

Electronic Ballot Counting Device Advisory Committee

Meeting Minutes of April 6, 2009 at 10:00 a.m.

71 South Fruit Street, Concord, NH, HAVA Conference Room

Members' Attendance:

Thomas Manning, Assistant Secretary of State and Temporary Chair

Representative Richard Drisko

Walter Fries, Moderator, Danville

Adrienne Hutchison, Public Member

Representative Robert Perry

Anthony Stevens, Assistant Secretary of State

Department of State:

David Scanlan, Deputy Secretary of State;

Daniel Cloutier, Assistant Secretary of State

Guests:

Gregory Miller, Pito Salas,

Mitch Trachtenberg, open source developer (via telephone conference call)

Robert Dezmelyk, Moderator, Newton

Also Present:

Representative Betty Hall

I. Call to Order

Temporary Chair Mr. Manning called the meeting to order at 10:01 a.m.

II. Meeting Business

• Presentation: Open Source Digital Voting Foundation (OSDV)

Mr. Manning introduced guest speakers Gregory Miller from Open Source Digital Voting Foundation (OSDV) and Pito Salas from Pito Salas and Associates. Mr. Miller began the presentation with background information of the company and its entry to the voting machine market. He discussed the business model, covering vendors, the stakeholder community, and funding. He explained that the business model would be different from the prevailing business model; the technology must be fault tolerant and open source. He distinguished between open source, disclosed source, and closed (proprietary) source software, highlighting the benefits and complications of each. He noted that the current election technology industry has issues such as conflict of interest, inconsistent behavior, and lack of transparency.

Mr. Miller explained that the OSDV is not a vendor but a public entity providing technology with the goals of transparency and accountability, with the hope of ultimately restoring public trust in the voting process. He explained how OSDV would interact with trade groups, vendors, and action groups. He said that OSDV technology would tap states, local jurisdictions, and computer experts in an online interactive format (a "Design Congress") to create shared data layers evolving toward public standards and a robust specifications database that would potentially work for all states, counties and local jurisdictions in the country. The licensing of OSDV technology would be free to public entities. Commercial vendors will pay a licensing fee for this technology to recover costs of start-up and federal certification.

The licensing and certification processes were discussed. Mr. Miller explained that the licensed technology core is what vendors need. EAC Certification presents a large barrier to entry in the industry, a hurdle the OSDV would expect to lower. Mr. Fries commented on the open source process and the donation recovery free. Mr. Dezmelyk suggested working with the commercial vendors as they may have intellectual property rights. Mr. Miller explained that two of the four commercial legacy vendors (Diebold, ES&S, Hart, and Sequoia) have contacted OSDV and one

vendor believes the foundation work could be a benefit. Mr. Miller said he is aware of the assertion of intellectual property rights by vendors; these issues are being researched.

Mr. Miller noted that new commercial vendors have shown interest in marketing OSDV voting technology based on existing government relationships.

Mr. Miller said he is listening to secretaries of state, deputy secretaries and election directors to ensure that it is shaped accordingly.

Mr. Fries asked how business performance requirements for the new systems would be obtained. Mr. Miller explained that the system's business requirements are being collected through an online request for comment process. He said that a virtual domain community concept was created for feedback, development, and advocacy. The concept is called a "Design Congress" for stakeholders from Design Senate (2 election officials from each state), Deployment House (up to 6 additional county/precinct level officials), and Special Needs System Advisory (invited non-governmental voting experts). He described the process as both top-down and bottoms-up to initiate the prototype development and obtain input. There was discussion of the size of the community and the manageability of such a group.

Mr. Cloutier asked if there is an anticipated plan to handle recertification with the EAC following initial certification of systems. Mr. Miller said that if the stakeholder community has amendments, they would be drafted and recertified. He said that ideally, the OSDV would work closely with the National Institute of Standards and Technology (NIST) to design functionality that matches NIST's test requirements. This would potentially enable a faster throughput for revisions, and would reduce the costs for other vendors as well, since they would have access to the resulting specifications and system designs.

Mr. Stevens asked about the potential for creating transparent and secure interfaces between separately certified modules (such as an optical scanner and an election management system) so that certification of revisions could be reduced to analyzing smaller components. This approach would necessarily involve an alteration of the current EAC end-to-end certification process. Mr. Salas indicated that it was technically possible to create transparent and secure interfaces between modules. Mr. Miller stated that they consider themselves an agent of change and not an advocate.

Mr. Stevens noted that New Hampshire and a number of other states have other approval models than the federal certification process.

Mr. Miller said that four major work areas today include a statewide voter registration system (design specifications from California), a ballot design studio, ballot casting and counting (source code contribution from North Carolina), and election management services (specifications from Connecticut).

There was discussion of Mitch Trachtenberg's open source optical scanning code. Mr. Salas commented favorably on the application.

Mr. Miller explained the OSDV accomplishments to date include participation in the Congressional Internet Caucus and the United States Election Assistant Commission's Voting System Risk Assessment (VSRA) Project as part of the blue ribbon team. OSDV associates are

represented on the Department of Homeland Security's Advisory Group. They have established the "Design Congress." They have been appointed to the San Francisco City and County Voting Systems Task Force Commission. They have been invited to provide testimony on open source systems by state legislatures. They have made presentations at conferences, and have formed an alliance with Rock the Vote. As a matter of general information, Mr. Miller speculated that Diebold would not long remain in the business of vote counting in public elections.

OSDV's two-year roadmap was reviewed and discussed.

Mr. Manning called a recess at 12:25 p.m. and reconvened the meeting at 12:58 p.m. Representative Drisko left the meeting at 12:50 p.m.

- **Presentation: TEV Systems**

Mr. Mitch Trachtenberg from TEV Systems joined in a conference call from California at 1:00 p.m.

Mr. Trachtenberg provided background information on the Humboldt County Election Transparency Project and his open source Ballot Browser. Mr. Stevens asked about specifics regarding the cost of potential scanners that his software might support. At this time, he is speaking with Bell and Howell to interface with an equipment driver of a mid-range commercial scanner that sells for about \$7,000. Mr. Trachtenberg explained that as the technology evolves, the scanner will take two passes at a ballot and retune to achieve further accuracy.

Mr. Stevens asked about integrating smaller scanning devices that could be used at the precinct level. Mr. Trachtenberg said that if an entity was making a large purchase that it would be reasonable to create a smaller precinct-level optical scanner unit for \$1,000 to \$2,000.

Mr. Trachtenberg described the highlights of his system regarding scanning capacity, software and customization for ballot review, which includes lists to flag questionable ballots and errors and its report generating ability.

There was discussion regarding the amount of time to configure an election management system that would interface with such open source scanning technology. Mr. Trachtenberg said he would need more information to obtain the project scope and specifications. His first cut estimate would be from 1-6 months of systems analysis and programming.

There was a clarification with respect to applying a unique mark or identifier to a specific ballot, in that the mechanics for doing so would require additional software and hardware for a commercial scanner.

Representative Drisko arrived back at 1:31 p.m.

There was discussion of security. Mr. Trachtenberg noted the differences between his system and current Diebold optical scan system used in Humboldt County, CA. His system has added features which include storing the image, digital signing, and auditing based on the images for security and verification. It was noted that the communications protocol between the scanner and the computer is open source. The equipment driver may be modified accordingly.

He clarified what his system had accomplished in Humboldt Count, CA. His count had been done after the election, completely independently of the original machine count. With a team, in cooperation with the county elections office, they had scanned the ballots into their system and conducted an independent count using his open source software.

Following the conference call with Mr. Trachtenberg, there was discussion of the differences between an entity that creates a single solution to a specific problem (Mr. Trachtenberg's) versus a wide range methodical solution (OSDV's) that would form the basis for many solutions. The specific solution approach would take a shorter time to accomplish than OSDV's challenge to create a system for 55 states and territories, with over 1,000 templates to manage.

Mr. Stevens asked about an election management systems that might create a template to interpret the output from an optical scanner such as Trachtenberg's. Such a design would enable de-linking of election management system from the counting technology and thereby improve security and transparency, since a would-be tamperer could not readily associate a candidate name with scanner output.

Mr. Scanlan noted he was hopeful based on the presentations today. The committee concurred that it was encouraging.

Mr. Stevens noted that the committee had asked for further expert testimony. That explains the agenda today. Representative Drisko suggested Jack Carroll as a speaker. (Mr. Carroll has been invited to join the committee meeting on May 26, 2009.)

Mr. Stevens suggested a conference call interview with Pamela Smith, President of Verified Voting, for a perspective on post-election auditing. Mr. Stevens suggested the committee could prepare for the meeting by visiting the websites of Verified Voting Foundation and the Pew Charitable Trusts and look for analysis of post election audits.

The committee agreed to focus on developing specifications and the Request For Information (RFI) at the next meeting.

- **Approval of Minutes – March 9, 2009**

Mr. Manning requested any amendments and approval of the minutes from the last meeting.

Ms. Hutchison moved to approve the minutes of the March 9, 2009 Electronic Ballot Counting Device Advisory Committee meeting. Mr. Fries seconded the motion.

Representative Perry noted a name misspelling that should read as "Mr. Ion Sancho," Leon County, Florida, Elections Supervisor.

Representative Perry asked that, on page 4, under "Objective – Reasonable Cost" in subsection d. the term "in process" be added at the end of the sentence, and that, in subsection e. the word "obtain" be added at the beginning of the sentence.

Motion passed as amended with Ms. Hutchison abstaining.

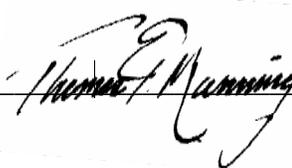
Ms. Hutchison questioned the draft mission statement that was adopted at the last meeting. Representative Drisko noted that is the mission set forth by the Legislature. Some commented that the mission may not be fully accomplished.

Ms. Hutchison noted that the committee was not in agreement on (a) exclusive election official ballot configuration and (b) voter interaction with a vote counting machine. Mr. Stevens explained the different points of view from the last meeting. Mr. Stevens noted that it remains a draft mission and goals statement, subject to further input prior to finalization.

The Committee concurred to inviting Pamela Smith, President of Verified Voting, in a conference call at the forthcoming April 27 meeting.

Mr. Manning noted the next meeting will be Monday, April 27, 2009 from 9:30 a.m. to 1:30 p.m. The meeting was adjourned at 3:11 p.m.

Minutes taken and typed by: B. Christopher Maxwell

Received by:  _____, Thomas Manning, Temporary Committee Chair