

-DRAFT-
Alabama Electronic Voting Committee
Minutes of the Called Meeting
September 1, 2022

The called meeting of the Alabama Electronic Voting Committee was convened by the Honorable Bill English, Chair and Judge of Probate of Lee County, 3:00 p.m. in the Auditorium of the Alabama State Capitol Building, 600 Dexter Avenue in Montgomery, Alabama. Other members present were Alabama Representative Wes Allen and David Brewer representing the Secretary of State. Clay Helms from the Secretary of State's Office served as secretary of the committee. Mark Manganero from ES&S was present. Elisabeth Spring from Hart InterCivic was present. Other persons in attendance included Jim Davis, Brenton Smith and Charles McKay from the Attorney General's Office, Sarah Telofski from the Secretary of State's Office, and guests from around the state.

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

ROLL CALL AND ACKNOWLEDGEMENT OF QUORUM

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

APPROVAL OF MINUTES FROM OF DECEMBER 6, 2021

MOTION BY REPRESENTATIVE ALLEN, SECONDED BY JUDGE ENGLISH, TO APPROVE THE MINUTES FROM THE DECEMBER 6, 2021, MEETING OF THE COMMITTEE.

Ayes:	3	Committee Members:	Judge English, Representative Allen, Mr. Brewer
No:	0	Committee Members:	(None)
Abstain:		Committee Members:	(None)
Absent:	2	Committee Members:	Senator Barfoot, Mr. Crenshaw

MOTION PASSED.

REVIEW AND CONSIDERATION OF HART INTERCIVIC INC. ECO01538 AND ECO01502 ELECTRONIC VOTING MACHINE SYSTEM MODIFICATIONS

Judge English asked Ms. Spring to explain the requested modifications of Hart's voting machine system. The De Minimis changes included an updated monitor for Verity workstations and equivalent hardware part updates to the voting machine system. Judge English asked if the Hart voting machine system was currently in use in Alabama, and Ms. Spring replied "No".

MOTION BY MR. BREWER TO CERTIFY HART INTERCIVIC VERITY ECO01538 AND ECO01502 MODIFICATIONS. MOTION AMENDED BY REPRESENTATIVE ALLEN, TO CERTIFY HART INTERCIVIC VERITY ECO01538 AND ECO01502 MODIFICATIONS FOR USE IN THE STATE OF ALABAMA CONTINGENT UPON NONE OF THE MACHINES BEING ABLE TO COMMUNICATE OVER A CELLULAR NETWORK OR THE INTERNET, ALL MACHINES REQUIRE PAPER BALLOTS, AND ALL MACHINES AND SOFTWARE COMPLY WITH SECTION

17-7-21 OF THE CODE OF ALABAMA (1975). MR. BREWER SECONDED THE AMENDMENT, AND THE COMMITTEE VOTED IN FAVOR OF THE AMENDMENT AND THE MOTION.

Ayes:	3	Committee Members:	Judge English, Representative Allen, Mr. Brewer
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	2	Committee Members:	Senator Barfoot, Mr. Crenshaw

MOTION PASSED.

Judge English asked Ms. Spring to discuss two additional modifications for review that the Committee decided not to vote on due to not having full details about the modifications prior to the meeting. Ms. Spring discussed ECO01512 which is an update to communication cable drawings and clerical corrections, and ECO01524 which is an update to scanning speed performance that was developed in Verity 2.7.

The Committee listened to the presentation but took no action.

REVIEW AND CONSIDERATION OF ES&S ENGINEERING CHANGE ORDER 1141 (EVS 5.2.4.2)

Judge English asked Mr. Manganero to explain the ES&S submission. He reported that ECO1141 is a Windows 10/Server 2016 update to the Election Management PC. The update addresses a known critical vulnerability known as “printnightmare”, and includes current Windows updates as well as an Anti-Virus definition update. Mr. Manganero reported that this change does not change the flow of election coding, tabulator programming, or results reporting. He reported that E.V.S. 5.2.4.2 involves an Alabama specific version of the base E.V.S. 5.2.4.0 (ES&S Voting System). The Election Assistance Commission has certified the base 5.2.4.0 system but does not certify state specific versions. Alabama’s release is different from the base system in that it accommodates the Alabama Presidential Preference Primary. Mr. Manganero reported that the ECO has been reviewed and tested to the applicable VVSG standards by Pro V&V and has been determined to be De Minimis in nature.

MOTION BY MR. BREWER TO CERTIFY ES&S MODIFICATION ECO1141, EVS 5.2.4.2, MOTION AMENDED BY REPRESENTATIVE ALLEN, TO CERTIFY ES&S MODIFICATION ECO1141, EVS 5.2.4.2 FOR USE IN THE STATE OF ALABAMA CONTINGENT UPON NONE OF THE MACHINES BEING ABLE TO COMMUNICATE OVER A CELLUAR NETWORK OR THE INTERNET, ALL MACHINES REQUIRE PAPER BALLOTS, AND ALL MACHINES AND SOFTWARE COMPLY WITH SECTION 17-7-21 OF THE CODE OF ALABAMA (1975). MR. BREWER SECONDED THE AMENDMENT, AND THE COMMITTEE VOTED IN FAVOR OF THE AMENDMENT AND THE MOTION.

Ayes:	3	Committee Members:	Judge English, Representative Allen, Mr. Brewer
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	2	Committee Members:	Senator Barfoot, Mr. Crenshaw

MOTION PASSED.

Executive Session

Brenton Smith, attorney for the Attorney General’s Office and counsel for the Electronic Voting Committee previously provided written guidance to the Committee of the justification under Code of Ala., section 36-25A-7(a)(3) for the Committee to enter an Executive Session regarding pending litigation to which the members of the Committee are parties.

MOTION BY REPRESENTATIVE ALLEN, SECONDED BY MR. BREWER, TO ENTER AN EXECUTIVE SESSION FOR THE PURPOSE OF RECEIVING UPDATES FROM COMMITTEE COUNSEL REGARDING PENDING LITIGATION.

Ayes:	3	Committee Members:	Judge English, Representative Allen, Mr. Brewer
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	2	Committee Members:	Senator Barfoot, Mr. Crenshaw

MOTION PASSED.

Resume Meeting

Judge English re-convened the Committee after Executive Session and allowed guests in attendance to make comments regarding concerns and input about electronic voting machines in Alabama.

ADJOURNMENT

With no other business pending, the Committee considered its adjournment.

MOTION BY REPRESENTATIVE ALLEN, SECONDED BY MR. BREWER, TO ADJOURN THE SEPTEMBER 1, 2022 MEETING AT APPROXIMATELY 4:30 PM.

Ayes:	3	Committee Members:	Judge English, Representative Allen, Mr. Brewer
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	2	Committee Members:	Senator Barfoot, Clay Crenshaw

MOTION PASSED.