

**Alabama Electronic Voting Committee
Minutes of the Called Meeting
March 15, 2019**

The called meeting of the Alabama Electronic Voting Committee was convened by the Honorable Bill English, Chair and Judge of Probate of Lee County, at approximately 2:05pm in the Archives Room of the Alabama State Capitol Building, in Montgomery. Other members present were Alabama Senator Will Barfoot; Alabama Representative Matt Fridy; and Ed Packard, representing the Secretary of State. Laura Howell, representing the Attorney General, was absent. Other persons in attendance included Brent Beal, John Bennett, Clay Helms and Tempest Cantrell, each of the Office of the Secretary of State; and Mark Manganaro, Don Whitman, and Gregg Woodyard of ES&S.

The Committee acknowledged that the meeting had been properly advertised pursuant to the Open Meetings Act.

ROLL CALL AND ACKNOWLEDGEMENT OF QUORUM

Judge English took the roll and acknowledged the attendance of a quorum of the Committee.

APPROVAL OF MINUTES FROM OF APRIL 4, 2018

MOTION BY JUDGE ENGLISH, SECONDED BY MR. PACKARD, TO APPROVE THE MINUTES FROM THE APRIL 4, 2018, MEETING OF THE COMMITTEE.

Ayes:	4	Committee Members:	Judge English, Senator Barfoot, Representative Fridy, Mr. Packard
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	1	Committee Members:	Laura Howell

MOTION PASSED.

FOLLOW UP ON ES&S EVS 5.3.2.1 VOTING SYSTEM

Mr. Packard discussed the April 4, 2018, certification of ES&S' EVS 5.3.2.1 voting system and subsequent concerns that were raised regarding the capability to deploy the voting system with modem capability. Mr. Packard informed the Committee that Kathy Rogers, Senior Vice-President of Government Relations at ES&S, confirmed that no ES&S voting system was deployed in the State of Alabama with a modem installed and that none of said voting systems are connected to the Internet nor do they have the ability to connect to the Internet.

Representative Fridy asked how the Shelby County probate office was able to track voter turnout on election day without the voting machines being connected to the Internet. John Bennett of the Secretary of State's office explained that data is provided through the use of electronic poll books, which can be connected to the Internet.

MOTION BY MR. PACKARD, SECONDED BY REPRESENTATIVE FRIDY, TO AMEND THE CERTIFICATION OF ES&S' EVS 5.3.2.1 VOTING SYSTEM TO PROVIDE THAT DEPLOYMENT OF THE VOTING SYSTEM IN THE STATE OF ALABAMA BE CONTINGENT ON THE REQUIREMENT THAT NO MODEMS BE INSTALLED IN THE VOTING SYSTEM.

Ayes:	4	Committee Members:	Judge English, Senator Barfoot, Representative Fridy, Mr. Packard
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	1	Committee Members:	Laura Howell

MOTION PASSED.

REVIEW AND CONSIDERATION OF ES&S' EVS 5.2.4.0 VOTING SYSTEM

Mr. Packard presented information related to ES&S' request for the certification hearing for its EVS 5.2.4.0 voting system, including a copy of the test report from Pro V&V, the voting system test laboratory (VSTL) that examined the system, and a copy of the U.S. Election Assistance Commission's Certificate of Conformance verifying the evaluation of the voting system by the VSTL to the 2005 Voluntary Voting System Guidelines.

Mr. Mark Manganaro and Mr. Gregg Woodyard, both of ES&S, presented information about the voting system up for review, including its enhancements compared to the previous version of the voting system, EVS 5.2.2.0.

Enhancements and improvements in the new 5.2.4.0 system include 1) new tables and carts for the Automark and ExpressVote; 2) new hardware for the ExpressVote, including a new LCD touchscreen, a single board computer, and a new power management board, and a new input/output (USB) board; updated audio prompts for the ExpressVote for enhanced ADA support; collapsible ballot box; and updates to the system's Windows and antivirus software.

Committee members reviewed the equipment hands-on and presented any questions they had to Mr. Manganaro and Mr. Woodyard.

MOTION BY MR. PACKARD, SECONDED BY JUDGE ENGLISH, TO FIND THAT ES&S' EVS 5.2.4.0 VOTING SYSTEM CONFORMS TO THE REQUIREMENTS OF ALABAMA STATE LAW AND BE CERTIFIED FOR SELL AND USE IN THE STATE OF ALABAMA WITHOUT THE COLLAPSIBLE BALLOT BOX.

Ayes:	4	Committee Members:	Judge English, Senator Barfoot, Representative Fridy, Mr. Packard
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	1	Committee Members:	Laura Howell

MOTION PASSED.

UPDATING LIST OF CERTIFIED ELECTRONIC VOTING SYSTEMS

Mr. Packard presented the current list of electronic voting systems certified for use in the State of Alabama. He stated concerns of the Secretary of State’s office that the list includes vendors that may no longer no be in business or whose equipment was last tested to out of date voting system standards.

Mr. Packard explained that the Secretary of State wanted to propose the Committee initiate a process for updating the list of certified voting systems for use in the State of Alabama. He further explained that the Secretary of State wanted to propose that the Committee recommend and authorize the Secretary of State to issue a “Request for Proposals” for voting systems that would cover not only voting systems new to Alabama but also equipment previously certified by the Committee.

During discussion, Committee members expressed a consensus in favor of updating the list of certified equipment. However, Judge English questioned the idea of requiring voting systems that are currently certified and in use in Alabama be resubmitted for certification. Members agreed that systems not currently in use in the State of Alabama should have to be submitted or resubmitted for certification.

In discussing which set of voting system standards should serve as the baseline for voting systems in Alabama, it was noted that at least 10 counties continue to use ES&S Model 100 voting machines, which were tested against the 2002 standards. Committee members expressed concerns about taking action that would could effectively decertify the use of Model 100 voting machines and require those counties to purchase new voting systems at a considerable cost (approximately \$5,000 per voting machine, according to Mr. Woodyard of ES&S). John Bennett provided information to the Committee regarding the number of Model 100 voting machines deployed in each of the 10 counties and the amount of HAVA funds each of the 10 counties have available that could potentially be used for the purchase of new voting equipment. Mr. Bennett further commented on the potential availability of other HAVA funds for the purchase of new voting equipment.

MOTION BY JUDGE ENGLISH, SECONDED BY REPRESENTATIVE MATT FRIDY, TO AUTHORIZE THE SECRETARY OF STATE TO ISSUE A REQUEST FOR PROPOSALS FOR ELECTRONIC VOTING SYSTEMS THAT MEET THE 2002 OR LATER EAC VOLUNTARY VOTING SYSTEM STANDARDS FOR USE IN ALABAMA EXCLUDING VOTING SYSTEMS CURRENTLY IN USE IN ALABAMA THAT MEET THOSE STANDARDS.

Ayes:	4	Committee Members:	Judge English, Senator Barfoot, Representative Fridy, Mr. Packard
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	1	Committee Members:	Laura Howell

MOTION PASSED.

POST-ELECTION AUDITS

Mr. Clay Helms, Director of Elections for the Secretary of State, presented information to the Committee regarding post-election audits in general and risk limiting post-election audits in particular. Mr. Helms explained that the goal of a post-election audit is to ensure the accuracy of vote counting which can thereby instill confidence in the electoral process. Judge English inquired as to the resources necessary to conduct a post-election audit. He also inquired as to what may occur if the procedures for a post-

election audit were misinterpreted or inaccurately implemented, wondering how that would impact voter confidence in the electoral process.

Judge English further expressed an interest in a procedural audit that would evaluate the number of voters processed, the number of ballots issued, the number of ballots counted in the ballot tabulators, and similar measures.

Members of the Committee expressed an interest in seeing the details of a post-election audit procedure before recommending that the Secretary of State proceed with promulgating rules for a post-election procedure.

MOTION BY REPRESENTATIVE FRIDAY, SECONDED BY SENATOR BARFOOT, TO REQUEST THAT THE SECRETARY OF STATE DRAFT PROPOSED RULES FOR A RISK LIMITING POST-ELECTION AUDIT TO SUBMIT TO THE COMMITTEE FOR REVIEW AND APPROVAL AT A LATER DATE.

Ayes:	4	Committee Members:	Judge English, Senator Barfoot, Representative Fridy, Mr. Packard
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	1	Committee Members:	Laura Howell

MOTION PASSED.

ADJOURNMENT

With no other business pending, Committee considered its adjournment.

MOTION BY SENATOR BARFOOT, SECONDED BY JUDGE ENGLISH, TO ADJOURN THE MARCH 15, 2019, MEETING AT APPROXIMATELY 3:35PM.

Ayes:	4	Committee Members:	Judge English, Senator Barfoot, Representative Fridy, Mr. Packard
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	1	Committee Members:	Laura Howell

MOTION PASSED.

Bill English
7/31/19