

Secretary of State Equipment Certification Advisory Committee

(A.R.S. § 16-442)

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Meeting Minutes of January 24, 2022

I. Call to Order

Chairman Ken Matta, Information Security Officer, Secretary of State's Office, called the meeting to order at 8:48 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
Christine Dyster – Deputy State Elections Director & Staff
Tyler Wengrzyn - Elections Technology, Security & Data Specialist & Staff
Tanner Robinson – Elections Specialist & Staff
Sambo Dul – General Counsel & Senior Election Policy Advisor

Committee Members Absent:

None

Committee Staff Absent:

None

Chairman Matta introduced the committee and the vendor staff present

III. Approval of Minutes from the September 3, 2021 Meeting.

Chairman Matta asked for approval of the previous meeting minutes.

Dr. Jim Helm, Program Chair, Arizona State University, motioned that the previous committee meeting minutes dated September 3, 2021, be approved. Mr. Peter Silverman, Senior Counsel, Gordon Rees Scully Mansukhani, LLP., 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 OpenElect 2.2 Voting System from Unisyn and ECO 17120.

Chairman Matta introduced the application for certification of the OpenElect 2.2 Voting System and the application for the engineering change order (ECO) before the committee. Chairman Matta stated that a full test of the voting system would be done, and a determination would be made to determine whether the ECO was de minimis or not and recommended for approval.

Mr. Silverman said he thought it would make sense for the vendor to introduce the application and ECO.

Mr. McDermot Coutts, Chief Software Architect & Director of Software Development, Unisyn Voting Solutions, introduced the scanner feature, which was added, in addition to the ECO which comprises a new laptop for usage in this suite. Dr. Helm asked if the current laptop would be the first time for its use. Mr. Coutts said they've always used Dell laptops, but just updated the suite with new laptop models. Mr. Coutts described the new processor for Dr. Helm, who asked about hardware improvements since the previous laptop was released. He went on to say that it handles the same operating system, and that it did go through testing as a part of the ECO, continuing to address Dr. Helm. He said he thought the processor was made by Intel, and was a quad core processor, but said he would need to check to confirm the ram processing speed specifically. Dr. Helm stated he was just trying to get the specifics. Chairman Matta asked if it went from I5 to I7. Mr. Coutts answered that he would need to check. Dr. Helm said he did not see any huge differences in version updates. Ms. Kori Lorick, State Election Director, Secretary of State's Office, added that the Election Assistance Commission (EAC) did note the ECO as de minimis.

Mr. Silverman motioned that the committee enter executive session. 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 committee exited regular session and entered executive session at 8:58 a.m.

The committee returned from executive session into regular session at 9:06 a.m.

Chairman Matta noted that there were now two questions placed before the committee.

Chairman Matta introduced the question of individually accepting the application for the OpenElect 2.2 Voting System separately from ECO 17120, following the committee's test of the voting equipment, and that the committee proceed with the full test of the voting equipment.

Votes:

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

Ayes: 3
Nays: 0
N/A: 0

This question was approved to be voted on later during the meeting separately.

Chairman Matta introduced the second question regarding accepting the ECO as de minimis.

Votes:

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

Ayes: 3
Nays: 0
N/A: 0

This question was approved to be voted on later during the meeting separately from the application for the OpenElect 2.2 Voting System.

V. Presentation of the Script to be used for the test of the OpenElect 2.2 Voting System.

Chairman Matta introduced the test to be used, for tabulation of primary and general election, including pre-voted primary and general election ballots for optical scan testing, and scripts to be used for accessible voting equipment. He said the committee will feed their pre-voted ballots through tabulators, while the vendor uses their own set-in early voting equipment. Ballot adjudication will also be tested for the purpose of determining voter intent on over voted and write-in ballots. There are English, Spanish, and Navajo languages available for testing, he continued.

Dr. Helm verified whether Navajo is audio only. Chairman Matta confirmed this, noting English language is usually visible at the same time of hearing the audio language.

Chairman Matta continued, noting that the accessible ballots will then be called out once voted to confirm the votes were done correctly. All of the data will then be uploaded into a countywide results file, which will then be compared to the Secretary of State's pre-determined results.

Chairman Matta asked if the committee was ready to begin.

Votes:

Chairman Matta: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

VI. Conduct Test of the Unisyn OpenElect 2.2 Voting System and ECO 17120 if requested by the committee.

The optical scan portion of the primary election test began at 9:14 a.m.

Chairman Matta requested a zero report, and a verification of the loaded software components being used. Chairman Matta requested a screenshot of the version. Dr. Helm was comfortable with this.

Mr. Coutts stated that the optical scanning had stopped in process due to a blank ballot, catching it appropriately, addressing Dr. Helm's concern about the equipment pausing.

Chairman Matta noted for the record that the software version was noted, a zero report was generated, and the pre-voted ballots were currently being run through optical scanning. He added that each precinct is run separately by stack, and that over voted ballots are also processed on a case-by-case basis during optical scanning.

Chairman Matta began distributing accessible voting scripts to the committee at 9:32 a.m.

Mr. Coutts walked Dr. Helm through the digital adjudication process, confirming an over vote as accurate. Mr. Coutts noted that he was still moving through precinct by precinct.

Chairman Matta described the adjudication process for both blank and over voted ballots, stating the ballots were marked which are then examined by the committee to accurately reflect voter intent. As an example, an over voted ballot was found, and intent was directly determined. Mr. Coutts noted that voter intent was not specifically determined, but merely noted for later review. Mr. Coutts continued with adjudication, noting another over vote was found. For a no vote ballot, it was determined that no vote was cast, and it was accepted as a no vote, he explained for Dr. Helm. Mr. Coutts noted that prior to the commitment of votes, a password would need to be entered. Mr. Coutts showed an individual adjudication to Sambo Dul, General Counsel & Senior Election Policy Advisor, Secretary of State's Office, as well.

Chairman Matta noted that while Dr. Helm was working through ballot adjudication, Mr. Silverman and himself would begin the accessible portion of the test, voting per the test scripts to be used. This began at 9:41 a.m.

Mr. Coutts described the process of committing votes, as previously stated, noting a password entry is required, and expanded on this by stating both judges (user accounts) would need to approve this step before continuing.

Mr. Coutts finished with ballot adjudication on one of the units, noting it could then be uploaded into election results. He said he was not sure if the two other pieces of equipment for scanning also contained ballots for adjudication. Mr. Matthew Johnson, Technical Account Manager, Unisyn Voting Solutions, confirmed that the remainder were over vote ballots that were detected.

Chairman Matta then read through the optical scan portion of the test, for confirmation from Mr. Silverman that the results were accurate.

Chairman Matta noted that the accessible ballots were voted, and then run through verbally to ensure that they were correct. He added that there were a few ballots which had not yet been voted and went on to say that Mr. Silverman voted the remainder of the ballots needed for accessible voting equipment testing, to be added to this total. Dr. Helm wanted to know what happened, and Chairman Matta explained once again.

Chairman Matta asked for provisional ballots to be counted to determine how many were present in the test. Mr. Coutts said this could be done by starting a provisional session in the software.

Chairman Matta then requested the election day voting to be closed and for the results to be added to the tabulator. He noted that the equipment was currently printing out vote totals, including write-in votes.

The accessible portion of the primary election test was concluded successfully and accurately at 10:23 a.m.

Mr. Coutts asked what the write-in votes were specifically, to be noted in the vote totals. Chairman Matta answered with the specific names.

Mr. Coutts noted that the over votes were captured and could be reviewed at the time. Dr. Helm asked what happens if a vote was written in but not marked. Mr. Coutts answered that this could be adjudicated during review. Dr. Helm asked what would happen in adjudication in terms of under votes. Ms. Dul said this would not be required for review, in terms of under votes, stating it is not a requirement for certification.

The election report was then exported via thumb drive.

Chairman Mata then began comparison of the optical scan portion of the primary election test to ensure they match the pre-determined results. One error was spotted, but it was due to an error in the test script. The optical scan portion of the primary election test was concluded successfully and accurately.

The committee agreed that the test was successful at 11:02 a.m.

Votes:

Chairman Matta: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

Ms. Dul asked about the name rotation capabilities in the system. Mr. Coutts said that this could be configured a few different ways, both ballot wide, and by parties on the ballot, in addition to rotation by number of registered voters. Mr. Coutts added that order was generally not a challenge for them in Arizona because they are not a multi-county vendor.

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 11:08 a.m.

The committee reconvened from lunch at 12:15 p.m.

The general election portion of the optical scan test began at 12:15 p.m.

A zero report was generated, and the software version number noted.

Dr. Helm asked what was meant by accessible ballot. Chairman Matta confirmed this is what would be later generated during the accessible portion of the test.

Chairman Matta motioned that the committee enter executive session. Mr. Silverman 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 committee exited regular session and entered executive session at 12:26 p.m.

The committee reconvened from executive session into regular session at 12:29 p.m.

Chairman Matta said the machine did not accept ballots in certain orientations. It looked like it would only be accepted in certain conditions consistently on the FVS 2.2 Precinct Ballot Scanner, he noted.

Chairman Matta said while they do not believe there is a statutory requirement for a ballot to be accepted in any orientation, the committee would like to look into this.

The vendor tried to determine whether a calibration issue could serve as a solution at the time, Chairman Matta clarified. He went on to say that the vendor is going to try using a different piece of hardware with the same programming to determine if this could serve as a good fix.

Chairman Matta said that they would also begin the accessible voting portion of the general election test. This began at 12:41 p.m. Mr. Coutts and Dr. Helm also went through the adjudication portion of the optical scans.

There was an audio issue with the meeting software (Zoom) at 12:50 p.m. It was resolved by 12:56 p.m. Comments made during this time were restated for the record.

Chairman Matta said that the accessible voting portion of the general election test was completed successfully, and ready for optical scan at 1:26 p.m. He said that the committee was currently waiting for a fix on the ballot orientation issue. Dr. Helm noted he had one question regarding whether a single race was adjudicated or not.

Chairman Matta asked the vendor to explain the issue the committee encountered. Mr. Coutts stated a design issue with the ballot is interpreted as unreadable with one of the ballot orientations that Arizona uses. He said they could remove the FVS 2.2 Precinct Ballot Scanner from consideration for certification, and come back with it at another time, or conditionally. Chairman Matta added that the equipment with this issue cannot be certified in Arizona.

Chairman Matta motioned that the committee enter executive session. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Dr. Helm said he had a question, so the chair rescinded the motion. He asked about one of the ballots and its adjudication status. Chairman Matta answered, stating that the adjudicated ballot was accepted, but that election policy states the adjudications would still need to be examined by hand. Chairman Matta noted that a ballot adjudication may not have been adjudicated with Dr. Helm, he explained for the record. The adjudication would need to be reviewed and re-adjudicated. Chairman Matta noted that two other adjudicated ballots may need to be examined, for their back sides, to ensure nothing was missed during adjudication. The brief review showed that the two additional ballots were adjudicated correctly.

Chairman Matta motioned that the committee enter executive session. 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 committee exited regular session and entered executive session at 1:30 p.m.

The committee reconvened into regular session from executive session at 1:39 p.m.

Chairman Matta said they are going to continue to check the accuracy of the equipment, but not use the newly submitted unit for the purpose of certifying it at the time.

Chairman Matta noted that all the optical scans were completed for the general election test and were ready for the election to be closed.

The optical scan portion of the general election test was concluded successfully and accurately at 2:07 p.m.

All committee members agreed.

Votes:

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

Ayes: 3
Nays: 0
N/A: 0

Chairman Matta motioned that the committee enter executive session. Mr. Silverman 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 committee exited regular session and entered executive session at 2:07 p.m.

The committee reconvened from executive session into regular session at 2:12 p.m.

Mr. Silverman motioned that the committee recommend to the Secretary of State for approval the application of the **Unisyn OpenElect 2.2 Voting System without including the FVS 2.2 Precinct Ballot Scanner**. Chairman Matta asked that the motion be withdrawn for consideration of the call to the public. Mr. Silverman withdrew his motion.

VII. Call to the Public – Please note: the committee may not discuss items that are not on the agenda. 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 submitted.

VIII. Discussion & Recommendations Regarding the Certification of the Unisyn OpenElect 2.2 Voting System and ECO 17120.

Mr. Silverman motioned that the committee recommend to the Secretary of State for approval the Unisyn OpenElect 2.2 Voting System without including the FVS 2.2 Precinct Ballot Scanner. 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

Chairman Matta said the committee will recommend to the Secretary of State that Unisyn OpenElect 2.2 Voting System excluding the FVS 2.2 Precinct Ballot Scanner.

Mr. Silverman motioned that the committee also recommend to the Secretary of State for approval of ECO 17120. DR. Helm seconded the motion, and the motion was carried unanimously.

Chairman Matta noted that the ECO was a de minimis change and wanted to be sure the committee was aware.

Votes:

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

Ayes: 3
Nays: 0
N/A: 0

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

Chairman Matta referred this to Ms. Lorick. She pointed out that Election Systems & Software (ES&S) would be coming before the committee, possibly on Mar. 2nd. Mar. 2nd was shown to be the committee's preferred option. The committee will reconvene on Mar. 2 for a full test of ES&S voting equipment.

X. Adjournment.

Dr. Helm motioned that the committee meeting be adjourned. Mr. Silverman 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 2:19 p.m.