APPEARANCES

PANEL MEMBERS

Mr. William P. Wood, Chairperson
Ms. Caren Daniels-Meade
Ms. Pam Giarrizzo
Mr. David Jefferson
Mr. Lee Kercher

STAFF

Mr. Bruce McDannold, Program Manager
Ms. Lisa Niegel, Staff Counsel
Mr. Michael Wagaman, Elections Analyst

ALSO PRESENT

Ms. Kim Alexander, California Voter Foundation
Ms. Janice Atkinson, County of Sonoma
Mr. Alfie Charles, Sequoia Voting Systems
Ms. Sherry Healy, DFA-Marin
Ms. Deborah Hench, San Joaquin County
Mr. Jim March, BlackBoxVoting.org
Mr. Pete Martineau, Californians for Electoral Reform
Ms. Conny McCormack, Los Angeles County Registrar/Recorder/County Clerk

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APPEARANCES CONTINUED

ALSO PRESENT

Mr. Chuck O'Neil, Californians for Electoral Reform

Ms. Gail Pellerin, Santa Cruz County Clerk

Ms. Gloria Purcell, League of Women Voters, El Dorado County

Ms. Maureen Smith, Californians for Electoral Reform

Mr. Michael J. Smith, Peace & Freedom Party

Mr. C.T. Weber, Peace & Freedom party

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CHAIRPERSON WOOD: Good morning. We're going to get started now. And if Ms. Daniels-Meade can join us as the meeting progresses, we'll just simply continue on then.

Let me introduce myself. My name is William Wood. I'm Undersecretary of State of the Secretary of State's office. On my left is Lee Kercher, who is head of the Information Technology Division in the Secretary of State's office; David Jefferson; Caren Daniels-Meade on my right; and Pam Giarrizzo, who is Chief Counsel in the Secretary of State's office.

Just as a scheduling matter for this meeting only, we're going to be going through Item No. 1 -- Item No. 2 has been taken off the agenda for this meeting -- Item No. 3, and then Items No. 4 and 5.

And, again, just for purposes of this meeting, Item No. 3 is going to be addressed; any public comment, any comment from staff. And we will be able to make a decision on that at a later point. But we'd obviously be delighted to take any written or public comment.

And I think we'll be following the procedure that I believe most of you are probably familiar with in terms of filling out a card if you wish to speak on a particular item.
Before we go any further I wanted to also take an opportunity to thank and express the Secretary of State's office's appreciation to Michael Wagaman, who has served very capably and with great professionalism and great dedication as a staffer to this Panel. And I have not had the opportunity to work with him very much. This will be the one and only Panel I will be able to do that with. Mr. Wagaman will be returning to the Legislature, at their request. But I did want to express my thanks for his hard work. From what I've seen in terms of his preparation for this meeting has been impressive. So I thank you. I'm sorry it's just going to be this one meeting. But we'll make it a good one.

So with that in mind, let's begin with item No. 1 please. Sequoia Voting systems.

ELECTIONS ANALYST WAGAMAN: Thank you, Mr. Chair.

This is an application for Sequoia Voting Systems for a series of optical scan systems. These are all Optech systems. So they all use a common ballot. It's the complete-the-arrow ballot that you may have seen previously, for the whole Panel members.

The application consists of five components. Four of those components have been parts of previous certifications.

First is the EMS/AERO Version 3.54.1. The
EMS/AERO's their central tabu -- it's one of their central tabulation systems. It's an older system. It was last certified in October of 2003 as Version 3.53. The versions between that version and the version before you today includes support for the Optech Insight, which I'll be getting to later, which is a new product for the vendor.

The second, they had support for other products in the EMS/AERO that they -- that was stripped out. So now EMS/AERO basically only supports those Optech systems. And, third, they made changes in order to bring the EMS/AERO up to 2002 federal qualification standards. So an older system just back -- component is up to the 2002 standards.

The second item is the Optech 400-C. This is the central count system. I believe there's a picture of it in the consultant's report. It's a rather large product. It's a high-speed, high-volume scanner. It's been in the state for years.

It was last certified in September of 2004 as version 1.02b. The version changes between that version and the version before you today include the ability to capture ballot images. That's something Panel members may be familiar with coming up with the 400-C in the context of a different vendor, ES&S. The reasons it's being
captured is for a similar reason, in order to in future use for a ranked choice voting. That is not -- functionality is not part of this particular application, but that changes part of that firmware to allow that at a future date.

The other changes again bring it up to 2002 qualification standards.

This third product is the Optech Eagle. That version number is -- there are several different components of the Optech Eagle: The HPS 1.30 and the HPS 1.52. All of those -- both of those were previously certified, so that is an unchanged product from the previous certified version. It's just certifying it with the new central tabulation system.

The fourth product is the -- the fourth component is actually the new product. It's the Optech Insight. It's a precinct counter like the Optech Eagle. It's basically an evolution of the Optech Eagle. If you look at them internally, they look very similar. As much as -- vendor, I can refer to it as an Eagle on steroids.

Some of the improvements of the Insight as opposed to the Eagle include an expanded memory pack, improved read heads so it will read a wider range of marks than the -- and a wider range of pens and pencils those, kind of things, than the Eagle will. It also includes a
Then the final product is what's called the -- our final components are the MPR, Memory Pack Reader, and the SPR, Smart Pack Reader. Those are peripheral units that are used to program the memory cards for the Optech Eagle and Insight. It's a peripheral product. It has been used in previous certifications. However, it's not been listed in previous certification documents. This is part of our continuing evolution of trying to capture peripheral items as part of the certification, so it's part of the new-found focus on that.

So, again, this is a product that's been part of certifications before, but does not appear in previous certification documents.

This product -- this whole series of items has been federally qualified. As I mentioned previously, some of the items have been brought up to the 2002 standards. However, some of the items are still of the 1990 standards, so the overall qualification is to the 1990 standards.

State testing was conducted in Oakland, California in late February. In addition, this was the first product where we began what I refer to as open house day, which is where we bring in some of the vested other
members of the -- in the voting systems community, the
members of the Technical Advisory Board, representatives
from the accessibility committee from the 301 Task Force,
and representatives from the counties, in order to allow
them to lay hands on the equipment and look at the
equipment prior to coming forward to the Panel so that the
Panel can have a more wide-ranging and informed discussion
and debate.

During the testing, generally everything was
successful. However, there were a few issues of note.
One -- I'm going to skip to the second one -- is that
there were a few obsolete software utilities that were
discovered. They are not necessary to the use of the
product for California election. And because they were
not -- they were not subject to the federal qualification,
they were not federally reviewed. Because of that, past
practice has been that it's fine that those products
exist; however, they -- well, we said is that they cannot
be run on the same system that is being used for the -- by
the certified products. So for the certified product, any
non-COTS code has to be kept separate and away from that.

These products because they're obsolete and have
basically been replaced with a COTS product, basically
they're just going to be scrapped.

The other thing of note is that they have added a
feature called an unvoted contest warning. Previously when you'd insert a ballot in one of the precinct counters, it could notify the vendor if -- the voter if they have over-voted. It could also notify them if they had cast a blank ballot. This additional product would allow the county or the jurisdiction to specify a specific race. For example, the presidential race or the top of the ticket race and say, if that contest had been under-voted, then to again give the voter a warning and a chance to correct that. It's in response to some of the residual vote issues that have come up.

What came up during testing though is, in order for that feature to be used, to work properly, both the blank ballot reject and the overvote reject options have to be turned on. If they are not -- both of those are not turned on, that third option of the unvoted contest warning will not function properly.

From the staff perspective, the most likely configuration of a precinct would be for having both of those other features turned on if you were going to have the unvoted contest warning on. But it is a potential source for error. As such, when we get to the recommendation, staff did not make a recommendation on whether to allow the use of that feature or not. That's an item for consideration for the Panel.
As far as compliance with other federal and state laws, the one item of note is that this is again an optical scan system. It does not have an accessibility component. Therefore, it will meet some of the compliant components of HAVA. In and of itself it would not need any particular HAVA accessibility requirement.

Again, as I mentioned earlier, we did have an open house on March 2nd held in Oakland. Approximately 15 to 20 people did participate. They did not -- I did not receive any written or oral comments that would go beyond the scope of the staff report.

There was no timely public comments received for this application. However, there was one late public comment from Mr. Jim March, who had questions about more generic and not just to this system about whether the county -- whether the public should be allowed to observe the central tabulation system and observe the monitor basically, and whether that would fall under the definition of the Elections Code. Also what components of electronic records are subject to Public Records Act or requests. That was the only public comment received on this item.

Which leads to a recommendation, which is that certification of Sequoia Voting Systems -- I apologize for reading all those -- EMS/AERO Software Version 3.54.1;

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1 Optech 400-C 1.10.5; Optech Eagle, consisting of HPS 1.30, APS 1.52; Optech Insight, consisting of HPX 1.40, APX 2.06, CPX 1.12; MPR, Memory Pack Reader, 2.15; and Smart Pack Reader, SPR, 1.04, with the following conditions:

And some of these for the current Panel members will be familiar. But I'll walk you through them because some of them are boilerplate language, some of them are unique to this application.

One is typical boilerplate language that -- we say that these -- again, these software utilities which are not -- which are developed by the vendor, which are not necessary to running the election, but which have not gone through federal code review, can exist but they cannot run on the same system as the central tabulation system, because we discovered several of those appli -- of those programs -- during the testing we make specific reference to those specific programs in addition to the generic statement as to any of those cannot be used with certified product, on the same system as a certified product.

Second is a boilerplate language basically saying that the system cannot be modified in any way without permission.

Third is an item that has been added late last year, that basically gives the Secretary of State's office

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the right to make modifications to the use procedures, which is the document that describes how the system is supposed to be used to run California election. It allows the Secretary of State's office to make modifications to those to improve the accuracy, reliability, or security of the voting system with proper notification. The issue is then previously -- the use procedures were basically locked to the certification. So if a change may be made, in essence, required a new certification or at least a new administrative approval.

Four is again boilerplate language referring to the Election Observer Panel plan. This is language that was in the Election Code, was taken out, but there was -- felt the need -- but it still needed to be done. So it exists now as part of the certification as opposed to the Elections Code.

Five. This is an item that was added by the previous administration. It basically requires that before the system is used in the state, that the vendor enter into agreement with the Secretary of State' office to provide source code upon demand for review should the Secretary of State's office deem that to be necessary. And that, further, that the vendor would agree to pay for any reasonable costs associated with that source code review. This is, in essence, preserving the option for a
source code review should it be deemed necessary at a future date.

And then the final item is again that there is no recommendation on whether this unvoted contest warning feature should be used. Options would be to either just make sure it's mentioned in the use procedures, which it is; to not allow the use of the feature; or to make explicit in the certification that it can only be used in configuration that was -- that successfully worked during testing.

With that, that concludes the staff report. Staff is available for questions. A representative from the vendor is also available if you have questions for them.

CHAIRPERSON WOOD: Thank you very much, Mr. Wagaman.

Let me begin first: Any questions from the Panel for staff?

PANEL MEMBER DANIELS-MEADE: I have a question.

Yeah, Mr. Wagaman, one of the issues that was raised relates to the obsolete software utilities that were a part of this and they're not a part of the federal testing. I know that we're saying they should be used. Is there a way to remove those utilities from the systems themselves?
ELECTIONS ANALYST WAGAMAN: Yes, yes. That is in fact the recommendation, that those not be installed on the system. They actually -- software utilities have come up in two different contexts in the past. One is where they are used to do additional functionality beyond what is necessary for either the federal or the state certification or qualification process. They're add-ons basically.

And the second context, which is here, which is where their old have, you know, been replaced but not taken out of the installation package, what we're saying here is basically they need to be taken out. So unlike some of the previous utilities where they'll still exist, they just won't exist on systems, these utilities should not even exist anymore. They've been replaced by a COTS package.

CHAIRPERSON WOOD: Mr. Jefferson.

PANEL MEMBER JEFFERSON: Yeah, I want to ask a little bit about that COTS package. I understand it's something called Ultra-Edit made by a company called IDM; is that correct?

ELECTIONS ANALYST WAGAMAN: That is the product that was demonstrated during testing. It is not -- so, that is, if you -- so a different product -- a different COTS product potentially could be used to do that.
functionality. Basically what it does is it allows the --
it's related to the primary elections here with the
crossover voting issue. It allows the ballot definition
to be modified in such away that it will set up basically
the shadow erase so that you can do the counting on that.
So it's basically just modifying -- taking the code --
putting it into a format such that it can be manipulated.

PANEL MEMBER JEFFERSON: All right. I understand
that.

I guess my -- my question was getting at this:
Because this is a COTS product, does Sequoia have a
license for the source for this code so that should the
Secretary of State want a source code copy, that we could
get a copy of this? Are we replacing code that Sequoia
does have the source to with code that Sequoia does not?
This is basically my question.

ELECTIONS ANALYST WAGAMAN: That would be a
question you would have to pose to the vendor.

PANEL MEMBER JEFFERSON: Okay. When the time
comes.
Thank you.

CHAIRPERSON WOOD: Any other questions from the
Panel for staff?
I'm sorry. Lee.

PANEL MEMBER KERCHER: The consultant testing
report on page 3 appears to be a quote from material from
Sequoia Voting Systems and, quote, "SVS recommends a
third-party product for security agent for use to protect
against unauthorized entry into the system with WinETP"

And following the discussion suggests that
testing of that was not successful during that testing
period. And it ends with a recommendation that if we're
going to be using that software, that SVS needs to provide
specific guidelines for setting up and use, be entrusted
of course with your comments as well, potentially the
vendors as well.

ELECTIONS ANALYST WAGAMAN: Well, I'll allow the
vendor to comment as well. Basically what happened during
testing is the installed product we were -- we installed
the product on the system that is -- that was writing
central tabulation system, that's part of what we're doing
now, is -- and again during the evolution of testing is
trying to get the environmental testing on as close to
what is described in the use procedures as possible. So
if the use procedures describe antivirus software
requiring the vendor to install the antivirus software,
make sure that doesn't create a conflict.

In this particular situation, there were -- it
was a time-consuming process as the vendor was trying to
figure out exactly what options to turn on and off with
this particular product in order to have it function properly. So it was -- I don't want to misclassify this. It was potentially just a lack of -- of familiarity with the product with the people who are part of the testing of that, as opposed to a conflict with the product with the code itself. So it was an -- it wasn't an interaction with the software. It was a lack of sufficient knowledge about the operation of that COTS package.

PANEL MEMBER KERCHER: Now, you haven't carried forward into your recommendation; it was the recommendation that came out in the independent consultant's report that it would require that they provide specific guidances there?

ELECTIONS ANALYST WAGAMAN: Part of that attaches back to the fact that we're preparing a revised application. That's one of the items we're preparing to ask for and provide voter systems applications. So it's something we would already have asked for for the party to obtain. If that's something that the Panel wanted to attach to this certification, it would be reasonable.

PANEL MEMBER KERCHER: Okay. Thank you.

CHAIRPERSON WOOD: Any other questions from the Panel?

Thank you.

Is a representative of the vendor here?
MR. CHARLES: Good morning. Alfie Charles with Sequoia Voting Systems. I'd be happy to answer any questions that Mr. Wagaman had to answer. But he's probably done a more thorough job on much of this than I'll be able to initiate. So I'll leave it with them. And if you have questions for me directly, I'd love to take them.

PANEL MEMBER JEFFERSON: Well, so again, my question about the utility that would be packaged in place of the utilities that are being phased out. Does Sequoia own or have license to a source code for this should the Secretary of State want to include it in any call for a source code?

MR. CHARLES: When I heard your question I sent an E-mail to try the find out the answer. I don't know the answer off the top of my head, but I can get that to you. But I should also say that that functionally will shortly be replaced when it's folded into our next certification of Win EDS, which will include a lot of California primary data as well as being embraced with this. So this is functional with that. And if the source code's available, that's something that we -- if it's available to us and available to us to provide to you.
under license, we would be happy to do that along with the
source code agreement that would be set forth with the
full package.

PANEL MEMBER JEFFERSON: Okay. And I don't have
any particular concern about this utility. Just a general
principle that I would like to -- for the Secretary of
State to have the option to have more source code, not
less, in the future.

Thanks.

ELECTIONS ANALYST WAGAMAN: And this is a point
of clarification, just for the new Panel members. WinEDS
is their other central tabulation system. It's the one
that used primarily -- it supports the optical -- or the
DRE's along with the -- optical scan systems.

CHAIRPERSON WOOD: Thank you, Mr. Wagaman.

Mr. Kercher, did you have a follow-up question?

PANEL MEMBER KERCHER: Sort of a general question
on the recommendation for the use of that third-party
for-security-agent product.

The consultant's report tends to vary on the
potential need for that based upon the level of operating
system that's used. It's suggesting, for example, that
the Windows 98 environment is more in need, if you will,
than more sophisticated versions of Windows.

Do you have any general comments on where that
first security agent requirement is, and on what counties
are using, if any, of the Windows 98 environment?

MR. CHARLES: I don't have a list at my
fingertips. I can provide that with staff and we can work
with staff on procedures if there's a recommendation for
one of those platforms at the county level. We can use it
or not use it, depending on the procedure at that county
level and the need for it. We can work that out with
staff in the procedure if that's appropriate to make.

PANEL MEMBER KERCHER: Thank you.

PANEL MEMBER JEFFERSON: I have one other
question maybe both staff and you would have -- be able to
talk about next. The procedures for the use of the modem
in the precinct count part of the system, I understand
that the protocol is that at the end of the day
preliminary results are transmitted electronically through
that modem to central count or at least they may be.

ELECTIONS ANALYST WAGAMAN: Can be.

PANEL MEMBER JEFFERSON: Can be, right. It's not
option or requirement.

And my question -- I apologize for it being
rather technical. But is this data transmitted over the
Internet protocol, over a telephone line, or -- and I'm
obviously concerned about the security of both ends of
that telephone conversation. And it's not as serious an
issue as it would be for DRE's where we have eliminated that part of the procedure. But at least we have the paper backup here for optical scan ballots. But I'm still concerned. And I'd like to know -- if this were a direct modem to modem to protocol I'd be happier than if it's Internet protocol over telephone. You may not know.

PANEL MEMBER CHARLES: I don't know. I apologize.

I can look into that and get back to the Panel.

I believe that it's modem. But I don't want to commit to that today. I just -- I need to confirm it.

ELECTIONS ANALYST WAGAMAN: One item on that for note to the Panel, something they have required previously and I believe it exists in these use procedures as well, for the modeming is that the paper record, the sum results at the end of the day be printed prior to the modeming process beginning --

PANEL MEMBER JEFFERSON: Is that still -- that is the current procedures --

ELECTIONS ANALYST WAGAMAN: I believe so.

PANEL MEMBER JEFFERSON: Now, that's pretty important. We should check on that.

ELECTIONS ANALYST WAGAMAN: If they're not, that would be an amendment staff would make prior to bringing forward the certification.
PANEL MEMBER JEFFERSON: Thank you.

CHAIRPERSON WOOD: Are there any other questions for the vendor?

Let me ask you a question, Mr. Charles. For some of the questions that you were unable to answer today for the Panel, how rapidly do you think you'd be able to get those answers?

MR. CHARLES: Oh, quickly. I would think this afternoon. I don't know that any of them are impediments to an action of the Panel today, but are things that we would work with the condition within the recommendation that we work with or that the staff is able to modify any procedures as necessary. So we can provide those answers and work that out before the end of the week, for sure.

CHAIRPERSON WOOD: Okay. Thank you.

Now, this is now the opportunity I think for some public comment. And we have one individual I believe who wishes to speak on Item No. 1.

Maureen Smith.

Would you come forward please.

And, again, let me -- now, just for this -- let me also do sort of a scheduling issue as far this goes. Just again to reiterate what's probably well known to you all, these are public meetings. Any comments you make is a public comment and could be available publicly. So,
again, just so we're all aware as far as that goes.

And then, second, just for purposes of scheduling at this meeting -- I'm not quite sure what the prior practice was, but I would like to limit public comments to approximately two minutes. And you obviously can go a little over. About two minutes. And does somebody on staff want to keep track of time please.

Mr. Wagaman nodded and sort of affirmatively.

All right.

MS. SMITH: My name is Maureen Smith. I'm wearing two hats today. The first hat is that of Californians for Electrical Reform. And I am asking -- or I'm saying rather that we're looking forward to seeing Sequoia apply for certification for IRV capability, as it would be good to have a competitor to ES&S.

And we also hope they'll be able to handle more than three rankings.

I'm taking off that hat and I'm just speaking for myself now. I have a couple of questions. I totally understand why you want unvoted contests warning. That may help you in reducing undervotes. But I'm curious as to how that feature works.

And I'm also curious about the paper roll at the end of the day. Is it like the DRE system in which you can actually -- it'd be difficult, but you could actually
tell how a person voted and therefore violate their privacy.

CHAIRPERSON WOOD: Thank you.

We also have one other speaker on Item No. 1, Jim March.

MR. MARCH: My name's Jim March. I'm a member of the Board of Directors of BlackBoxVoting.

I was going to make my comments on general security issues here. But I'm going to reserve that for No. 3, because that's our lump sum touch screen and other -- and tabulators and other stuff anyways.

I have two concerns about this item report, Item No. 1. The staff report very disturbingly has been heavily redacted. Large chunks of it are missing from public view in the versions downloadable off of the website -- your website. And my concern about that: Doug Jones -- Professor Doug Jones in Iowa has been talking about the dangers of security by obscurity for years. This is where security holes, security problems are hidden from view rather than fixed. The danger is that then only the county election officials are the ones who know about these security holes, these security flaws, and have the ability to -- pardon my French -- hack elections.

If security flaws exist to such a degree that they have to be blacked out in the staff reports from
public view, then that product shouldn't be used by anybody, public or county.

My second concern -- oh, I think I'll save these comments for 3.

Look, security by obscurity doesn't work. It's a bad idea. Every bank in the world transmits millions of dollars over wire transfers through publicly known algorithms. If an encryption process, a security process can't stand up to public review, then it shouldn't be used. This is well known in security and industry, as David Jefferson knows full well. And that's a problem, folks.

CHAIRPERSON WOOD: Thank you Mr. March.

On Item No. 1?

MS. HEALY: Yes.

CHAIRPERSON WOOD: All right. Thank you.

MS. HEALY: Hi. Sherry Healy from Marin DFA.

And also a part of the California Election Protection Network.

And we'd like to affirm what Maureen Smith said, and Jim March.

And we find it disconcerting that a representative who's speaking before a security panel would not have the answers to those questions. And I would hope that we're also going to look at AccuPoll that
just got certified. And obviously we want full transparency for any kind of central tabulation.

So that's our two cents.

CHAIRPERSON WOOD: Thank you very much.

All right. We'll close the public comment period.

Do I have any motions from the Panel as far as Item No. 1 on the agenda?

PANEL MEMBER JEFFERSON: I would actually like to ask -- I was not aware that any parts of the report were redacted on the website. What parts are redacted and what was the thought there?

ELECTIONS ANALYST WAGAMAN: The only portions of the report were redacted are those that are recommended by our technical consultant. He makes those determinations. The two things he will redact is if there's comments that are -- that contain proprietary information in them. So if you make references to a specific section of the code, for example, he will recommend redacting that to protect that into actual property.

The other place he will recommend redactions are places where he feels there's information that would create a security issue.

So those are the two -- those are the two places where we will make recommendations.
PANEL MEMBER JEFFERSON: And how much was redacted? It looks like a good fraction of it; is that correct?

ELECTIONS ANALYST WAGAMAN: There was I believe about -- of the technical consultant, where there was one page that was fairly heavily redacted. I can tell what it -- it primarily related to this utility package that we were discussing previously.

PANEL MEMBER JEFFERSON: The one being substituted for the ones that are being retired?

ELECTIONS ANALYST WAGAMAN: The nature of that utility package -- of the functionality of those utility packages.

CHAIRPERSON WOOD: Well, maybe I can address that just briefly, Mr. Jefferson.

I think the process that Mr. Wagaman described in general -- because we have the new administration, one of the things that Secretary McPherson has said is that he wants the election process and everything connected to the election process to be as open, as transparent as possible. We'll take a look at that and then see what we can do. And if there's ways to minimize that, we'll try to do that in the future.

I mean that's -- that has been his very clear sense of where he believes the Secretary of State should
be going, and in terms of making things as public as possible and as open as possible.

Yes, Mr. March.

MR. MARCH: Two quick things.

Mr. Charles has a copy of --

CHAIRPERSON WOOD: You need to come to the microphone please.

MR. MARCH: Sorry.

Mr. Jefferson, Alfie's got a copy of the redactions right in front of him. If you want to take a look at that paper and see -- Alfie, just hold up the redactions.

PANEL MEMBER JEFFERSON: Someone else did.

CHAIRPERSON WOOD: I'd like keep -- we want to keep an orderly process so --

MR. MARCH: No problem.

The other thing is, in context the redactions do not include source code review. This is not a source code protection problem. You can tell that from the scattered bits of context.

David, if you look at it, you'll see what I'm talking about.

PANEL MEMBER JEFFERSON: I'll look at.

Thanks, Jim.

CHAIRPERSON WOOD: Thank you.
So with that in mind, do you have -- anybody else on the Panel have any other comment or questions related to Item No. 1?

Okay. Thank you.

Any motion from the Panel regarding Item No. 1 in terms of approving the staff recommendation?

PANEL MEMBER DANIELS-MEADE: Mr. Chairman, I move adoption of the recommendations as proposed by staff, including the conditions that were listed. I would also like to see that an additional requirement be added that would indeed specify that the procedures had to be followed where the blank ballot and overvoted contest feature are both turned on for use.

CHAIRPERSON WOOD: Is there a second to that motion as described by Ms. Daniels-Meade?

PANEL MEMBER KERCHER: I might ask Ms. Daniels-Meade if she'd accept an amendment to that motion to add a requirement for the FSA procedures to be included as well?

PANEL MEMBER DANIELS-MEADE: Absolutely.

PANEL MEMBER KERCHER: And to use the language that's provided by the consultant that provides specific instructions and guidelines for setting up the FSA with the EMS/AERO and Win Optech -- Optech 400-C?

ELECTIONS ANALYST WAGAMAN: As a suggestion from
staff, the phrasing of that may be that any -- again, to
create boilerplate language that we can then use in the
future is: Any software packages specifically referenced
in the use procedures including, but not limited to, the
FSA package that you have. Those add additional
documentation.

PANEL MEMBER KERCHER: I'm all for --
ELECTIONS ANALYST WAGAMAN: Attach it that way?
PANEL MEMBER KERCHER: Yes.
CHAIRPERSON WOOD: All right.
I'm sorry. So is that amendment to your motion agreeable?
PANEL MEMBER DANIELS-MEADE: Yes.
CHAIRPERSON WOOD: Then with that amendment then,
is there a second to the motion?
PANEL MEMBER KERCHER: I would second.
CHAIRPERSON WOOD: All right. Is there any
discussion as far as that goes within the Panel to the
motion, to the amendment?
All those in favor of the motion as amended indicate by saying aye.
(Ayes.)
CHAIRPERSON WOOD: Thank you.
Motion carries.
Let us move then to Item No. 3, Grandfathered

PETERS SHORTHAND REPORTING CORPORATION  (916) 362-2345
Voting Systems.

ELECTIONS ANALYST WAGAMAN: This is a question for the Chair. Some of this information is covered at previous hearings. Would you like me to go over that information or just -- for the new Panel members or just kind of gloss over it --

CHAIRPERSON WOOD: I think, you know -- right. I think we can do this in a very summary fashion, if that's all right, Mr. Wagaman, since you say it has been covered in other public sessions.

ELECTIONS ANALYST WAGAMAN: Basically this is an issue that came up -- it's come up previously, but it came to a head in December of last year. There are several systems in the state that are -- that are state certified, but not federally qualified. Generally that has been because they predated the federal qualification process at least in their development history, hence leading to the term "grandfathering".

Questions were raised both by several counties and several vendors about how do these grandfathered products -- about how they will be handled in the future under the new environment. Specifically whether at any point federal qualification would become a condition to certification and, therefore, products that were federally qualified -- that lack federal qualification could be
decertified. Secondly, whether any modifications to those systems would therefore become a trigger to federal qualification.

So that's the issue that came up. Staff has in the past handled those on a case-by-case basis as directed. But there's not been a set policy. Staff brought forward this item to the Panel in order to see if there was a need for a set policy or if the current case-by-case basis was appropriate.

One point of clarification for the public, because if they come up and it is the source of the -- the bulk of the public comment. There was -- I believe it started on a blogger website, there was a belief that this item related to touch screen voting systems and, specifically, the paper trail requirement and, more specifically, to removing that paper trail requirement. That is not what this item addresses. None of the grandfathering systems are touch screen voting systems. They're all paper-based systems, so they don't relate to that item at all. And paper trail requirement is statutory and therefore beyond the purview of this Panel other than the standards for that paper trail.

So that's just a point of clarification. But you -- the Panel was provided all those public comments under that item.
CHAIRPERSON WOOD: Good. Thank you very much, Mr. Wagaman.

Is there other -- and I realize that this has come before the Panel at a previous meeting. But are there any other questions related to this category of systems before we go to public comment --

ELECTIONS ANALYST WAGAMAN: There is one other thing from staff I forgot to mention. In the staff report we reference a report from ES&S about their two products, the Eagle and IV-C, which are the same products you got -- we were just talking about, but it's the ES&S version as opposed to the Sequoia version. That staff -- that report did come in. However, during copy process it actually got moved to the back of the qualification process report as a -- at the federal qualification process update report as opposed to grandfathering report. So that report is in there -- in your packets, if you want to look at that.

Basically what the vendor is saying is that they would like to go through a code review of that product, but that it would not go through full federal qualification.

CHAIRPERSON WOOD: Thank you.

PANEL MEMBER JEFFERSON: Mr. Chairman and Michael. Your report did mention some potential options for dealing with this issue. Do we want to have staff
bring them up yet? Or how do you want to proceed?

ELECTIONS ANALYST WAGAMAN: I can touch on those.

The options basically are close to parallel to what I've already said, which are that the Panel could basically set a requirement that at some specific date federal qualification would become a condition to certification. And that dated could be whatever the Panel determines.

The Panel could begin the process of decertification of voting systems that do not have federal qualification. Or the Panel could basically say that systems that come forward that do lack federal qualification will be handled on the current case-by-case basis in determining whether they are acceptable or not.

CHAIRPERSON WOOD: Any other comments from the Panel?

We have a number of members of the public who wish to speak on this item.

So we'll begin with Chuck O'Neil please.

MR. O'NEIL: I'm Chuck O'Neil. I'm here as a member of Californians for Electoral Reform. I'm the Sacramento County representative for that organization.

Well, we're concerned. We notice several places that ES&S was to submit a long-term plan. And the question is: Will they be posting those plans on the Secretary of State website so that we can look at them?
CHAIRPERSON WOOD: Are we going to do --

ELECTIONS ANALYST WAGAMAN: That long-term plan's the document I just referenced. Generally we don't post communications.

CHAIRPERSON WOOD: But the document you just described is the one I think that Mr. O'Neil has mentioned.

ELECTIONS ANALYST WAGAMAN: Correct.

PANEL MEMBER DANIELS-MEADE: And we could certainly make it available to him.

ELECTIONS ANALYST WAGAMAN: Correct.

MR. O'NEIL: Okay. So making it available, you'll send it to me or you're going to post it?

CHAIRPERSON WOOD: We can do all of the above.

MR. O'NEIL: Okay. Thank you.

CHAIRPERSON WOOD: Thank you.

Conny McCormack, please.

MS. MCCORMACK: Chairman Wood, members of the Panel. Thank you for the opportunity to address you today. I'm Conny McCormack, Registrar/Recorder/County Clerk of Los Angeles County and also President of the California Association of Clerks and Election Officials.

And this item that's come before you today first came before you on January 20th, 2005. And many election officials spoke at that time and apparently quite a few...
are going to speak today. And it was a surprise to most of us, and we were dismayed to learn that then Secretary of State Kevin Shelley had raised the specter of possible decertification of what has been -- come to be known as the grandfather voting system.

The grandfather voting systems that Mr. Wagaman just pointed out are all paper-based voting systems and were successfully used by 24 counties in the November 2004 election in California. And these systems -- many of these systems have been counting votes accurately in California for decades. Others, such InkaVote in Los Angeles county were first tested by your office and fully tested and certified in October of 2002. And subsequently InkaVote passed additional rigorous certification testing in February of 2004. So it's a very new system. And InkaVote in November of 2004 counted accurately three million ballots in L.A. County.

So neither the accuracy or the security of these grandfathered paper-based systems has been called into dispute. And many counties plan to continue using these systems into the future and after 2006.

The Secretary of State's staff report at number 3 accurately states that none of these systems are designed to meet the requirements of HAVA. And, as such, thinks if they're continued to be use, they would need to be
supplemented with at least one additional voting system component. We agree. And clearly it's crucial to remind everyone that HAVA does not require our counties to replace grandfathered voting systems.

Indeed HAVA clearly states that even all the older voting systems, and indeed even pre-scored punch card voting systems, may be retained as long as they are supplemented with at least one additional piece of equipment in each voting precinct that would meet HAVA's disability access and other requirements.

I called your attention to the word "augmenting" the system because that's what counties -- many counties, including Los Angeles, plan to do. Choice in HAVA would be to augment or to replace, and many have chosen augmentation. And I think there's a potential that the staff report might be confusing -- the word "augmentation" is not synonymous with modification. I think the staff report indicates that -- that characterizes this as a modification. And we don't see it as a modification. We see it as an augmentation.

And all over the United States U.S. counties are choosing to augment their existing grandfathered systems and not replace those systems. And indeed in L.A. County for the last four and a half years we have augmented our main voting system. At first it was punch card. And now
its InkaVote, with a DRE for early voting. So we've been using two completely different state-certified systems since November 2000 without problem or incident. And as long as systems meet the state law, which requires certification, the counties should be allowed to mix and meld the certified voting systems.

And it's disturbing that at this late date in the game when we have to meet HAVA compliance to raise the specter of possible decertification, which we think would obviously destabilize the process and make compliance with HAVA impossible for many counties in California, including Los Angeles.

This staff report provides three options. And while Option 1 would be acceptable to L.A. County in terms of retaining the case-by-case assessment, I'd like to offer another option that --

CHAIRPERSON WOOD: Ms. McCormack -- and I apologize. Do you have much more?

MS. McCORMACK: This is my last one.

That one more option be retaining the previously certified voting systems unless evidence arises that a system's accuracy or security has been compromised with regard to the system's ability to tabulate the vote.

And I will be glad to submit my comments in writing at a later date.
Thank you.

CHAIRPERSON WOOD: Thank you.

MS. MCCORMACK: Any questions?

Thank you.

CHAIRPERSON WOOD: Kim Alexander.

MS. ALEXANDER: Good morning. I'm Kim Alexander

with the California Voter Foundation.

I've been monitoring the grandfathered voting

systems discussion for the last several Voting System

Panel meetings. And I'm aware that many of the county

registrars are, as Conny McCormack said, concerned about

what the future is for their voting systems.

This discussion is taking place in a bigger

context of the wider debate over paper versus electronic

voting systems. And the California Voter Foundation

supports the use of voting systems that are auditable.

All of the voting systems that are being discussed under

the grandfathered issue are auditable voting systems.

They're all paper based. They are all, as Ms. McCormack

said, state certified as well.

And given the fact that unlike electronic voting

systems, which are very intensely dependent on both

software and hardware, these systems use only a small

degree of software and hardware, and that's for the vote

tabulating purpose.
Now, this is an extremely important component of the entire voting process. But California fortunately, unlike many states, has the manual count law that requires that any time software's used to tabulate votes, that that software be publicly verified. And we do that by performing a routine public manual count of a subset of the paper ballots.

So the point is that these systems, although they have not gone through as extensive federal testing, or any federal testing in some cases, as electronic systems, don't pose the same kind of risk as the electronic systems do, because there is a paper trail and because under state law those paper records must be used to verify the accuracy of the software count.

So the California Voter Foundation is not terribly concerned about whether these particular voting systems are federally qualified or not. As long as they continue to be state certified, we think they're safe to continue to use as is. And we would recommend that you consider continuing -- evaluating these systems on a case-by-case basis or considering Ms. McCormick’s recommendation.

CHAIRPERSON WOOD: Thank you, Kim.

Janice Atkinson please.

MS. ATKINSON: Good morning. Janice Atkinson
Sonoma County.

I would like to second Conny McCormick's recommendation. But I want you to know that Mark-A-Vote has been used in Sonoma County for 22 years. It has a long track record.

It is supported by so many groups in my county who come forward and say, "You know, why aren't other counties using this voting system? This voting system is voter friendly." It has a paper trail. There haven't been issues. There haven't been concerns.

And then when I tell them that actually, you know, I'm coming to Sacramento every month to speak in favor of this system and hope that our system is not decertified, they are really concerned that we are reviewing tried and true voting systems as opposed to voting systems that are new on the market.

The other thing I'd like to say is that Sonoma County has 42 percent permanent absentee voters in our county. The Mark-A-Vote voting system that we use is an absentee voter friendly voting system. There's not currently another voting system out there that I can count absentee ballots as quickly or accurately as I do with Mark-A-Vote voting system.

I am concerned as our permanent absentee files grow that we may be forced into switching to another
optical scan system that will take us much longer to tally the votes.

    Thank you.

CHAIRPERSON WOOD: Thank you.

Gail Pellerin please.

MS. PELLERIN: Hello. I'm Gail Pellerin. I'm the Santa Cruz County Clerk. And our county too uses the Mark-A-Vote voting system. We've used it since 1995, and it's proven to be very safe and accurate, the voters like it, it's been very accurate in recounts and court challenges to determine voter intent. We love it. It works really well for us. So my hope and desire is that this maintain an option for us that we can keep using Mark-A-Vote. Our plan is to definitely augment -- supplement it with some sort of voting system that will meet the Help America Vote Act requirements. That would of course require some action on your board to certify a voting system that we could purchase. So we anxiously await more systems to be certified, and we hope that this system is not decertified.

    Perhaps we can let off a puff of white smoke to signal that we may maintain these grandfathered voting systems and give us all a sigh of relief as we enter into this very difficult election season.

    Thank you very much.
CHAIRPERSON WOOD: Thank you.

C. T. Weber please.

MR. MARCH: Mr. Weber is waiving time to me.

It's on the bottom of the card.

CHAIRPERSON WOOD: Oh, all right.

MR. MARCH: All right. My first comment is,
regarding every system that has a central tabulator and is
modeming results in from the field, is to turn off the
modems. Modem transmission from the field into a central
tabulator is only used for preliminary results so that you
can get fast answers for the media. That is not a good
reason to have an open security hole stray into the
central tabulator box. The modems that the precincts can
dial into can also be dialed into from other outside
influences, like a rogue agent of the vendor, like a
hacker, like God only knows what. The election
supervisor's 12-year-old kid decides to have some fun.
Yeah, I don't think so. Turn off the modems.

In Alameda County and San Joaquin County banks of
modems on the central tabulator have been collecting dust
for years because they've been declared unsafe to use.
I'm not sure if you're aware of that. They've been
turning off their modems for years and just hand carrying
the memories cards in from the field.

All right. On to the subject of the report --
well, the open letter I sent dated 4/13/05. If any of you have read it, I have an extra copy here.

What I am first suggesting is -- two parts of it. One, I'd like the Secretary of State's office to take a stance on what documents and electronic records created by each electronic voting machine are a public record and what are not. That means let's have a dialogue on the public releasability of each type of information, rather than fight it out 58 times in 58 different California Public Records Act suits. Let's have an administrative discussion here and deal with it that way. It'll be a lot cheaper and simpler for all concerned.

My main concern though is that on election night -- and it turns out also during election accuracy test the same question applies -- we, the people, have a right under Election Code 2300 to observe elections. So far I've observed elections in Alameda County, in San Joaquin county. And as I'm standing in my little roped-off area, maybe 20 feet away there's the central tabulator, there's the operator running the entire election on that machine. And the one monitor connected to it is turned away from me. At that point I am not monitoring the election, as I have a specific right to do so.

When I released this letter, Professor Doug Jones
I got ahold of a copy, and he sent me a letter back. And I'll leave this with you. But he says, "I agree with Jim" -- after reading my letter. "Furthermore, the issue of observability, Paul Kraft of the Florida Division of Elections proposed a very similar idea last fall before the Election Systems Commission of Washington. His idea was to require that the video out from the computer be projected on a big screen above the monitor. And he agreed fully that without some such measures, it's impossible to observe what is being typed and verified that it makes sense."

Now, I don't have any particular preference over the use of a computer-driven projector like this or, as I proposed, a bank of smaller monitors off of the splitter gear. My only recommendation is that the only signal to be so split and copied be the video signal, not the keyboard, not the mouse, not the USB ports. That opens up a security hole, of course. But gear that splits out just the video signal is commonly available. I was able to show in my letter that it costs less than 500 bucks for, first, a booster set that would extend the signal up to 600 yards -- probably wouldn't need that much -- and then a four-way split out to four standard PC monitors that most counties would have just laying around extra. They could just put four into use that day.
My solution I believe would be cheaper than Paul Kraft's overhead. But if a county has an overhead projector around that's got enough lumens to project in, for example, this level of room lighting, then by all means they should be able to use that.

What I request though is that some method be ordered for every central tabulator to allow we, the people, to observe the vote, as is our civil right. And that's not really a suggestion, folks. This needs to happen. In compliance with Election Code 2300, it needs to be mandated by this board.

Fortunately, SB 1376, passed last year, gave, well, now Bruce McPherson the right to mandate security procedures of this sort, I believe, in my reading of that bill. So you have the ability to order that sort of security enhancement. And I believe it's a good idea, folks.

CHAIRPERSON WOOD: Thank you very much, Mr. March.

MR. MARCH: Thank you.

I'll Leave Doug Jones' letter with you.

CHAIRPERSON WOOD: Thank you.

Michael Smith.

MR. SMITH: Yes. Good morning, Panel. My name is Michael Smith with the Peace & Freedom Party from Santa
Cruz County.

And, first of all, I'd like to give very high marks to Gail Pellerin from Santa Cruz County, our Elections Department. I've never seen a person more open to suggestions, more willing to have public input and input from various political groups as I have Gail.

Second of all, under the Mark-A-Vote system -- which we've lived there 26 years and have gone through the stages of various types of machines. And Mark-A-Vote -- and all the people we speak to, which are literally hundreds because we bring this issue up all the time, Mark-A-Vote gets very, very high marks from the public.

They are very, very concerned that any time in the future Mark-A-Vote would be leaving and DRE's in or any other combination of voting systems.

So I fully concur with Gail Pellerin and other speakers that the Mark-A-Vote system should stay.

I also would like to reinforce what Jim March has said certainly about the public being able to witness the entire vote and so forth.

So thank you very much.

CHAIRPERSON WOOD: Thank you.

Maureen Smith please.

MS. SMITH: Maureen Smith, also from Santa Cruz County.
I want to second the remarks of Jim March, and go on to say that both number one and the suggestion of Conny McCormack sound similar and both sound supportable. I probably would choose Item No. 1.

But I want to add that the former Chair of this committee, after the Diebold machines were decertified, I thought made a promise to people -- or maybe it's not a promise -- but certainly stated from his position that the Panel here of the Secretary of State's office intended to investigate each and every county as they did the counties with the Diebold machines. Maybe there's not the staff. But if there's the ability to do it, that certainly would be the way to go. And it's not -- it is not in conflict with either -- may not be a conflict with any of these, but I don't see it as being in conflict with number 1 or with the suggestion of Conny McCormack.

Thank you.

CHAIRPERSON WOOD: Thank you.

Deborah Hench please.

MS. HENCH: Good morning. Deborah Hench, San Joaquin County Registrar of Voters.

And we used in -- from 1986 till 2004 the DFM Mark-A-Vote system, and I would recommend that it be grandfathered in, as with the other systems. And it's been used many years. It's a good system. We moved from
it, not because it didn't work, but because we were going
to bilingual and different -- and we have very large
ballots with many, many cards, and it was becoming less
useful for us.

Now, I'm arguing with Mr. March and rebutting his
comment. We do have modems. And, he's right, we haven't
lit them up. And that was really not because we had
security issues. Because we have sat ours up -- and I'm
sure other counties did too -- to only talk to the server
as a considered unofficial results election night. Even
when we'd scan in paper ballots, as we did in November,
it's still unofficial until we complete the canvass.

The modems we have have three types of security
on them. They will not talk to anyone other than those
modems that call in.

We didn't do this lightly or take it without
thinking of security. And we intend fully to use them in
future elections because we have been -- I was one of the
registrars who were complained about because I had
election night results so late. I was the third to the
last -- you know, last to report in results. And I was
written up in the paper about the election results should
have been in by midnight.

Now, I want you to know that I fully intend to
operate these modems. And I believe that they have a lot
of security. We have it set up that -- I can't even
imagine how someone could actually hack into it, even get
there, because they would have to know when we're
uploading, from where we're uploading, and have to have
all the security issues that we already have on there.

So as far as I'm concerned, I think modems should
stay. And I think you will find if you ban modems that
the election night results probably won't be finished
until probably 5 o'clock in the morning the next day for
most people.

CHAIRPERSON WOOD: Thank you, Ms. Hench.
I'm going to close Item No. 3. And what we're
going to be doing on Item No. 3, since this has come
before the Panel on a number of occasions, is now
reviewing the extensive public comment that has been
produced both here and in the past. And we will be
putting together a staff recommendation to the Secretary
as to this particular item.

Moving on to Item No. 4, the Federal
Qualification Process Report.

MS. HEALY: Can we make a comment on that last --
CHAIRPERSON WOOD: No.

MS. HEALY: -- since you don't have any public
speaking today?

CHAIRPERSON WOOD: Federal -- Item No. 4 please.
ELECTIONS ANALYST WAGAMAN: This is an item -- should I go on?

CHAIRPERSON WOOD: Go ahead, Mr. Wagaman.

ELECTIONS ANALYST WAGAMAN: This is an item that was put on the agenda at the beginning of -- or in January and February at the request of the Chair and the Panel to give regular updates on what's going on with the federal qualification process, since that ties into what this Panel is doing, just so you know what's going on there.

There are two items of note. The first is one of just terminology. A common phrase around here has been the term "ITA," Independent Testing Authority. That term is disappearing and is being replaced by the term "Voting Systems Testing Laboratories," VSTL. So in the future you'll no longer be hearing the term "ITA" from staff.

You'll be hearing the term "VSTL".

The second item, which is the substantive one, is -- and get ready for an acronym soup here. Technical Guidelines Development Committee (TGDC) of the Elections Systems Commission (EAC), working with the National Institute of Standards and Technology (NIST) -- it was working to update the current 2002 voting system standards (VSS).

What that all means is basically they're updating those federal qualification standards. There are some
items that are going to be in their recommendations which
are going to have significance for California, most
significant of which is they'll have recommendations for
paper trail standards which don't currently exist on the
federal level.

Once those are adopted, the way the current
California standards are drafted, they make specific
reference to any federal standards and basically would
adopt those as well. These are just in the draft
standards right now, but should give us at least some
guidance as far as where the Feds are going on paper trail
and on some of the issues that are open issues as far as
the paper trail here in California.

Other items in there include ensuring that
installed software is tested software. This is something
came up previously in California when we had the inventory
and all the issues last year. It's something we're --
staff is currently working on on the central distribution
of software from the Secretary of State's office as
opposed to by the vendors. The Feds are coming out on
that same issue and are going to provide some
recommendations on how the state should go about ensuring
what is used is the same as what was tested.

Other issues go to use of wireless devices. I
don't list it here, but it goes also -- the modeming issue
Accessibility and usability requirements based on current technology. This is going to be a significant issue in evaluating DRE equipment and touch screen equipment relative to the HAVA requirement. Plus just a new glossary of terms because there are issues right now with both states using two different terms to describe the same thing and, more troublesome, using the same term to describe two different things. So all of that should be coming out. If it's not out yet, it's going to be out in the next day or two. Staff will review that. And if the current Chair would like, we will continue that on to the next -- and continue this practice of bringing these forward to the VSP, and we'd have a summary of that -- those recommendations at the next hearing.

CHAIRPERSON WOOD: Yes, please. I think it's useful certainly as an update and -- well, it's just sort of an interesting check to see where everything is, including the development of new and interesting acronyms. Thank you.

Is there any question from members of the Panel in relation to this item? And there is no public -- there has been no public comment indicated on this item.
So we will move on to Other Business, Item No. 5.

Does any member of the Panel have other business they wish to bring up at this point?

All right. And then simply on Item No. 5, as to other business, Gloria Purcell, please, in terms of public comment.

MS. PURCELL: Gloria Purcell, El Dorado County.

And I'm here on behalf of the League of Women Voters of El Dorado County.

As you may know, the League of Women Voters statewide and certainly in El Dorado County has as a priority the concept of ranked voting. And we would like to ask the Panel to resume development of the IRV standards that was kicked off in February but suspended until the new Secretary of State was sworn in.

Instant runoff voting is a very important issue to the League, and there's been increasing demand for it and voter awareness, as you probably are aware, throughout the state, with local jurisdictions voting again and again to move to this kind of voting. So I hope that you will consider that.

It's also very important to political parties.

Although the Republicans and Democrats are not as enthusiastic or, frankly, as knowledgeable about it, small parties, of which there are what, seven in the state, have
made it a top priority as well.

Thank you.

CHAIRPERSON WOOD: Thank you.

Joan Quinn please.

MS. QUINN: I'm Joan Quinn. I am a 58-year-old retired attorney. I've spent 22 years as a staff attorney in the Superior -- California Superior Court, specializing in criminal law.

I went back to Ohio and -- researching election fraud, and I was there between, well, for the most part of December of 2004 and January of 2005. I am cognizant of the fact -- the fact what -- the import of my statement, that when I say I'm convinced beyond a reasonable doubt there was massive election fraud in Ohio. I testified at John Conyers' hearings December 13, 2004, in Columbus, Ohio, based upon the events and the facts that my research uncovered in Ohio.

I want you to -- I want to urge you to question -- be extremely skeptical when tried and true systems are stated that you should accept them because they're tried and true. I'm not saying that they're not tried and true, but I'm saying keep an open mind.

I've spent so much time specifically in Green County Board of Elections in Ohio. Much, much time the people there are good. The Director of the Board of
Elections, which is the equivalent to our Registrar of Voters, would testify that her systems were tried and true. They're Triad. And they're not tried and true. She would testify -- and I'm not saying she's a bad person. She has been emerged in the culture of Ohio Board of Elections. And it's my personal observation, having obtained and had copies of the Ohio Elections Code -- which is a wonderful elections code -- it is my personal observation that it is ignored with impunity by well-intentioned boards of election directors. I think they're probably not all well-intentioned, but I think many of them are.

I urge you to research. I support -- I'm extremely familiar with the work of BlackBoxVoting. I've never met Jim March before. In fact, I had to ask him his name. But I did agree with what he said. And I want you, urge you, you must listen to what the computer experts say.

I want to tell you what a member of the Board of Elections, a well-intentioned man, he's a member of the Board of Elections in Green County, said. That he's not familiar with computers and didn't want to be. He's my age or older. Some of us are computer challenged. Some of us aren't. But I urge you to accept -- to not accept what registrar of voters say, because they say an election
system is tried and true. Maybe it is, maybe it isn't.

And I want to ask you the question --

CHAIRPERSON WOOD: Excuse me, Ms. Quinn. I just

want to point out you've passed your two minutes some time

ago.

MS. QUINN: Okay. One of the things -- the last

thing I wanted to say is: So what if the election results

are slowed down by accurate counting. Who cares.

CHAIRPERSON WOOD: Thank you.

Pete Martineau please.

MR. MARTINEAU: Good morning. I'm Pete Martineau

from the Californians for Electoral Reform.

Ms. Purcell from El Dorado County of the League

of Women Voters made such an excellent statement

calling the continuation of development of IRV

protocols.

The only other thing I might say is we might

start looking into the development of choice proportional

protocols also. It looks like there's a very good chance

that the City of Davis is going to put on the ballot a

choice voting for council. And their governance panel

recommended 801 to do that in Davis. And we're working

all over the state for choice voting. Too there's a bill

in the Senate right now -- State Senate -- that would

allow general law cities to use either IRV or choice
voting if it felt like it and had the machinery to do so.

So that's my comment.

CHAIRPERSON WOOD: Thank you.

C.T. Weber please.

MR. WEBER: My name is C. T. Weber. I'm with the Peace & Freedom Party.

And I just wanted to say that, you know, our major concern is that elections be fair, clean, honest, and verifiable. With that, to amplify a little bit, we don't want a system where hackers can come into the system.

We don't want a voting system whereby when you go to the polls and you vote, you can't see how you vote. For example, I vote in Sacramento County. I fill out my card. I put it in the machine. It goes through. You can tell if I overvoted or undervoted, but it doesn't tell me how I voted. So I don't know what the machine is reading that I'm putting into it.

As far as fair, I want to I guess reinforce what Pete just said and, that is, is that IRV voting is very important. It's a ranking system.

Also, choice voting, which is a proportional representation-type system, which is also a ranking for cities, they're also a different type of system on the state level for partisan offices.
These are movements that are developing in California and gaining strength and winning elections across the state for local governments. So it's something we want to make sure that the systems are able to adapt to when these systems come about, that they're adaptable. And verifiable, again, a paper trail, paper ballot, being able to see, you know, what -- how you're voting. I think those are all kind of important things that we support.

Thank you.

CHAIRPERSON WOOD: Thank you.

All right. That brings us to the close of the agenda for today's meeting. I want to thank you all very much.

And just as a general comment, on behalf of Secretary McPherson, who is -- you may know at this point, has been in office just about three weeks only, he is looking very much forward to working with all of you on all of the issues that we have heard described today. And we will continue with the process of the Panel and the public comment because, again, as I think he indicated very early on, during his confirmation, this is one of the things that is uppermost in his mind, as far as the administration of elections in the State of California, to have them open, transparent, accessible and, above all,
certainly a fair and impartial system.
So thank you all very much.

And just from my standpoint personally, I look forward to working with you all as well.

I'm reminded by Ms. Daniels-Meade that we need a motion at this point.

PANEL MEMBER DANIELS-MEADE: I move adjournment of the meeting.

CHAIRPERSON WOOD: Is there a second?

PANEL MEMBER KERCHER: I'll second.

CHAIRPERSON WOOD: All in favor?

(Ayes.)

CHAIRPERSON WOOD: Thank you.

Meeting's adjourned.

(Thereupon the Secretary of State's Voting Systems and Procedures Panel adjourned at 11:25 a.m.)
CERTIFICATE OF REPORTER

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, and Registered Professional Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing California Secretary of State's, Voting Systems and Procedures Panel meeting was reported in shorthand by me, James F. Peters, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of May, 2005.

JAMES F. PETERS, CSR, RPR
Certified Shorthand Reporter
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