation by the Legislature in the annual Budget Act  
21 or another statute, for the program established pursuant to this  
22 chapter. The Secretary of State shall establish an application  
23 process and develop procedures for the distribution of funds  
24 awarded pursuant to this chapter.

25 ~~19502.~~

26 19503. (a) A county shall comply with all of the following to  
27 be eligible for an award of funds:

28 (1) All of the system's software components *developed at least*  
29 *in part using state or county funds* must be licensed under an  
30 open-source license approved by the Open Source Initiative and  
31 all other counties must be able to access and modify the software  
32 for free.

33 (2) All votes cast using the system must be recorded and  
34 tabulated using voter-verified permanent paper ballots.

35 (b) A county shall not be awarded more than eight million  
36 dollars (\$8,000,000) pursuant to the program established by this  
37 chapter.

1 (c) A county that receives an award of funds to develop an  
2 open-source paper ballot voting system pursuant to this chapter  
3 may, in addition, use those funds to establish procedures for the  
4 sharing or distribution of the system and to assist other counties  
5 in using components of the system that have been certified by the  
6 Secretary of State.

7 ~~19503.~~

8 *19504.* A maximum of eight million dollars (\$8,000,000) shall  
9 be awarded as follows:

10 (a) Funds shall be awarded at a ratio of ~~three dollars (\$3)~~ *two*  
11 *dollars (\$2)* of fund money for every one dollar (\$1) of county  
12 money from any source, including state funds, if a county meets  
13 all of the following requirements:

14 (1) All of the system's software components ~~paid for~~ *developed*  
15 *at least in part* using state or county funds *pursuant to this section*  
16 must be licensed exclusively under the GNU *Affero* General Public  
17 License ~~3.0: 3.0~~ *or a later version.*

18 (2) All of the system's software components must be open  
19 source during development, using a process that is open to public  
20 feedback. Development must be carried out in public repositories  
21 by January 1, 2021.

22 (3) All of the system's software components eligible for an  
23 award of matching funds pursuant to this subdivision must be  
24 certified or conditionally approved by the Secretary of State, or  
25 approved by the Secretary of State as part of a pilot program  
26 pursuant to Section 19209, for use during the ~~November 8, 2022,~~  
27 *5, 2024*, general election.

28 ~~(b) Funds shall be awarded at a ratio of two dollars (\$2) of fund~~  
29 ~~money for every one dollar (\$1) of county money from any source,~~  
30 ~~including state funds, if a county meets all of the following~~  
31 ~~requirements:~~

32 ~~(1) All of the system's software components must meet the~~  
33 ~~requirements of paragraphs (1) and (2) of subdivision (a).~~

34 ~~(2) All of the system's software components eligible for an~~  
35 ~~award of matching funds pursuant to this subdivision must be~~  
36 ~~certified or conditionally approved by the Secretary of State, or~~  
37 ~~approved by the Secretary of State as part of a pilot program~~  
38 ~~pursuant to Section 19209, for use during the November 5, 2024,~~  
39 ~~general election.~~

1 ~~19504.~~

2 ~~19505.~~ *All Notwithstanding Section 19504, all other funds*  
3 *shall be awarded at a ratio of one-dollar dollar (\$1) of fund money*  
4 *for every one dollar (\$1) of county money from any source,*  
5 *including state funds, up to a maximum of eight million dollars*  
6 *(\$8,000,000).*

7 ~~19505.~~

8 ~~19506.~~ (a) A county shall refund to the Secretary of State all  
9 funds awarded pursuant to this chapter if the Secretary of State  
10 fails to certify ~~an open-source paper ballot voting system for~~  
11 ~~tabulating vote by mail ballots~~ *voting system components of the*  
12 *county that, collectively, have the ability to tabulate ballots*  
13 *centrally, including vote by mail ballots, and that meets meet the*  
14 *requirements of Section 19502 19503 by December 31, 2026.*

15 (b) A county shall refund to the Secretary of State all funds  
16 awarded pursuant to this chapter that have not been encumbered  
17 by December 31, 2026.



# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2019 APR 23 PM 1:50  
The stamp

or meeting date *AK*

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Supervisor Rafael Mandelman

Subject:

Supporting California State Assembly Bill No. 1784 (Santiago, Chiu, and Gonzalez) – Secure the VOTE Act

The text is listed:

Resolution supporting California State Assembly Bill No. 1784, the "Secure the VOTE Act", authored by Assembly Members Miguel Santiago, David Chiu, and Lorena Gonzalez, with principal co-author Senator Scott Wiener, to authorize the Secretary of State to award up to \$16 million in matching funds, upon appropriation by the Legislature, to counties for the development of open-source paper ballot voting systems.

Signature of Sponsoring Supervisor: *M*

\* Clerk's Use Only

