

Secretary of State Equipment Certification Advisory Committee

(A.R.S. § 16-442)

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Meeting Minutes of August 15, 2019

I. Call to Order

Chairman Janine Petty, Assistant State Election Director, Secretary of State's Office, called the meeting to order at 8:39 a.m.

II. Welcome & Roll Call

Committee Members Present:

Janine Petty - Chairman
Dr. Jim Helm
Peter Silverman, Esq.

Committee Staff Present:

Chris Rhode – Elections Analyst & Staff
Tanner Robinson – Elections Specialist & Staff
Kara Karlson – Assistant Attorney General
Caroline Shoemaker – Assistant Attorney General

Chairman Petty began by introducing Election Systems & Software (ES&S) staff, along with the committee and staff members present.

III. Approval of Minutes from May 20, 2019 Meeting

Dr. Helm, Information Technology Program Chair, Arizona State University, motioned to approve the previous committee meeting minutes from May 20, 2019. Mr. Peter Silverman, Attorney, Baskin Richards, seconded the motion, and the motion was carried unanimously.

IV. Review of Voting Equipment Application for Certification of the 6.0.4.0. Electronic Voting System from Election Systems & Software (ES&S)

Chairman Petty introduced the upgrade to the previous suite of voting equipment, along with the Election Assistance Commission (EAC) certification.

Dr. Helm asked if the committee could go into executive session.

Dr. Helm motioned that the committee adjourn from regular session into executive session. Mr. Silverman seconded the motion, and the motion was carried unanimously.

The committee adjourned out of regular session into executive session at 8:40 a.m.

The committee reconvened from executive session into regular session at 8:48 a.m.

Ms. Susan Paulson-Parmer, State Certification Manager, ES&S, introduced the suite of voting equipment in greater detail. She highlighted the ES&S motherboard updated on the DS200 due to end of life procedure. She noted that the model number of the mother board would be displayed on the updated equipment.

Dr. Helm posed a question regarding software end of life procedure, and ES&S plans going forward, stating his concerns surrounded Windows 7 server ending in connection with development during 2020. Ms. Paulson-Parmer stated ES&S is currently in front of the EAC regarding an upgrade to meet the Windows 10 demands for upgrade within the equipment. Mr. Dan Clark, Regional Sales Manager, ES&S, stated that they wanted to get every one of their clients in the states up to date across the board; stating ES&S does not want to put a less than consistent upgrade through Arizona's certification procedure prior to Windows 10 associated upgrades. Dr. Helm said he was less concerned regarding the transition from Windows 7 to version 10 and more concerned regarding server upgrades. Ms. Paulson-Parmer stated that the server updates may not be as relevant due to the equipment not being connected to the internet. Mr. Clark said that the concern was already on ES&S staff radar in the future. Dr. Helm continued, wanting to know what was provided in terms of two-factor authentication. He wanted to know what kind of secondary two-factor authentication ES&S supported. Ms. Paulson-Parmer said she did not have an answer at the time, but could call ES&S staff and obtain an answer for Dr. Helm. He went on, wanting to know more information regarding operating system installation. Ms. Paulson-Parmer stated the vendor installs the OS for the counties. She went on, stating that ES&S staff will go out and follow up regarding OS installation in-person. Mr. Clark said that the upgrades do not directly affect the counties, and the work stations are shipped directly back to ES&S HQ, leading to less county activity on this front.

Chairman Petty asked whether the DS200 configured for precincts reporting election results is a new configuration for early voting. Mr. Clark noted the results report shows everything voted on that machine. Mr. Jake Johnson, Regional Account Manager, ES&S, said the printout can show

an aggregate total or precinct by precinct level results. Mr. Johnson continued, stating that the election management system (EMS) will also display these results, even without machine printouts on an individual basis. Ms. Paulson-Parmer said she would check on why this was not included in the EAC report.

Chairman Petty continued, wanting to get clarification on the storage limit for ballot images. Mr. Johnson said he believed this was in an individual snippet format. Chairman Petty added a question regarding write-in results reporting procedure. Mr. Clark said that the certified write-ins can be displayed via images. Chairman Petty questioned whether the pink dot ballots would need to be used for those counties not using ballot images, and whether that capability was available. ES&S staff confirmed this. Mr. Johnson added that a write-in review report could also be printed out via images. Ms. Paulson-Parmer said she was fairly certain the election was coded for this during the test before the committee.

Ms. Kara Karlson, Assistant Attorney General, Attorney General's Office, asked what document the Chairman was referring to. Chairman Petty referenced the EAC report. Chairman Petty added a question regarding whether tabulator functionality was to be included, wanting to know if it could be removed from the application. Ms. Karlson said that the committee could amend the approval in connection with the included tabulator functionality, instead of having the vendor return with an amended version.

Chairman Petty had a clarification regarding primary ballot configuration in the application. Ms. Paulson-Parmer said this was not a state-specific note, and that the reports by the EAC are not often state-specific. Ms. Paulson-Parmer said the engineering change order (ECO) was prepared in regards to printer upgrades, in connection with the Chairman's concerns regarding selling a specific printer to the counties. Mr. Clark said that the vendor could not by the specific brand of printer, which was why the ECO was necessary. Chairman Petty said she would not want the counties to buy a printer outside of the suite of products. Dr. Helm added that a printer would likely not have any ability to be connected to the equipment if it was not included in an ES&S suite due to driver incompatibility.

V. Presentation of the Script to be used for the Test of the ES&S EVS 6.0.4.0. Voting System

Chairman Petty introduced the script of the test to be done for the suite of voting equipment before the committee, noting that a key point was in connection with adjudication functionality and manual audits by county elections staff, asking to see a report following adjudication functions display during the test.

There were no questions regarding test procedure from the committee.

VI. Conduct Test of the ES&S EVS 6.0.4.0. Voting System

The test of the accessible voting equipment in connection with the primary election began.

Chairman Petty stated she wished to see bar code functionality during the test. She wanted to check whether Navajo languages were programmed. She also requested zero reports during the test for all equipment. Ms. Paulson-Parmer said that audio clips are available for use by the counties to do custom audio for ballot language. Chairman Petty asked if there was only one ExpressVote. Ms. Paulson-Parmer stated there were two before the committee.

Ms. Karlson asked whether she could help Ms. Caroline Shoemaker, Assistant Attorney General, Attorney General's Office, input ballots as well. Chairman Petty stated that this was fine. Chairman Petty asked for the zero reports in the EMS to be produced as well. Ms. Paulson-Parmer confirmed this could be done. Mr. Clark asked how the Chairman wanted the zero reports presented. Chairman Petty said they could be left by the machines. Once printed, Chairman Petty asked the committee members to confirm the zero reports. Ms. Karlson asked the Chairman to have her associate, Ms. Shoemaker, test ballots. Chairman Petty stated that she could review zero reports until the voting equipment was available, as the two committee members were using them. Ms. Karlson asked who handles Spanish translation. Chairman Petty and Mr. Johnson confirmed that the counties typically choose to use their own Spanish audio.

Ms. Karlson raised a concern regarding the ballot she was testing and the Spanish translation during printing, and noted that she may have made a mistake as she voted her ballot. Dr. Helm said he would vote the ballot again in order to reconcile the discrepancy.

Chairman Petty stated that the DS200 was done processing ballots, and that they could be closed out.

The portion of the primary election was shown to have been voted correctly on the accessible voting equipment.

Chairman Petty restated she did wish to see the Spanish language translation function correctly throughout the ballot on a printout. ES&S staff confirmed they were working on a solution.

The equipment was reset for zero report generation for the optical portion of the test of the voting equipment for the primary election.

The optical scan portion of the test of the voting equipment for the primary election began.

Chairman Petty was concerned that a general election ballot would not be able to be tabulated in the primary election for the tabulator, in terms of an extra primary election ballot for tabulation. She added that she would really like the ballot to be kept in ES&S county customer consistent for tabulation. Ms. Paulson-Parmer said she had previously included a Governor's race from a federal ballot in coding, but stated she did not change any of the ballot programming. Chairman Petty asked why the general would not be rejected. Ms. Paulson Parmer continued, stating a different density should be used for the primary and the general. Chairman Petty said that someone could attempt to tabulate a primary election ballot during the general election portion of the test, to clarify her concerns. Ms. Karlson asked how many different densities there are. Mr. Johnson said there were 3 per ballot size, and explained density as the number of lines in a ballot. Mr. Clark said that within the different size ballots, there are 3 different sizes within the category of ballot sizes. Ms. Paulson-Parmer said that an alternative initial box could be used for distinctions. The box is able to be marked for one election, and then moved over to another box. Chairman Petty said that her concern now would be that previous equipment was approved, and noted that she would want to see the current equipment reject a ballot.

Dr. Helm wanted to know whether the previous concerns mentioned by the committee during another meeting were addressed. Ms. Paulson-Parmer stated this was her responsibility. Ms. Karlson said that the committee would need to keep to the current agenda and test of the optical scanning for the primary election. Ms. Paulson-Parmer said that the test should continue, and that ES&S staff would work to resolve the issue during the meeting.

Mr. Johnson began the test of adjudication functionality, displaying adjudication results on the conference room screen. Mr. Clark stated that Coconino, Gila, Pima, and Pinal would be using this view and adjudicating. It's split up into adjudication for voter intent, and write-in ballots, he noted. Chairman Petty asked whether out-stacking would need to be set beforehand. Mr. Johnson said that they recommend using adjudicated ballots that have been flagged for something like over-votes, which would then be sent to the middle bin. Mr. Clark said that everything but the races in question for adjudication are tabulated. Mr. Johnson corrected Mr. Clark, noting that the machine will note what it has detected, prior to adjudication.

Chairman Petty asked what the difference was between double-votes and over-votes. Mr. Johnson said this was a "North East" thing, and that he does not see this in use often. Chairman Petty asked whether a write-in could be displayed since one was misprinted for testing purposes. Chairman Petty asked why precincts were not coded specific to Arizona, and wanted to note that on-record, the committee would like to see precinct specific calibration for Arizona for future applications.

Chairman Petty asked how a user would be able to determine what ballots were run through which pieces of equipment in the large list of ballots on screen. Mr. Johnson said this would be

able to be narrowed down, and continued with the demonstration, reviewing the adjudication steps for an over vote ballot. Chairman Petty answered Mr. Johnson, stating that procedures would be developed for a review board of bipartisan snag board members to appropriately adjudicate a vote. Mr. Johnson noted that a board could make electronic notes such as an initial to state why the ballot was adjudicated. Mr. Johnson continued, noting that the ballots could be digitally sorted by “approved”, showing the adjudicated ballots as approved. He said that when a county is done, they can check any ballot as “on hold” or “not reviewed”, so counties know which ones need to be reviewed, as flagged, in answer to Chairman Petty’s concerns regarding going through all of the ballots on screen. Mr. Silverman asked whether the counties still tabulate at the polls. Mr. Clark and Chairman Petty said that most counties are tabulating at central count, primarily due to equipment costs. Chairman Petty asked to see initials or notes added to the adjudication screen. Mr. Johnson went on, showing that the ballots can also be sorted as “approved with changes”, displaying the ballots which have been adjudicated. Chairman Petty asked whether there was an ability to review a full ballot. Mr. Clark said that larger screens will display a full ballot. Mr. Johnson said that a review board would work off of a client server, and that the smaller county with a single board will be able to do it on one device. In Pima County, there will be several adjudication stations, Mr. Clark added. Mr. Johnson said that the work station is not connected to the internet. Dr. Helm asked how results were brought in. Mr. Clark said they are brought in by EMS via a connection for adjudication, initially brought in via USB stick, in answer to Dr. Helm’s concerns. Chairman Petty wanted to clarify whether all four ballots used for adjudication purposes were reviewed, noting that Arizona will require a manual log or a printout from EMS as an adjudication report. Mr. Johnson said that a report could be printed out, showing the approved ballots, with or without adjudicated changes. Chairman Petty stated she just wanted to see a report that an adjudication board would be using, prior to committing a vote to tabulation. She clarified that a log would be needed to show what ballots were captured, and when the board adjudicated them, from start to finish. Mr. Johnson said that prior to reviewing a batch, a sheet could be printed prior to any adjudication, which would also show the changes a board made. Mr. Silverman and Dr. Helm asked whether the filters could sort for “approved with changes” and then be able to be printed out. The Chairman echoed them, stating that the audit log would only be focused on the “approved with changes” category, stating that the main concern regarding report generation would be that she would not want counties to look at “approved with changes” adjudication search results, and then have to look at each ballot or contest to get more specific regarding what was changed. This would require a county to slow down their process further, she specified.

The committee broke for lunch at 12:25 p.m.

The committee returned from lunch at 12:58 p.m.

Mr. Johnson continued, suggesting exporting batches as a spreadsheet, which displays the “approved with changes”. Mr. Clark said that as an example, 30 records could be displayed prior to approving changes. Mr. Johnson continued, stating that there is not a native report that would display the actions the county took, both showing a before and after view, allowing the county to sign off on something, working to address the committee’s concerns. ES&S staff suggested making a notes or comments column in Excel, and then having a board write in their changes per ballot. Mr. Johnson wanted to know why Arizona would need a physical report. Chairman Petty said that due to perception of the voters, as well as not having implemented this procedure before, it would need to be a paper audit trail in report form, noting a boards’ actions, along with voter intent determination, prior to tabulation and committing those votes to elections results. Chairman Petty added that the issue is specific to “approved” election results, as they would already be shown as “committed”. She continued, noting that the committee would likely recommend that if the counties use the adjudication function, a combination of system functionality and a manual log would need to be used moving forward. Mr. Silverman wanted to asked whether prior to vote commitment, changes could be identified, and isolation of what changes were made specifically could be accomplished. Chairman Petty asked for a report to be printed to show the four ballots used for the adjudication portion of the test, and also suggested committing the four adjudicated ballots, with any changes that were approved, to tabulation. Mr. Johnson said that within the election system, there is a specific role as a ballot reviewer, which only allows that role to adjudicate ballots, nothing else in the system, in answer to the Chairman’s concerns regarding system user roles. Chairman Petty asked whether ES&S recommends the users do a backup, and they confirmed that they do.

Chairman Petty wanted to know whether adding write-in candidate names would change anything in the system. Mr. Johnson and Mr. Clark confirmed that it would not. The Chairman asked for a precinct level report. ES&S staff and the committee were able to find a ballot that had been fully over voted, but were able to reconcile it with the election results.

The optical scan portion of the voting equipment for the primary election was shown to have been tabulated correctly.

Chairman Petty requested zero reports prior to the start of the accessible portion of the general election test of the voting equipment, and wanted to know whether the system can look at tilde in candidate names. She went on, asking whether a section 2 heading for the nonpartisan contests could b included. Ms. Paulson-Parmer stated a tilde could be placed in a candidate name, but that she would need to check on the second question.

Chairman Petty asked whether the DS200 ever presented language in Spanish, and Ms. Paulson-Parmer confirmed this.

The accessible test of the general election of the voting equipment was shown to have tabulated correctly.

Mr. Johnson walked the committee through the adjudication process once again. Mr. Johnson asked if the committee wished to view write-in ballots, and the Chairman answered that they would. Mr. Johnson said that a report for write-ins could be exported and printed. Mr. Johnson also added that the report always notes unassigned for the votes shown as not yet committed to the election results during adjudication. He also noted that once committed, there is a report to show which adjudicated ballots were committed, and which were not.

The optical scan of the general election test of the voting equipment was shown to have tabulated correctly.

Chairman Petty wanted to confirm whether the ballot could be printed in Spanish, and Mr. Johnson confirmed that it could not. Ms. Paulson-Parmer stated that a specific field for no selection name as a response does not translate on a printed ballot, and she said that she would include that for future consideration.

The Chairmen also wanted to address the additional concern regarding the equipment not being able to reject a ballot from a different election. Ms. Paulson-Parmer said that a different density could be able to be detected. Chairman Petty said that the rejection was able to be noted during a previous test, but that the density change would be one of the only realistic ways the rejection issue could be resolved. Mr. Johnson said that the reason this is not preferred by some customer is that if you go back over time, a lot of different ballot types would be difficult to keep track of. Chairman Petty wanted to know what would happen with an election ballot that was the same length. Mr. Johnson said you would just need a density similarity on the ballot that could distinguish something specific about the ballot. Ms. Paulson-Parmer said that when she changes the density, it can take a lot of time to rearrange the ballot contents. Mr. Clark added that the committee did not need a pretty ballot, only one that could be rejected. Mr. Silverman said he wanted to be sensitive to Dr. Helm's time constraints, but also cognizant of the certification requirements. Ms. Paulson-Parmer said she could send ballots from previous elections in order to display rejections. Ms. Karlson said that this scenario would run into open meeting law violations.

Chairman Petty motioned that the committee adjourn from regular session into executive session. Mr. Silverman seconded the motion, and the motion was carried unanimously.

The committee adjourned from regular session into executive session at 3:05 p.m.

The committee reconvened from executive session into regular session at 3:25 p.m.

The committee took a few moments for a brief break.

Dr. Helm left the meeting at 3:30 p.m., and then appeared telephonically via conference call for the rest of the duration of the meeting.

Chairman Petty wanted to know whether a program change could be made in order for all content to appear in a minority language such as Spanish. Ms. Paulson-Parmer said that a coding phrase could be changed. Ms. Karlson said that technical difficulties are difficult to discern at this stage, in terms of a fix, paraphrasing for the committee, in order to fill in Dr. Helm who was having trouble hearing discussion via phone.

Chairman Petty asked how far they got on the ballot rejection issue. Ms. Karlson asked ES&S staff to speak up and fill in Dr. Helm in connection with the density ballot fix they were proposing. Chairman Petty asked what election was changed for ES&S's proposed ballot rejection fix. Ms. Paulson-Parmer said that the election should be set for the primary. Chairman Petty asked Mr. Chris Rhode, Elections Analyst, Secretary of State's Office, to input both a general and primary ballot into the equipment. Chairman Petty stated that the equipment rejected both ballots as planned, using the fix, in explanation to Dr. Helm over the phone.

VII. Discussion & Recommendations Regarding the Certification of the 6.0.4.0. Electronic Voting System from Election Systems & Software (ES&S)

Chairman Petty stated her main concern was the Spanish issue. Mr. Silverman questioned whether the committee should do something now in terms of the language requirements, or something conditional. Dr. Helm asked why this was only an issue with Arizona. Ms. Karlson said that this was more of an esoteric question, rather than a question regarding the application before the committee, and went on to note that both a rejection, and a delay, or a fix, would be an option for the committee in terms of a recommendation. She said that a conditional approval scenario would be an approval pending changes, as opposed to waiting which would not offer an approval until a new fix would be done, under more of a tabling scenario. Ms. Paulson-Parmer said that if a fix requires a change in the software, this is something that would need to be re-certified.

Chairman Petty said that she considered this to be a deciding factor. If it requires EAC approval, conditional certification would be needed, unless a fix could be achieved in a short amount of time. Ms. Karlson said that it doesn't appear in the statute that a decision would need to be made immediately by the committee.

Ms. Karlson said that if a tabling motion were used, it would need to be made dependent on a forthcoming fix. This could appear as agenda item 7 for a proposed resolution period of two weeks, as an example, along with an explanation as to why a discussion was tabled, once further information is obtained.

Ms. Paulson-Parmer asked why a conditional certification would not be something the committee would be comfortable with. Mr. Silverman said that this might not be off the table, but as of right now, they don't know if this is the present course, pending further information and research in the interim.

Dr. Helm said that if there is a given definitive timeframe, it would be a lot easier to table it. He **said that he would feel a two week period would be reasonable. Mr. Clark agreed, stating he hoped it would be shorter than that.**

Mr. Silverman motioned that the committee table its recommendation of the certification of the ES&S EVS 6.0.4.0 Voting System equipment on the grounds that ES&S achieve Spanish language compliance in connection with the small ballot, providing a timeline of 14 days for ES&S to return and present a solution. Chairman Petty seconded the motion, and the motion was carried unanimously.

VIII. Discussion of Upcoming Meetings and Summary of Current Events by Chair Janine Petty

Chairman Petty mentioned the 2019 draft of the Elections Procedures Manual was now available, recommending that committee members download themselves a copy for review. She added that the Secretary of State's Office has been contacted by Dominion regarding a tentative certification of voting equipment for Maricopa County.

Ms. Karlson asked if they would want to be ready by 2020. Ms. Petty said she was told the county wishes to use new equipment for their November election.

IX. Adjournment

Dr. Helm motioned for the committee to adjourn via phone. Chairman Petty seconded the motion, and the motion was carried unanimously.

The meeting was adjourned at 3:53 p.m.