Secretary of State Equipment Certification Advisory Committee
(A.R.S. § 16-442)
1700 West Washington Street, 7th Floor
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FINAL COPY
Meeting Minutes of April 28, 2021

- **Call to Order**

Chairman Janine Petty, Deputy State Election Director, Secretary of State's Office, called the meeting to order at 8:40 a.m.

- **Welcome & Roll Call**

Committee Members Present:

Janine Petty - Chairman
Peter Silverman, ESQ.
Dr. Jim Helm

Committee Staff Present:

Tyler Wengrzyn - Elections Technology & Security Analyst & Staff
Joe Benson - Elections Technology Manager & Staff
Ken Matta – Information Security Officer & Staff
Tanner Robinson – Elections Specialist & Staff
Kara Karlson – Assistant Attorney General
Kyle Cummings – Assistant Attorney General

Committee Members Absent:

None

Committee Staff Absent:

None

- **Approval of Minutes from the April 23, 2021 Meeting**

Dr. Jim Helm, Information Technology Program Chair, Arizona State University, motioned that the previous meeting minutes dated April 23, 2021 be approved. Mr. Peter

Silverman, Managing Member, Peter Silverman Law Office, PLC., seconded the motion, and the motion was carried unanimously.

Votes:

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

Ayes: 3
Nays: 0
N/A: 0

- **Review, demonstration, and recommendation of Voting Equipment Application for Certification of the Verity Voting 2.5 voting system from Hart InterCivic.**

Chairman Petty introduced the application as certified by the Election Assistance Commission (EAC) on Sep. 9, 2020.

Mr. Tyson Gosch, Certification Project Manager, Hart InterCivic Inc., outlined the states Hart is certified in, addressing the Chairman's concerns. Mr. Gosch went on to describe system functionality. He described a full, hand-marked paper system, which would be used for ballots by mail as an example, in addition to a ballot printing on demand system. Dr. Helm asked if the systems were loaded individually via secure USB. Tyson confirmed this. Their ballot styles can be printed via bar code scan, Tyson continued, addressing the Chairman. A county would only need two of the three hardware tower components currently before the committee, he went on. Both required pieces of hardware are stand-alone, and are not connected to the internet, he continued for the Chairman. A ballot summary ticket is scanned for the on-demand printing function, he stated, addressing Mr. Silverman's concerns. He went on to explain the distinction between both pieces of equipment, and confirmed that one of them is not unlike a step above an epollbook in terms of its functionality, answering the Chairman's concerns. Election programming can be done from scratch, or copied from a previous election, he went on for the Chairman. Voter registration data can be imported into the system using a .csv file programmed outside of the system. He went on to describe QR code functionality, which contains election information in order to avoid ballots matching up to other elections which could be counted inappropriately for a previous election. The codes are generated differently for ballot style as well, he continued, addressing the Chairman and Mr. Silverman's concerns. Changes can be made in the system when an election is being programmed. The Chairman went on to ask after the security and log specifications with respect to electronic adjudication and write-in vote procedure. Mr. Gosch responded by clarifying system login parameters per individual user, separated by individual coding, privileges, and the option of having as many accounts as a county would like. He went on to describe the difference between electronic adjudication and detection for items such as over votes,

and the tabulation process. He said he would have to go into the system and confirm whether batched adjudications can then be confirmed once they are initially approved prior to tabulation, addressing the Chairman. Mr. Gosch went on to describe ballot image storage functionality, stating it is a function which would need to be turned on. A cast vote record is then exported to an external drive, which can then be exported based on county preference. The Varity Relay system is not before the committee, noting it allows for the electronic transmission of election results, he stated, addressing the Chairman and Dr. Helm. They do not recommend the use of sharpies, but prefer black pens to avoid bleed through, he went on. The Chairman had a question regarding number of voters definable for an election as 1.5 million. The vendor stated they would need to look into this. The system can handle Arizona's semi-open primary functionality, he stated. He said he would need to check on the capability to handle Arizona's recount process by turning off tabulation functionality, addressing the Chairman. Ballot IDs for ballot styles are generated automatically, he went on. He stated that official write-in candidate information can be programmed at any time, referring to a certified candidate list scenario. He said he would need to look up back up data functionality as recently submitted as an engineer change order (ECO), addressing the Chairman. Their memory sticks would need to be purchased from the vendor. They are re-usable and can be wiped, he continued.

The accessible portion of the primary election test began at 9:29 a.m.

The Chairman requested zero reports be generated, and checked whether Federal Only ballot styles were included. Mr. Gosch responded that these could be programmed. She stressed to the committee to test audio functionality as well.

Chairman Petty requested to see the screen a voter would get when they view their ballot. She had concerns regarding the screen functionality for inverse colors, in addition to provisional ballot capabilities. She also had concerns regarding the Spanish keyboard for write-in votes, as well as the write-in ballot contest text not translating into Spanish. The Chairman questioned whether Native American languages can be attached via audio file, and the vendor confirmed this. Mr. Gosch confirmed that vote categories can be programmed for election results computing, addressing the Chairman.

Chairman Petty noted some concerns she had for the committee with respect to party color designation with the primary ballots, explaining it was a matter of how they were printed. She asked if there were options for printing election results. Mr. Gosch confirmed this.

The accessible portion of the primary election test concluded successfully.

The optical scan portion of the primary election test began at 11:16 a.m.

The system correctly rejected a ballot from a different election than what was programmed. The user can filter for different types of scenarios in the system, such as the 1 additional blank ballot that was included in the test, Mr. Gosch explained for the Chairman.

The vendor then demoed the electronic adjudication component of its equipment. It was shown to have review capabilities of the complete adjudication work that a user would have done prior to committing votes for tabulation. There were two electronic adjudication ballots that were incorrectly inserted for tabulation, instead of electronic adjudication, which was explained to the committee by the Chairman prior to test script comparison.

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

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

<u>VOTES:</u>

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

Ayes: 3
Nays: 0
N/A: 0

The committee exited regular session and entered executive session at 12:03 p.m.

The committee voted to return from executive session.

Votes:

Janine: Yes
Mr. Silverman: Yes
Dr. Helm: Yes

Ayes: 3
Nays: 0
N/A: 0

The committee returned from executive session and entered regular session at 12:09 p.m.

The Chairman asked how long it would take the vendor to have an accurate capability for Spanish write-in contest translation, as well as a Spanish keyboard for write-in voting. The vendor stated they could look into this answer during a lunch break.

The committee broke for lunch at 12:10 p.m.

The committee reconvened from lunch at 1:09 p.m.

The vendor explained their keyboard always appears in English, regardless of the language selected for write-in selection, addressing the Chairman. Chairman Petty asked if an ECO would be required to make changes. Mr. Gosch answered that he did not know if EAC certification would be required to make changes.

The Chairman said that the equipment certified in the state currently does present the alphabet in minority languages, in Spanish.

The Chairman asked whether the vendor and committee wished to proceed with the general election portion of the test while it works to get an answer, or return at another time following any needed ECO from the EAC. Dr. Helm said he thought the test should continue for the moment, pending a vendor response. Mr. Silverman said he was fine going forward with the general election.

The accessible portion of the general election test began at 1:16 p.m.

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

<u>Votes:</u>

Chairman Petty: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The committee exited regular session and entered executive session at 1:19 p.m.

Chairman Petty motioned that the committee return from executive session and enter regular session. Dr. Helm seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Petty: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The committee exited executive session and returned to regular session at 1:27 p.m.

The accessible portion of the general election test continued.

The general election ballots showed as partisan ballots, instead of using the title partisan races or similar designations. The vendor stated this wording could be changed during programming.

Chairman Petty expressed concerns regarding the terminology of the system prompt for checking a record instead of checking a ballot in the system. The vendor stated this could not be changed in the system. It is device specific, Mr. Gosch noted. The Chairman wished to ensure zero reports were generated.

Chairman Petty asked if ballot headings could be presented in English and Spanish, suggesting the use of a slash mark for either language insertion when editing ballot header information. Mr. Gosch said that an additional header could be added in Spanish.

The accessible portion of the general election test concluded successfully. There was a discrepancy with the Secretary of State's test script, which was discovered when matching the script with the general election test results.

The optical scan portion of the general election test began at 2:27 p.m.

The Chairman requested to see a write-in vote report.

The optical scan portion of the general election test concluded successfully.

Chairman Petty asked after the information the vendor was working to obtain for the header language issue. The vendor proposed a temporary solution for programming the

ballot headings. The Chairman requested a print out.

The vendor did not yet have an answer regarding the write-in language issue with Spanish character input.

The Chairman restated the Spanish keyboard issue, a header issue which contains a temporary solution, and a write-in ballot language for write-in contests issue dependent on the equipment used.

Mr. Silverman asked if the vendor knew why the equipment produced different issues. He went on to say he could not recall this coming up with any other equipment currently certified in the state. He went on to state concerns regarding how Spanish language presents audibly as opposed to visually.

Chairman Petty saw the temporary solution as less than satisfactory because it could not be presented before the committee at the time. The ballot header language, on regular ballots and the Spanish write-in ballots contest text is a concern.

Mr. Gosch noted that the keyboard issue did come up in their testing, but they have not faced these issues for other state certifications, addressing Mr. Silverman's concerns.

Dr. Helm had no additional concerns not already addressed by the committee.

Chairman Petty said her concern is that the changes may require a code change which would prompt a return to the EAC for federal certification. She would not want to do a conditional certification if a federal re-certification was required. She said she would need more information from the vendor to determine if the fix could be done via a code change or a programming change. Mr. Silverman said that since the Chairman

would not be here past Friday, they would have to take this into consideration.

Ms. Kara Karlson, Assistant Attorney General, Attorney General's Office, said that the committee could communicate with her until a new representative from the Secretary of State was provided. The Chairman said she could potentially still be available since her appointment has not yet expired. Ms. Karlson said that if instructions were provided for the vendor, no legal action would be taken, no motion would be needed, for the purpose of information gathering. Dr. Helm said he is not comfortable going forward since there is not yet an understanding of the scope of the changes required.

The committee concurred, and Chairman Petty said that the committee is not going to offer a motion, and requested further information for the vendor with respect to the issues that have come up during equipment testing including the Spanish keyboard functionality, regular ballot contest headings not translating into Spanish, and a similar translation issue for write-in ballot contests, among other smaller concerns the Chairman had.

Mr. Gosch said that the ballot header presents in English only because the voter has already verified the ballot information on the ballot screen. The committee said this did not make sense to them. It does not print out Spanish as shown on the screen, Mr. Gosch said.

The character recognition reads the actual characters on a write-in ballot which does not detect the Spanish language for the name of the candidates, Mr. Gosch continued. Chairman Petty explained this to Dr. Helm.

Mr. Ray Wittlinger, Certification Project Manager, Hart InterCivic Inc., stated the additional issues found during testing for Hart's clarification to be looked at in the interim prior to the vendor appearing before the committee again.

- **Discussion of Upcoming Meetings and Summary of Current Events by Chair Janine Petty**

Chairman Petty described the upcoming information which would be expected from Hart at a future meeting, and a reappearance from Clear Ballot before the committee once again, both at a date yet to be determined.

- **Call to the Public – Please note: the committee may not discuss items that are not on the agenda. Comments are limited to 5 minutes per member of the public. Public comment may be sent to elections@azsos.gov and will be read and included in the record.**

No public was present and no comments were received via email.

- **Adjournment**

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

Votes:

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

Ayes: 3
Nays: 0
N/A: 0

The meeting was adjourned at 3:12 p.m.