

Secretary of State Equipment Certification Advisory Committee

(A.R.S. § 16-442)

1700 West Washington Street, 7th Floor

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FINAL APPROVED COPY

Meeting Minutes of August 29, 2022

I. Call to Order

Ms. Kori Lorick, State Election Director, Secretary of State's Office, called the meeting to order at 9:04 a.m.

II. Welcome & Roll Call

Committee Members Present:

Angie Cloutier
Peter Silverman, ESQ.
Dr. Jim Helm

Committee Staff Present:

Kori Lorick – State Election Director & Staff
Hailey Gilles – Administrative Fellow & Staff
Tanner Robinson – Senior Elections Specialist & Staff
Amy Chan – General Counsel

Committee Members Absent:

None

Committee Staff Absent:

None

Ms. Lorick introduced Secretary of State's Office staff, the committee members, and Election Systems & Software (ES&S) and Dominion Voting Systems, Inc. staff.

III. Election of Chair.

Mr. Peter Silverman, Senior Counsel, Zwillingen Wulkan, PLC., welcomed Ms. Angie Cloutier, Election Security Officer, Secretary of State's Office, and nominated her for Chair. Dr. Jim Helm, Program Chair, Arizona State University, seconded the motion, and the motion was carried unanimously.

Votes:

Ms. Cloutier: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

Chairman Cloutier thanked the committee, and said she was excited to welcome everybody.

IV. Approval of Minutes from the May 11, 2022, Meeting.

Chairman Cloutier asked for approval of the previous meeting minutes.

Dr. Helm motioned that the previous meeting minutes dated May 11, 2022, be approved. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0
N/A: 0

The previous meeting minutes were approved.

V. Review, discussion, and possible vote on recommendation of Voting Equipment Application for Certification Engineering Change Order 1141 as it relates to components of EVS 6.2.0.0 from Election Systems & Software, LLC.

The Chair introduced the review of Engineering Change Order (ECO) 1141.

Dr. Helm had no comments. Mr. Silverman said it might be helpful to see what the vendor had to say. Mr. Silverman asked if the U.S. Election Assistance Commission (EAC) considered this EOC de minimis. Ms. Susan Paulson-Parmer, State Certification Manager, ES&S, confirmed this was correct. Ms. Lorick stated the Secretary of State's Office said they felt it was de minimis, but that the committee would need to determine this by itself.

Chairman Cloutier asked for the committee to determine whether the ECO was de minimis.

Dr. Helm moved that ECO 1141 be determined as de minimis by the committee. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes
Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The ECO was determined as de minimis.

The Chair then asked for a motion of recommendation to the Secretary of State for approval of ECO 1141.

Mr. Silverman moved for recommendation to the Secretary of State approval of ECO 1141 as it relates to components of EVS 6.2.0.0 from Election Systems & Software, LLC. Dr. Helm seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The Chair noted that ECO 1141 was approved for recommendation.

VI. Review, discussion, and possible vote on recommendation of Voting Equipment Application for Certification of the following Engineering Change Orders: 100802, 100819, 100829, 100830, 100831, 100832, 100833, 100843, 100849, 100850, and 100864 as they relate to components of Democracy Suite 5.5B. from Dominion Voting Systems, Inc.

Mr. Silverman asked that the vendor summarize the ECOs prior to voting.

ECO 100802:

The committee had no comments.

Chairman Cloutier asked for the committee to determine whether the ECO was de minimis.

Dr. Helm moved that ECO 100802 be determined as de minimis by the committee. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The ECO was determined as de minimis.

The Chair then asked for a motion of recommendation to the Secretary of State for approval of ECO 100802.

Dr. Helm moved for recommendation to the Secretary of State approval of ECO 100802 as it relates to components of Democracy Suite 5.5B. from Dominion Voting Systems, Inc. Chairman Cloutier seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The Chair noted that ECO 100802 was approved for recommendation.

ECO 100819:

Mr. Aamer Chaudhry, Director of Hardware Engineering, Dominion Voting Systems, Inc., noted the Voting System Test Laboratory (VISTL) report as submitted to the EAC had received their approval for this ECO as de minimis.

Mr. Silverman asked for further explanation of the change. Mr. Chaudhry noted that a chip in the controller board of the printer was made by fujitsu, which was previously obsolete, and testing was done in order to align with an updated chip. The chip controls the printing, specifically the hardware compliments of the system, he continued, addressing Mr. Silverman.

Chairman Cloutier asked for the committee to determine whether the ECO was de minimis.

Dr. Helm moved that ECO 100819 be determined as de minimis by the committee. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes
Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The ECO was determined as de minimis.

The Chair then asked for a motion of recommendation to the Secretary of State for approval of ECO 100819.

Dr. Helm moved for recommendation to the Secretary of State approval of ECO 100819 as it relates to components of Democracy Suite 5.5B. from Dominion Voting Systems, Inc. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes
Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The Chair noted that ECO 100819 was approved for recommendation.

ECO 100829:

Mr. Victor Vasquez, Engineering Group, Dominion Voting Systems, Inc. described the change as de minimis by the vendor.

Dr. Helm said he could not open the ECO summary. He asked for further discussion regarding the change. Ms. Lorick stated she would be emailing the document to Dr. Helm. It was described as an upgraded processor for Dell to work with the current Windows 10. Dr. Helm asked what the added servers do. Mr. Vasquez responded that the server was modified to run on a smaller system. Dr. Helm asked why this was considered de minimis by the EAC. The EAC determined no adverse effects on operations, Mr. Vasquez continued. Mr. Silverman asked where this ECO would fit into the system. Mr. Vasquez responded that this is where the election is programmed. Election results would also likely be run through it, he continued.

Chairman Cloutier asked for the committee to determine whether the ECO was de minimis.

Ms. Lorick said the committee would need to vote to enter executive session, in response to Mr. Silverman's desire to enter executive session. Ms. Amy Chan, General Counsel, Secretary of State's Office, clarified whether Mr. Silverman would be seeking legal advice. Mr. Silverman said yes.

The Chair asked for a motion to go into executive session.

Chairman Cloutier moved that the committee exit regular session and enter executive session. Dr. Helm seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The committee entered executive session at 9:41 a.m.

The committee reconvened into regular session at 10:01 a.m.

The Chair asked for further discussion.

Dr. Helm asked about the documentation of testing showing that the replacement of the primary system did not modify or influence functionality. He wanted to know if additional data could be shown that compares the updated system and the previous system regarding functionality in connection with performance. Mr. Vasquez said he would have to look for further data. Dr. Helm said he would feel more comfortable if he saw additional verification, stating he wanted to be certain functionality was consistent due to modification of a newer equipment version. Mr. Vasquez asked if test reports for the previous iteration would help. Dr. Helm said yes.

Mr. Chaudhry said the previous report and current report can be produced, and comparisons can be made. Dr. Helm said this is what he was looking for, stating it was difficult to make any assessment based on the information.

Mr. Silverman asked if any of these changes are immediately relevant regarding the general election. Mr. Chaudhry asked if Mr. Vasquez could check. Mr. Vasquez said nothing was time sensitive, except for the SD cards. Mr. Silverman asked about the EAC lumping of additional ECOs with this one. Mr. Vasquez said they are configured differently for different functions, but in regard to the same platform, referring to ECO 100830 and 100831.

The Chair mentioned that the three ECOs 100829, 100830, and 100831 could be set aside pending additional documentation and reports to be provided to the committee for later consideration.

Mr. Silverman said he supports holding these votes aside for later consideration.

The committee agreed to hold the three ECOs 100829, 100830, and 100831 for later consideration.

ECO 100832:

The Chair asked for additional details regarding the EAC de minimis determination. No additional testing was required, Mr. Vasquez said, noting that the VSTL agreed with the EAC.

Chairman Cloutier asked for the committee to determine whether the ECO was de minimis.

Dr. Helm moved that ECO 100832 be determined as de minimis by the committee. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The ECO was determined as de minimis.

The Chair then asked for a motion of recommendation to the Secretary of State for approval of ECO 100832.

Dr. Helm moved for recommendation to the Secretary of State approval of ECO 100832 as it relates to components of Democracy Suite 5.5B. from Dominion Voting Systems, Inc. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The Chair noted that ECO 100832 was approved for recommendation.

ECO 100833:

Mr. Chaudhry noted the processor changed by Intel, which required a micro-code change within the BIOS, which required a BIOS update. The change was presented to VSTL, and the test reports were approved as de minimis by the EAC.

The Chair asked for questions.

Mr. Silverman asked if Dr. Helm had concerns. Dr. Helm said he did not.

Chairman Cloutier asked for the committee to determine whether the ECO was de minimis.

Mr. Silverman moved that ECO 100833 be determined as de minimis by the committee. Dr. Helm seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The ECO was determined as de minimis.

The Chair then asked for a motion of recommendation to the Secretary of State for approval of ECO 100833.

Dr. Helm moved for recommendation to the Secretary of State approval of ECO 100833 as it relates to components of Democracy Suite 5.5B. from Dominion Voting Systems, Inc. Chairman Cloutier seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The Chair noted that ECO 100833 was approved for recommendation.

ECO 100843:

Mr. Chaudhry said that a connector would be removed and, a port closed off, noting it was never used for functionality during certification. It was considered to be an unused function during

testing, and confirmed that it had no adverse effect on the system. VSTL Recommended it for de minimis consideration, and the EAC approved that.

The Chair said that removing potential internet connectivity ports is more common, taking the extra step for security purposes.

The committee had no questions.

Chairman Cloutier asked for the committee to determine whether the ECO was de minimis.

Dr. Helm moved that ECO 100843 be determined as de minimis by the committee. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes
Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The ECO was determined as de minimis.

The Chair then asked for a motion of recommendation to the Secretary of State for approval of ECO 100843.

Dr. Helm moved for recommendation to the Secretary of State approval of ECO 100843 as it relates to components of Democracy Suite 5.5B. from Dominion Voting Systems, Inc. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes
Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The Chair noted that ECO 100843 was approved for recommendation.

ECO 100849:

Mr. Chaudhry noted that the same comments apply to both this change and to ECO 100850.

The vendor changed the technology, providing new SD cards to Dominion, which put the SD cards through tests. Once they were satisfied the cards could contain data and perform well, the ECO was submitted to VSTL, which recommended consideration as de minimis to the EAC, which approved that.

Dr. Helm said he would like to see a similar functionality comparison as previously requested. Mr. Chaudhry said he believed this could be done. He went on to say that it could be made more

clear if necessary, and he noted that this is the most critical component of their suite, noting it contains voter information. Mr. Silverman said he agreed with Dr. Helm, stating that maybe the two ECOs could be tabled pending further information being provided to the committee.

The Chair said that these ECOs 100849 and 100850 would be tabled, and hopefully added to the similar meeting in connection with the previous ECOs.

ECO 100864:

Mr. Vasquez said that the monitor as updated was shown to be de minimis as approved within the VSTL report by the EAC.

The committee had no questions.

Chairman Cloutier asked for the committee to determine whether the ECO was de minimis.

Dr. Helm moved that ECO 100864 be determined as de minimis by the committee.

Mr. Silverman seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The ECO was determined as de minimis.

The Chair then asked for a motion of recommendation to the Secretary of State for approval of ECO 100864.

Mr. Silverman moved for recommendation to the Secretary of State approval of ECO 100864 as it relates to components of Democracy Suite 5.5B. from Dominion Voting Systems, Inc. Dr. Helm seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The Chair noted that ECO 100864 was approved for recommendation.

Mr. Silverman thanked the vendor for attending and bringing the ECOs forward.

VII. Call to the Public – Please note: the committee may not discuss items that are not on the agenda. Therefore, action taken as a result of public comment will be limited to

directing study of the matter or scheduling the matter for further consideration and decision at a later date. Public comments may be sent to elections@azsos.gov, with the subject line: Equipment Certification, and will be read and included in the record. Comments are limited to 5 minutes per member of the public.

No public comments were received.

VIII. Discussion of upcoming meetings and summary of upcoming events by Chair.

Ms. Lorick said that the Chair would work with the vendor regarding future meetings at a later time.

Mr. Silverman thanked the Chair for doing a great job. The Chair thanked the committee.

The Chair asked if there were any certifications forthcoming. Ms. Lorick said the tabled ECOs are the current only pending items.

Mr. Silverman thanked the Secretary of State's Office staff for their help as well.

IX. Adjournment.

Mr. Silverman motioned that the committee adjourn. Dr. Helm seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Cloutier: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The meeting was adjourned at 10:37 a.m.