

Secretary of State Equipment Certification Advisory Committee

(A.R.S. § 16-442)

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Meeting Minutes of May 12, 2020

I. Call to Order

Chairman Janine Petty, Assistant State Election Director, Secretary of State's Office, called the meeting to order at 9:07 a.m.

II. Welcome & Roll Call

Committee Members Present:

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

Committee Staff Present:

Chris Rhode – Elections Analyst & Staff
Tanner Robinson – Elections Specialist & Staff
Ken Matta – Information Security Officer & Staff
Robbin Rivers – Elections Fellow & Staff
Kara Karlson – Assistant Attorney General

Committee Members Absent:

None

Committee Staff Absent:

None

Chairman Petty introduced the committee members who appeared telephonically via conference call, Secretary of State's Office staff present in-person and via conference call, Unisyn Voting Solutions, Inc. staff who appeared in-person, and Election Systems & Software (ES&S) staff, who appeared via conference call.

III. Approval of Minutes from January 28, 2020 Meeting

Chairman Petty called for comments regarding the previous meeting minutes. None were heard.

Chairman Petty motioned for the approval of the previous committee meeting minutes dated Jan. 28, 2020. Mr. Peter Silverman, Attorney, Baskin Richards, seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Petty: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

IV. Review and recommendation of Voting Equipment Application for Certification of Engineer Change Order # 1044 to hardware components of the DS200 from Election Systems & Software (ES&S) as it relates to EVS 6.0.2.0, 6.0.2.1, and 6.0.4.0.

Chairman Petty introduced the current Engineering Change Orders up for review.

Mr. Steve Pearson, Senior Vice President of Certification, ES&S, introduced the change order, regarding an alternative tote bin to the DS200, for something more cost effective, and convenient for their customers.

Chairman Petty asked if there has been any county interest for Arizona. Mr. Pearson said he is not aware of any yet, as it has not been marketed yet.

The product was approved as de minimis by the Election Assistance Commission (EAC), Chairman Petty stated, elaborating that it's a ballot tote bag.

The Chairman called for questions from the committee and heard none.

Dr. Jim Helm, Information Technology Program Chair, Arizona State University, motioned for the recommendation of the Voting Equipment Application for Certification of Engineer Change Order # 1044 to hardware components of the DS200 from Election Systems & Software (ES&S) as it relates to EVS 6.0.2.0, 6.0.2.1, and 6.0.4.0. Chairman Petty seconded the motion, and the motion was carried unanimously.

Ms. Kara Karlson, Assistant Attorney General, Attorney General's Office, said that a roll call vote may be better to use for those on the phones listening.

Chairman Petty called for a vote. Chairman Petty voted aye. Dr. Helm's internet was spotty, so he was not able to vote immediately.

Ms. Karlson apologized, stating she was not able to hear the vote the first time, and went on to note that she wanted to be sure the vote was done correctly.

Dr. Helm returned, and voted aye. Mr. Silverman voted aye.

It was concluded as a successful motion.

Votes:

Chairman Petty: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

Dr. Helm apologized for his spotty internet, since he was dropping in and out of the call, even though it was brief.

ES&S staff thanked the committee and left the call.

V. Review, demonstration, and recommendation of Voting Equipment Application for Certification of the OpenElect Voting System 2.1 from Unisyn Voting Solutions, Inc.

Chairman Petty introduced the upgrade before the committee, including electronic adjudicator and write-in process, noting that the application had been approved by the EAC. She turned the meeting over to Unisyn staff.

Mr. Douglas Beazer, Lead Customer Service Account Manager, Unisyn, began, introducing their review by the Department of Homeland Security. The ballot target is different, and the goal was to match the layout to that of ballot marking devices. Ballot layout manager functionality for audio language was moved from the election management system, he continued. Chairman Petty asked if the ballot would output in Spanish. Mr. Beazer said he was almost positive it would.

Dr. Helm wanted to know if Navajo was also present, and Unisyn staff responded that it was in audio capability.

Chairman Petty asked if races were translated in Spanish. Mr. Beazer said that since the contests were not separated, it presented as a bilingual ballot. Chairman Petty said that the races were not listed in Spanish.

Mr. Beazer said he could get Unisyn staff on the phone to clarify. Chairman Petty said that Arizona Spanish language readers would need to be able to verify their selections in Spanish on a ballot.

Chairman Petty called for comments from the committee prior to voting equipment testing, and heard none.

Chairman Petty said that the primary and general election portion of the tests would be done simultaneously, to avoid social distancing concerns.

Chairman Petty stated she would have Mr. Ken Matta, Information Security Officer, Secretary of State's Office, and Ms. Robbin Rivers, Elections Fellow, Secretary of State's Office, assist with the test.

Chairman Petty requested zero reports.

Mr. Beazer reached out to staff via phone, requesting further input regarding why components of the ballot were not appearing in Spanish. He responded to the committee, stating that a bilingual ballot had been programmed before the test. In response, Unisyn staff asked whether they could display Spanish translation during the general election portion of the test. Chairman Petty said that would work.

Chairman Petty asked if any Navajo language was done. Mr. Beazer stated that Navajo was recorded for sporadic translation throughout the ballot. She went on to say that she would like the ballot header language to be completely present.

Chairman Petty said that no additional action was needed from the vendor, and explained that following the accessible portion of the primary and general election of the test, they would conduct the optical scan portion of the test, in answer to Mr. Beazer's inquiry asking if the committee had any further calls for questions.

Mr. Silverman said he was going to step away from the meeting for two minutes. Chairman Petty stated this was fine, since staff was still voting. He left the meeting at 10:10 a.m. Dr. Helm said that he lost his internet connection completely, and called into the meeting via phone instead at 10:13 a.m. Chairman Petty stated that the testing was still taking place, so it was fine.

Chairman Petty said that a ballot was able to be fully translated into Spanish, for the record and for the benefit of the committee on the phone.

The election report was lacking the write-in totals, so a new report would be generated, Chairman Petty stated for the committee.

The accessible portion of the general election was shown to have been voted accurately and concluded at 10:44 a.m.

The optical scan portion of the general election test began at 10:45 a.m.

Chairman Petty re-stated whether Unisyn was able to add more language to the ballot header. Mr. Beazer commented that he would still need to check on that.

Chairman Petty checked whether the committee members were able to view the adjudication portion of the test via camera over the conference call, displayed on the conference room projector at 11:03 a.m. Mr. Silverman confirmed that he could, as well as Ms. Karlson. Dr. Helm continued to cut in and out of the call.

The general election portion of the optical scan test continued.

The adjudication portion of the test began at 11:09 a.m.

The ballots labeled EA were the ones the Secretary of State's Office selected for electronic adjudication, Chairman Petty noted.

Mr. Beazer said that ballots could be sorted by any category, including over votes. Mr. Beazer said that this was run on one computer, with multiple judges, but noted that tethered computers is a pending feature, in answer to the Chairman's concerns.

Unisyn staff said that the ballots were sorted by session, they would not be placed in any particular order, in regards to Chairman Petty's inquiry regarding precinct ballot order.

Unisyn staff stated that a yellow highlighter or a purple mark, such as the ones used, would not show up. They requested a black ink marking. Chairman Petty acknowledged this would be used for the pending primary election portion of electronic adjudication.

While over votes would be considered cast at the precinct, the early ballots or write-in ballots would be examined for voter intent at central count, the Chairman explained for the committee, by way of an example of how adjudication would work for a voter at the polls as opposed to central count. She asked for any additional comment from Ms. Karlson, and Ms. Karlson stated she agreed with the summary the Chairman provided.

Chairman Petty added that the accessible devices were able to have the official ballot header more closely mirror a paper ballot and its appropriate heading language, shown to her by Unisyn staff.

Mr. Silverman asked if an adjudication issue had been resolved, in connection with the current session not reflecting the correct vote totals, and Chairman Petty stated that the Secretary of State's Office staff was not certain yet.

Ms. Karlson offered reference to Mr. Silverman that the explanation provided by the Chairman regarding adjudication procedure was found in page 201 of the 2019 Elections Procedures Manual.

Chairman Petty noted that the adjudication issue regarding vote totals was connected to user error by the vendor. The wrong session had been loaded into the electronic adjudication tool.

At 11:43 a.m., the Chairman asked if the committee wished to break for lunch. The committee gave deference to the Chairman, who stated she wished to push through in order to get everyone out of the door as soon as possible.

The test continued.

The general election portion of the optical scan test was shown to have concluded successfully at 11:46 a.m.

The Chairman requested the write-in report be submitted to them once it was ready.

The primary election portion of the accessible voting equipment test began at 11:52 a.m.

For the accessible devices, a provisional ballot can be selected on the screen, be printed out, and if a voter tries to take it to a precinct tabulator, it would be rejected as invalid since it would need to be examined by the county, the Chairman explained, as shown before the committee on-screen. A provisional ballot from the accessible portion of the primary election test was successfully detected during electronic adjudication accordingly.

Dr. Helm asked how a provisional ballot was determined to be issued. Chairman Petty explained standard provisional ballot procedure to Dr. Helm. The Chairman added that there is new technology that does show whether or not a voter had been issued an early ballot, in explanation to Mr. Silverman's clarification regarding early ballot procedure in connection with provisional ballots at the polls.

The vendor's printer ran out of toner, which meant the Secretary of State's Office would then use its printers to produce the election reports, the Chairman added for the committee on the phone.

Mr. Silverman left the meeting briefly at 12:05 p.m. Dr. Helm was still present via phone.

The primary vote totals were shown to have matched and the accessible portion of the primary election test was concluded successfully at 12:10 p.m.

The primary election portion of the optical scan test began at 12:11 p.m.

An invalid ballot set with the incorrect election was appropriately caught during the optical scan, the Chairman noted for the committee on the phone.

The Chairman pointed out that a new election report for the optical scan test needed to be generated that included all write-in votes.

The primary election portion of the optical scan test was concluded successfully at 12:41 p.m.

The Chairman called for questions, and heard none from the committee.

Chairman Petty motioned for the recommendation of the Voting Equipment Application for Certification of the OpenElect Voting System 2.1 from Unisyn Voting Solutions, Inc. Dr. Helm seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Petty: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

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

The Chairman stated there were no pending applications at this time.

She went on to say that the Secretary of State's Office was currently preparing for the primary and general election. No future committee meetings are set for 2020 at this time.

VII. Call to the Public – Please note: the committee may not discuss items that are not on the agenda. Comments are limited to 5 minutes per member of the public.

No members of the public were present for comment.

The Chairman acknowledged Ms. Rivers and Mr. Matta for their assistance for the meeting preparation, and for the committee's presence on the phone.

Mr. Silverman acknowledged Secretary of State's Office staff for its efforts.

VIII. Adjournment

Chairman Petty motioned that the committee adjourn. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Petty: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The meeting was adjourned at 12:46 P.m.