

Secretary of State Equipment Certification Advisory Committee

(A.R.S. § 16-442)

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FINAL APPROVED COPY
Meeting Minutes of April 23, 2021

I. Call to Order

Chairman Janine Petty, Deputy State Election Director, Secretary of State's Office, called the meeting to order at 8:37 a.m.

II. Welcome & Roll Call

Committee Members Present:

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

Committee Staff Present:

Tyler Wengrzyn - Elections Technology & Security Analyst & Staff
Joe Benson - Elections Technology Manager & Staff
Ken Matta – Information Security Officer & Staff
Tanner Robinson – Elections Specialist & Staff
Kara Karlson – Assistant Attorney General
Kyle Cummings – Assistant Attorney General

Committee Members Absent:

None

Committee Staff Absent:

None

Chairman Petty introduced the committee members, Secretary of State's staff and Clear Ballot staff present at the meeting.

III. Approval of Minutes from the March 24, 2021 Meeting

Mr. Peter Silverman, Managing Member, Peter Silverman Law Office, PLC., motioned that the committee meeting minutes dated March 24, 2021 be approved. Dr. Jim Helm, Information Technology Program Chair, Arizona State University, 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, demonstration, and recommendation of Voting Equipment Application for Certification of the ClearVote 2.0 voting system from Clear Ballot Group, Inc .

Chairman Petty went over the current version as certified by the Election Assistance Commission (EAC), noting that the vendor attempted to be certified in Colorado with a different version of the equipment. Testing is still being done by the vendor on the software being brought before the committee, but she understands they are working on a fix for a pre-existing issue which will need to be EAC certified. The anomaly found through Colorado's testing would allow a ballot style from a different election to be accepted by the system under certain circumstances.

The vendor found that the ballot ID numbers, precinct listed on the ballot styles, and the ovals needed to line up in order for the equipment to read it correctly. The vendor's proposed temporary solution is a workaround which requires manual user intervention to regenerate ballot IDs which should eliminate the possibility for the system to accept a ballot style from a different election.

Dr. Helm asked for clarification. Ms. Gwenyth Winship, State Certification and Government Relations Manager, Clear Ballot Group, Inc., noted this could be better demonstrated during their equipment demo to the committee, and went on to say that this was not included in their current user guide, in answer to the Chairman's concerns. Chairman Petty clarified for Dr. Helm that there is a potential for ballot ID numbers to match ballot ID numbers from different elections in this specific scenario, which would not meet the state's ballot rejection requirements. Clear Ballot's temporary solution would not be a part of their current initial system build, the Chairman continued for Dr. Helm's benefit. Ms. Winship noted that their fix is not currently certified, stating it was not tested for in this system, she continued, for Mr. Silverman. Mr. Silverman said this was concerning.

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

The committee exited regular session and entered executive session at 8:50 a.m.

The committee returned at 8:59 a.m.

Chairman Petty motioned that the committee exit executive session and return to regular session. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Chairman Petty said that the state requirements are clear but said it would be a good idea to determine if the demonstration should continue in light of the state requirements, noting the vendor's fix would need to be done every single time. Chairman Petty said that it was likely the EAC did not foresee this issue. Mr. Silverman state he shared those concerns. Chairman Petty said she would not feel comfortable proceeding without a more permanent fix being included and EAC certified.

Chairman Petty offered two paths to Clear Ballot with respect to their current application, noting an application could be withdrawn by the vendor in order to return and start fresh, or the committee would need to continue and make a recommendation for the current application.

Ms. Winship said that Clear Ballot would withdraw their current application.

The vendor thanked the committee for its consideration, and the committee thanked the vendor for its attendance.

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

Chairman Petty noted that Hart would be coming before the committee with an application next Wednesday, April 28th.

Chairman Petty said her last meeting with the committee would be next Wednesday, as she is leaving the Secretary of State's Office at the end of the month.

VI. 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. Public comment may be sent to elections@azsos.gov and will be read and included in the record.

No public was present and no comments were received via email.

VII. Adjournment

Mr. Silverman motioned that the committee adjourn. 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

The meeting was adjourned at 9:04 a.m.