

**Secretary of State Equipment Certification Advisory Committee**

(A.R.S. § 16-442)

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**Meeting Minutes of March 2, 2022**

**I. Call to Order**

Chairman Ken Matta, Information Security Officer, Secretary of State's Office, called the meeting to order at 8:53 a.m.

**II. Welcome & Roll Call**

**Committee Members Present:**

Ken Matta - Chairman  
Peter Silverman, ESQ.  
Dr. Jim Helm

**Committee Staff Present:**

Kori Lorick – State Election Director & Staff  
Tanner Robinson – Elections Specialist & Staff  
Ryan Macias – Consultant & Founder at RSM Election Solutions LLC & Staff  
Sambo Dul – General Counsel & Senior Election Policy Advisor

**Committee Members Absent:**

None

**Committee Staff Absent:**

None

Chairman Matta introduced the committee members and vendor staff at Election Systems & Software (ES&S). Ms. Kori Lorick, State Election Director, Secretary of State's Office, introduced staff from the Secretary of State's Office.

**III. Approval of Minutes from the January 24, 2022 Meeting.**

Chairman Matta asked for approval of the previous meeting minutes.

Mr. Peter Silverman, Senior Counsel, Gordon Rees Scully Mansukhani, LLP., motioned that the previous committee meeting minutes dated January 24, 2022 be approved. Dr. Jim Helm, Program Chair, Arizona State University, seconded the motion, and the motion was carried unanimously.

**Votes:**

Chairman Matta: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

**IV. Review of Voting Equipment Application for Certification of the EVS 6.2.0.0 Voting System from ES&S.**

The committee had no comments or concerns regarding the application paperwork.

Ms. Susan Paulson-Parmer, State Certification Manager, ES&S, proceeded with the vendor's presentation. They wanted to bring a Windows 10 update, in addition to new central count tabulating hardware. They've also added risk limiting audit features, she continued. She covered the other states where they are currently certified. The 950 unit is the new hardware in the series. It requires no election staff re-training to use. She noted the risk limiting audit functions for designating an audit number if needed. She said she believes she left target functioning on, addressing the Chairman's inquiry regarding whether or not certain functionality would be shown before the committee during testing. She mentioned write-in review reports, and the availability to minimize contents not desired by the user for printing. Dr. Helm asked about the hash procedure. Ms. Paulson-Parmer confirmed the individual files are being hashed. Ms. Paulson-Parmer said that this function is specifically for each USB drive, addressing the Chairman's concerns. Chairman Matta wanted to confirm whether the printer has been standard hardware long-term. Ms. Paulson-Parmer confirmed this. The equipment speed has been increased for its hardware processing times, she added.

Chairman Matta mentioned regional results features. Ms. Paulson-Parmer said they did not bring this before the committee, because it's not allowed by statutes in Arizona. Dr. Helm asked about what functions are used for multi-factor authentication (MFA). Ms. Paulson-Parmer said the password and key functions are used as a part of their MFA. Chairman Matta asked about batch level results for auditing. Ms. Paulson-Parmer said this is included, and it can be shown before

the committee. She said that a checkbox can be generated in order to exclude ballots for tabulation if needed, addressing the Chairman. Chairman Matta said that this feature would be useful for Arizona. Ms. Paulson-Parmer said that this was included in the test report, but is not available for presentation because she did not code for it. She said that exporting could be done by individual flash drive that was not a Dell product, but that it would have to be coded correctly, addressing the Chairman regarding his vendor usage concerns with Dell products and Windows 10 upgrades.

#### **V. Presentation of the Script to be used for the test of the EVS 6.2.0.0 Voting System.**

Chairman Matta introduced the test script to be used, with both the primary and general election tests. He said he would like to look at the version numbers, to confirm the correct equipment is being tested. He would also like to see zero reports prior to testing. There are also scripts to be used for accessible voting, he continued. The optical and accessible equipment test results would then be combined into one report.

#### **VI. Conduct Test of the ES&S EVS 6.2.0.0 Voting System.**

Testing began at 9:16 a.m.

Chairman Matta asked Ms. Paulson-Parmer to show him the MFA functionality, and Dr. Helm to confirm the correct equipment was being tested before the committee.

Ms. Paulson-Parmer described the process of entering her password, where the system would then prompt for entering the UB key in order to proceed. She confirmed this was done via USB, addressing Dr. Helm. Chairman Matta confirmed MFA functionality was working appropriately.

Dr. Helm then checked each hardware to confirm it was the correct version to be tested.

Dr. Helm asked whether the BIOS is the same on the 2.1 ExpressVote equipment. Ms. Paulson-Parmer confirmed the BIOS was different for the updated 2.1 hardware from 1.0.

Chairman Matta noted that the equipment was printing zero reports.

Dr. Helm confirmed the equipment hardware was correct according to what was scheduled and set to be tested before the committee; the version numbers matched up.

The zero reports were confirmed to be generated accurately.

Mr. Silverman asked if accessible ballots would be cast for the primary election. Chairman Matta confirmed this.

The optical scan portion of the primary election test began at 9:32 a.m.

The accessible portion of the primary election test began at 9:37 a.m.

Because of a last minute programming change, the accessible voting ballots were going to be re-printed in order to re-do the primary election test, Chairman Matta explained.

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

The committee exited regular session and entered executive session at 9:53 a.m.

**Votes:**

Chairman Matta: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The committee reconvened from executive session into regular session at 10:14 a.m., and the primary election test continued.

Ms. Paulson-Parmer displayed the imprinting function for risk limiting audits that the equipment was capable of. She also described the batch totals report, which was shown to be accurately produced.

Dr. Helm asked if there is a maximum number of languages to be supported. Ms. Paulson-Parmer confirmed this, since there are only so many that the system is programmed for.

A programming issue came up when Chairman Matta noted that the accessible equipment did not automatically begin the ballot audio when voting started in Spanish. He did not recall this being

an issue for previous equipment versions. The vendor stated they would check if it could be addressed.

The accessible portion of the primary election test was shown to have concluded successfully.

Electronic ballot adjudication testing began at 11:14 a.m.

Chairman Matta checked the previously tabulated ballots via optical scan to ensure he did not miss any of the ballots to be adjudicated, which would have been sent to tabulation incorrectly.

Electronic adjudication was used to adjudicate two over votes and two blank voted ballots in order to determine voter intent.

The four marked ballots for electronic adjudication were correctly found, and appropriately adjudicated.

Chairman Matta noted that write-in adjudication was not assigned, but that a new report would be generated to show that the write-in candidates were assigned votes accurately. The newly generated report had not attributed the results accurately. The vendor did not incorporate write-in votes cast on the accessible equipment. An additional report was then generated to present votes correctly.

Chairman Matta re-summarized for the committee, noting that write-in votes were not assigned in the first election report. They did cover all of the results of the primary election test, which were noted as accurately voted. The only two votes which were not were two write-in votes from the accessible equipment. This was discovered through two reports, before a third and final report was generated, which showed that the optical scan portion of the primary election test concluded successfully.

Chairman Matta asked for a consensus that the primary election test concluded correctly.

All committee members agreed that the primary election test concluded successfully.

**Votes:**

Chairman Matta: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0  
N/A: 0

The committee wished to then exit regular session and enter executive session.

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

The committee exited regular session and entered executive session at 11:47 A.M.

The committee exited executive session and entered regular session at 11:54 a.m.

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

The committee recessed for lunch at 11:56 a.m. They were scheduled to reconvene at 1:00 p.m.

**Votes:**

Chairman Matta: Yes  
Mr. Silverman: Yes  
Dr. Helm: Yes

Ayes: 3  
Nays: 0  
N/A: 0

The committee reconvened from recess at 1:05 p.m.

Chairman Matta noted that some of the tabulators could not be re-programmed due to fear of ballot rejection. Those units would not be able to show a ballot rejection at present, but this could be shown on the central count equipment. The Chairman called for the committee for input, stating he hoped to see the ballot with a review checkbox rejected by local ballot tabulation as provisional, but to also have provisional ballots noted as counted by central count; only the second option was available. The committee wished to deliberate over the legal aspects of moving forward via executive session.

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

The committee exited regular session and entered executive session at 1:08 p.m.

**Votes:**

Chairman Matta: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The committee exited executive session and entered regular session at 1:21 p.m.

Chairman Matta said that it would be important to see a ballot rejection for a provisional ballot, to later to be accepted by equipment meant to tabulate it.

The Chairman asked whether the vendor wished to return before the committee at a later date to facilitate that function in a general election test specifically. Ms. Paulson-Parmer offered that they would return to show the DS200 later.

Chairman Matta stated the first option was preferable, instead of going through the general election test, and then returning specifically for the DS200 unit. Ms. Paulson-Parmer said this would not be preferable. She would only have to worry about the accessible ballot. Mr. Silverman said it could be done this way if necessary, to have the vendor come back with a DS200 unit re-programming specifically.

Chairman Matta introduced two possibilities, to have the vendor come back before the committee to do a full general election test upon return. The second would be to have a general election test proceed, and have the vendor return with a demonstration test of the accessible equipment and a small sample of the tabulating equipment.

Chairman Matta said it looks much cleaner to not do a partial certification of the test. He said he is not sure this is a legal option, and did not wish to go into executive session right now.

Ms. Paulson-Parmer asked about availability. Mr. Silverman asked whether doing this before April would be workable for the vendor, in terms of cost. Ms. Paulson-Parmer said she would need to speak to her management to determine if the cost burden is something they would pursue in order to come back here. She said they want to be sure they have something certified that is on

Windows 10 in Arizona. She said she thought it would be more prudent to finish today, and return with the DS200.

Dr. Helm asked if the DS200 could be certified now. Ms. Paulson-Parmer asked if the DS200 could be shown via video.

Chairman Matta said he wanted to see if a question could be called. He asked if the general election test should be canceled and have the vendor return, or to not do that. Mr. Silverman expressed a desire that the committee enter executive session.

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

The committee exited regular session and entered executive session at 1:32 p.m.

**Votes:**

Chairman Matta: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The committee exited executive session and entered regular session at 1:40 p.m.

Chairman Matta asked whether the committee wished to cancel the general election test and ask the vendor to return to do the test again.

Dr. Helm said he wished to hear from the vendor how this fits in with their schedule. Ms. Paulson-Parmer said they would be happy to return. She said they would return with some of the equipment, not the full suite, noting that this would be preferable to them.

The Chairman stated for the committee that all accuracy for the voting equipment had been previously noted.

Chairman Matta called for the question again.

The committee concluded that they wished to see the vendor return with a minimal supply of equipment including the DS200 and central count machine to do a full general election test, and cancel the general election test for the current meeting.

Dr. Helm motioned that ES&S return with a minimal supply of equipment including the DS200 and central count machine, in order to do a full general election test, and cancel the general election test for this current meeting. Mr. Silverman seconded the motion, and the motion was carried unanimously.

The committee then exited regular session and entered executive session at 1:43 p.m. due to Dr. Helm seeking legal clarification.

**Votes:**

Chairman Matta: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The committee exited executive session and entered regular session at 1:47 p.m.

**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 comments were received.

**VIII. Discussion & Recommendations Regarding the Certification of the ES&S EVS 6.2.0.0 Voting System.**

The recommendation was tabled for a later date.

Chairman Matta summarized the findings of the meeting, noting that a successful primary election test was conducted. There is a piece of functionality which could not be tested today, because the function could not be prepared for appropriately. The committee will provide recommendations at a future meeting for a general election test to be conducted. They are hoping to schedule an April 8 meeting to do this.

**IX. Discussion of upcoming meetings and summary of upcoming events  
by Chair Ken Matta.**

Chairman Matta noted that this item was noted above in connection with committee findings from the current meeting.

**X. Adjournment.**

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

**Votes:**

Chairman Matta: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The meeting was adjourned at 1:52 p.m.