

Electronic Ballot Counting Device Advisory Committee
Meeting Minutes of July 27, 2009 at 9:30 a.m.
71 South Fruit Street, Concord, NH, HAVA Conference Room

Attendance:

Thomas Manning, Assistant Secretary of State
and Temporary Chair
Walter Fries, Moderator, Danville
Representative Suzanne Harvey
Representative Richard Drisko
Anthony Stevens, Assistant Secretary of State

Also Present:

Representative Tim Horrigan

I. Call to Order

Temporary Chair Mr. Manning called the meeting to order at 9:59 a.m. and noted there was no official quorum (6 member minimum for a quorum, 4 members present at the time.) However the meeting would continue as an information session. Representative Harvey arrived at 10:10 am.

Approval of Minutes: July 13, 2009

Mr. Manning asked for the committee to review the minutes of the July 13, 2009 meeting. Mr. Fries expressed confusion with paragraph one, page one, and recommended a footnote provided further details.

Mr. Fries noted that on page 1, paragraph 2, the words “automated” and “automatically” appear confusing and asked for clarification. Mr. Stevens provided clarification in the sentence. Mr. Manning suggested removing “automatically upload.”

There was discussion of the unofficial results and how the results are reported. Mr. Fries suggested a more automated process for providing results directly instead of allowing the press to canvass each polling place on election night for unofficial results. This suggested approach would have the clerks at each polling place use a common version of software to enter election results (including both machine results and hand counting of ballots not counted by machines) for automated upload to the general public in readable format. This approach would require hardware, software, and connectivity.

Mr. Stevens explained the current process and the benefit of having unofficial results available on election night, since it achieves transparency that would not otherwise be available and does not incur additional costs of hardware, software and connectivity. He said the method described by Mr. Fries has been considered in the past, and could enable clerks to more effectively reconcile results on election night. He pointed out that, if the system were to provide complete reporting and reconciliation capability, it would need human intervention to enter the candidates tallies from hand counted ballots, names checked off on the checklist, etc.

Mr. Fries noted in page 1, paragraph 2, that voting machine testing should be done by the moderator, not the clerk. Mr. Stevens said that, under RSA 656:42, the Secretary of State shall include protocols for the testing of voting machines in the Election Procedure Manual. On page 132 of the Election Procedure Manual, the Secretary of State establishes the instructions for

voting machine testing, addressing both clerks and moderators in the memo. RSA 659:60 states, “the moderator shall oversee the counting of votes...”; hence general responsibility for vote counting lies with the moderator. RSA 659:74 states, “ the town or ward clerk shall prepare the election return ... and shall sign and certify such returns.” RSA 659:80 states, “If a town or ward clerk shall knowingly make a false election return, he shall be guilty of a class B felony.” Hence, general responsibility for election reporting lies with the town or ward clerk. Mr. Stevens concluded that both clerks and moderators should conduct voting machine testing and said he would ensure that the appropriate revision is made.

Representative Drisko inquired about errors during the transcribing process of election results. Mr. Stevens noted that transposition errors do occur and follow up has to be conducted the next day by the Department of State. Discussion ensued about the ideal timing of election date release and human intervention of input.

Representative Harvey questioned whether the Secretary of State receives the machine tapes. Mr. Stevens explained that the moderator provides a final tally based on the machine and hand count. (Refer to September 13, 2009 meeting minutes.) He noted that the machine tape is only a portion of the final tally and the law does not require the Secretary of State to receive the machine tape. Mr. Stevens explained that based on the current timeline and the limitations of current staff levels, the Secretary of State would not have time to review the machine tapes and compare them with election results submitted. Mr. Fries noted that this approach seems labor intensive and again recommended an automated system of election reporting for accuracy. There was discussion about the number of people reviewing the election night results at the polling place.

Mr. Fries commented on page 2, paragraph 4, indicating that towns and cities should not be procuring devices on a piece-meal basis. Rather, there should be an overall state regulated procurement for efficiency and cost effectiveness. Mr. Fries explained that the terms of the agreement(s) should be standard and the town/city would determine how many devices to purchase.

Mr. Manning observed that the Ballot Law Committee currently approves the device and decides whether one or more models can be used. Representative Drisko expressed concern with the capacity and effectiveness of the Ballot Law Commission in the approval process, noting that there are no persons with technological expertise on the panel. Mr. Manning suggested possibly changing the law to rely on a different group for approval of ballot counting devices.

II. Meeting Business

There was discussion of ballot proofing demands at five major junctures:

- (a) transmission of the ballot configuration data to the printer,
- (b) ballot layout creation at the printer,
- (c) manual ballot configuration by LHS Associates,
- (d) verification by the Secretary of State staff and local Town and City Clerks
- (e) corrections as needed by the Secretary of State

Representative Drisko asked how often errors are made in the ballot creation and printing process. Mr. Stevens explained that errors are common, but they are generally found early in the process; however, occasionally one or two batches need to be reprinted late in the election process. It was noted that reprinting ballots due to errors can be expensive depending on the size of the community.

Mr. Fries noted that as moderator he estimates that after a voter submits a ballot to the machine, 20% of the ballots are pushed back out by the machine after the first attempt. Mr. Fries explained that, as a routine check, he verifies the machine count to names checked on the voter checklist and a manual count of at least one race.

Representative Drisko addressed the assignment for this meeting, noting specific items for the specifications and requirements. Representative Drisko noted that the Request For Information (RFI) should be organized to accomplish the goal of getting back more detailed specifications from the vendors, so that the ensuing RFP can be further refined.

There was discussion of requirements and detailed specifications. Mr. Fries noted that the specifications need to have adequate systems performance specifications. Mr. Stevens noted that in the RFI process, certain specifications, such as ISO-9000 (which calls for a highly uniform product) can be set forth. Mr. Fries explained that establishing detailed specifications can help alleviate problems down the road.

Mr. Manning suggested that we can insist on receiving the current machine specifications from the vendors.

Representative Drisko concurred with Mr. Fries regarding the goal of establishing detailed specifications.

Mr. Stevens identified the goals established and how they interact and sometimes work against each other, explaining that different vendors will approach the trade-offs between the following goals differently: Transparency, Accuracy, Independence, Privacy, Security, Dependability and Accessibility and Cost/Practicability. Mr. Stevens said we may want to see how the vendors address these trade-offs before establishing detailed specifications.

There was discussion of the process and it was agreed that a smaller group working on system specifications would be effective. The time requirement to reach RFI completion was discussed. Mr. Fries suggested the RFI be provided to our previous guest experts for review.

Mr. Manning suggested that the committee review the requirements in place as a template. Mr. Stevens presented the 2005 Request For Proposal (RFP) for accessible voting systems and observed that it had high level requirements.

Mr. Fries explained that the system requirements and specifications need to be completed so vendors can know what the committee wants. Mr. Stevens noted the committee will need to obtain feedback from the vendor community. Discussion ensued about requirements, limitations, and feedback.

At 12:15 p.m., a brief recess was declared for lunch. The meeting continued at 12:48 p.m.

Representative Drisko observed that there were numerous specifications implicit within the goals and objectives. There was discussion of those items listed within the June 22, 2009 meeting minutes.

Representative Harvey stated that the overall cost to the state and the towns and cities should be considered in the report. Mr. Stevens noted that the 2005 RFP for the accessible voting system

required a comprehensive (state and local) cost-of-ownership multi-year projection from each vendor for their system. It ultimately proved very useful in the comparative analysis.

Representative Drisko suggested combining the goals and checklist in the June 22, 2009 meeting to the RFI.

Mr. Manning suggested that an RFI is not needed by the November report deadline. Representative Drisko felt that they should try to extend the deadline using a legislative process, but it would take time. Mr. Stevens noted that the meetings would likely become drafting sessions. Mr. Manning offered the suggestion that a drafting group meet on the RFI and report back to the full committee for review.

There was discussion of the Drafting Group members. It was agreed that Mr. Fries and Representative Perry would be part of the group and work towards a revised draft. Mr. Stevens suggests the process would take over a month.

The scope was discussed to ensure items are reflected such as ballot readers and any legislative amendments to resolve conflicts.

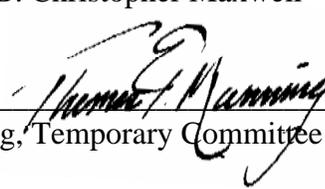
Representative Harvey requested a complicated ballot such as a Senate Bill 2 town ballot be brought to the next meeting as informational.

Mr. Manning announced that the next meeting will be Monday, September 14, 2009 at 9:30 a.m.

The meeting was adjourned at 1:57 p.m.

Minutes taken and typed by: B. Christopher Maxwell

Received by: _____


Thomas Manning, Temporary Committee Chair