

# Electronic Ballot Counting Device Advisory Committee

Meeting Minutes of July 13, 2009 at 9:30 a.m.

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

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Members' Attendance:

Thomas Manning, Assistant Secretary of State & Temporary Chair  
Representative Richard Drisko  
Walter Fries, Moderator, Danville  
Representative Suzanne Harvey  
Adrienne Hutchison, Public Member  
Representative Robert Perry  
Anthony Stevens, Assist. Secretary of State  
James Tetreault, Town Clerk, Winchester

Guest:

Representative Tim Horrigan

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## I. Call to Order

Temporary Chair Mr. Manning called the meeting to order at 9:35 a.m.

The Committee adopted the April 6, 2009, April 27, 2009, and June 22, 2009 minutes, with changes.

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Members discussed what sort of temporary recommendation the committee could make regarding upgrades to the existing Accuvote system. The state's requirement that candidates be staggered in state representative races, justified by years of recount observation, is unique among the states, and the Premier Accuvote systems may not readily accommodate it, according to Premier engineers. This limitation may prevent the state from upgrading chips in its existing Accuvote optical scanning machines to address some of the issues raised by Harri Hursti. Alternately, the Legislature, after consulting the service vendor, LHS, on the subject, could consider removing the staggering requirement and upgrading to Version 1.96.8 or, ultimately, something higher. LHS has in the past developed work-arounds to solve technical issues that the software and hardware engineers at Premier (Diebold) would not address. John Silvestro, President of LHS, has been queried and will be getting back to us regarding whether the Accuvote Version 1.96.8 or later chips would accommodate a ballot format with staggered state representative candidates.\*

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\* On August 27, 2009, John Silvestro informed the state via email that LHS had obtained the latest GEMS and firmware versions (1.96.13) and tested the ballots from the past Presidential election. They were able to configure the memory cards to match the existing requirements, including the column width of 7,7,7,6 and the staggering of candidates for the representatives race. He confirmed that version 1.96.13 contains all the revisions in 1.96.8, including the "most recent security revisions," and is EAC certified to the 2002 Voting System Standards.

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With regard to the committee's longer term mandate, members discussed how to design a system that the general public considers secure from automated input (e.g. hacking through external port, wireless) but that can produce immediately available data that can be used by the general public, the press, and the Secretary of State quickly. There would be no port or wireless access designed into such system that would enable the software or hardware to be altered electronically after ballot configuration (input of ballot layout and contests) had occurred and it had been tested by the clerk and moderator prior to the election. (See Election Procedure Manual, page 132). At this time, on election night, the press and the general public are able to collect unofficial results from local election officials and independently tally these results. Within two days, the Secretary of State is able to collect this data, review it and confirm it, and report it as official results, in time for the recount request deadline on the Friday of the same week.

If election results data were in a digital format that is uploadable from the ballot counting machine in an election markup language that is in human readable format, that might constitute one transparent approach for the general public, the press and the Secretary of State to obtain election results. However, that would require a port for uploading, which members of the public might wonder about whether it could be used to affect the results – even notwithstanding a design to the contrary.

Alternately, if there were no port to upload data, all data would appear on paper, and there would be little chance for the press, the general public, or the Secretary of State to quickly obtain and get the data into a usable format. This is akin to the current system, which is not broken. However, the general public occasionally mistakes the sources of data, often prefers to obtain it sooner than it can be supplied, and likes to be able to manipulate it and analyze it immediately.

The members discussed current state law regarding voting systems and past practice in acquiring optical scanning vote counting machines. If these are a guide, any contract for vote counting equipment would be between a vendor and a local jurisdiction. Towns and cities would purchase a new system when:

- (a) they had the funds,
- (b) they had a perceived need and inclination,
- (c) they were given no choice in the matter (were the Ballot Law Commission to decide to approve only one system), or
- (d) some combination of the above.

The existing law raises the possibility that the state might have to print two types of ballots, one for the older system and one for a newer one during a transition period. This extra major “seam” (ballot configuration, data entry and proofing requirement) might be problematic for the Secretary of State, which has difficulty finding resources to satisfy all requirements between the primary and general election, particularly since the passage of HAVA and the need for in-house ballot configuration and proofing of accessible voting systems. To avoid a prolonged transition period, such as the 12-14 year period which occurred with the simultaneous operation of the Optech and Accuvote scanners, the Legislature might have to enact legislation.

There is the possibility that a more modern election management system, with fewer seams (ballot configuration, data entry, and proofing requirements) between systems that each require ballot design, data entry, proofing, and follow-up, might enable towns to save money on data entry of names on the ballot (currently referred to as "ballot configuration" or "ballot programming") to partially offset the cost of new systems. Data entry costs over a 15-year lifespan of an optical scanning machine are roughly \$20,000 - \$40,000 (depending on local ballot length & SB2 status), as contrasted with the \$6,000 capital cost of a machine. This is based on 5 federal-state elections every four years @ \$500/election and local elections that range from \$500 to \$1,200 per local election.

New systems would presumably rely on new digital scanning technologies, which would result in greater ballot printing tolerances, and might reduce the cost of printing and proofing ballots.

There was discussion of the forthcoming Request For Information (RFI). The release thereof is pending agreement on scope and approach and completion. The RFI scope would include an optical scanning system, election management system (including ballot design capability), interfaces with the printer, optical scanning system and accessible voting system.

An automated read-back capability might be included as an option. The draft Revised Federal 2005 Voluntary Voting Systems Guidelines, currently subject to public review and input, require an automated read-back capability, so that persons with disabilities can insert a marked ballot and have it read back to them.

Members felt it may make sense to attempt to involve other states in establishing the specifications, so that the potential market size for such a system could be potentially expanded to include those states.

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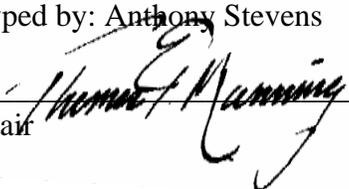
Assignment for the next meeting: Every member is to develop a list of issues to be addressed for the committee report due in November.

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Mr. Manning adjourned the meeting at 1:45 PM.

The next meeting date was set for July 27, 2009 at 9:30 AM.

Minutes were taken and typed by: Anthony Stevens

Received by:  \_\_\_\_\_, Thomas Manning,  
Temporary Committee Chair